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City of Sherwood
Special Committee Meeting Minutes
07/12/13

22560 SW Pine Street, Sherwood, Or 97140

MEYER: Good evening. Today is July 12th, and it is 6:30pm, and I officially call the meeting to order. Sylvia, do you need to do roll call.

MURPHY: Yes. Please. Chair Meyer.

MEYER: Yes.

MURPHY: Rachel.

SCHOENING: Yes.

MURPHY: Doug Scott.

SCOTT: Here.

MURPHY: Larry O'Keefe.

O'KEEFE: Here.

MURPHY: Naomi Belov.

BELOV: Here.

MURPHY: Thank you. And absent is Beth Cooke.

MEYER: And Nancy Burt...

MURPHY: And Nancy Bruton. Yes. Thank you.

MEYER: Unfortunately, given the timing of our most recent meeting, we do not have minutes for approval today. So we will go ahead and postpone that review until Thursday. However, in an effort just to brief everyone on our upcoming meeting schedule, we do have that posted in this agenda. As a reminder, on Thursday the 18th, we will be meeting at 5:30 as opposed to 6:30. And now we can begin our new business. The first thing, Rachel and I talked a little bit after our last meeting on Wednesday about public comment, and we felt like it was important to address that as a committee. Because we have such a small window of opportunity to get a lot of work done, we felt like it might be worthwhile to have a conversation about limiting timing of public comment, perhaps considering opening public comment up at the beginning of our meetings as opposed toward the latter part of the evening so that we could reflect on citizen comments and that sort of thing. We'd like your thoughts.

SCOTT: I'll renew my comments from previous meeting that I think public comment is important. I value it. I agree that having it at the beginning of the meeting would be preferable because if ideas come to us about whatever topic we're discussing that night, we can reflect on those ideas and incorporate them into our discussion with an overall time limit if possible as well as an individual time limit. I also think that we should, as much as possible, try to keep comments related only to the topics on the agenda for that evening. So if that's allowed and possible, I would strongly encourage that to be a requirement at each meeting, specific comment period.

MEYER: Okay.

O'KEEFE: I would agree with that with having public comments before the meeting so that if they bring up any ideas - my only concern is that we have a lot different crowd than we had the other night. So for people that come in late, I don't know if we could - I don't want to get too many public comments out, but as long as we make that known that the public comments will be at the beginning of the meeting - and maybe tonight we can be flexible if people show up late or something.

MEYER: Okay. Do you have any different?

BELOV: No. I'm good.

MEYER: Okay. Great. Well, let's begin. Do you want to say anything?

SCHOENING: Nope.

MEYER: Okay. In like of that, is there anyone here tonight that would like to say anything? Okay. So let's move on to item #6 on our agenda, and I will

58 ask Heather to perhaps brief us on the questions that were posed at
59 Wednesday's meeting.

60 **MARTIN:** I'm Heather Martin from Beery, Elsner, & Hammond who acts as the
61 City Attorney. I don't come to the meetings regularly, but I will be here
62 tonight obviously and then I will be back on Monday as well. So bear with me
63 since I wasn't at last Wednesday's meetings. What we'll do is just kind of
64 work through like we have been here in the agenda. I just want to talk
65 generally about the first item here which is the overnight camping/overnight
66 parking of vehicles and RVs, motor homes, and then dilapidated vehicles. We
67 gave you a number of different ordinances to look at, different ideas of what
68 different cities are doing. So preliminarily, one of the issues that you
69 would probably need to resolve, and we would want to clarify this is right
70 now in your code, in the Sherwood Municipal Code in section 16.22.020,
71 there's a table of uses listed there, and right now, it says that RV storage
72 is not permitted in any of the commercial zones. There's no definition of
73 storage. So we could interpret that to mean - it doesn't mean that you can
74 park it there for long periods for a certain period of time. So that's one
75 thing that - just keeping that in mind in the back of your head in terms of
76 recreational vehicles specifically. I think before you went farther down that
77 road, you would want to check with the planning staff and just get a sense of
78 whether you have any - it doesn't directly address RV parks per se. So this
79 is just general prohibition that it's in all of your commercial zones, but
80 there is no mention of RV parks. So we would really want to - if there are
81 areas in the City where there are RV parks, we would want to make sure that
82 that interpretation of storage is not impacting them. We would want to get
83 more information from Planning about if there is a park, what zone are they
84 in. They might not be in the commercial zone, so it's not an issue. So that's
85 one of the sort of preliminary questions that we have for Staff.

86 **MEYER:** Well, it looks to me, Heather, that in section 10 of our code under
87 Vehicles and Traffic, there is under 10.08.030 some parking restrictions
88 already identified that do address parking for motor homes, travel trailers,
89 and that sort of thing. But you're right, I would agree. It doesn't appear
90 that there is a real definition of what camping might entail or durations of
91 parking might be and that sort of thing. Did you want to add to that?

92 **SCOTT:** Yeah. If this is the section you quoted is the same that I read, my
93 concern with that was that it specifically applied to public areas and
94 residential areas but not commercial.

95 **MEYER:** I would agree.

96 **SCOTT:** So whether we try to append or add to that section, or whether create
97 - I think it was suggested the other night that we might be better off
98 creating a new ordinance that applies specifically to commercial. So some
99 clarification around that would be helpful too.

100 **MARTIN:** So one other issue to consider as well, and looking at the approval
101 for the development, and making sure there wasn't specifically any explicit
102 approval or allowance of having a recreational vehicle. I did a really quick
103 search right before I came, and I didn't find anything, but that's also
104 something that we need to look at first to make sure - if there's something
105 already in the development approval, the land use file, basically stating if
106 they came to the City saying they wanted to be able to park the RVs in the
107 parking lot overnight because they wanted that to be allowed, that's
108 something you would have to look at too. So Cornelius, they in their land use
109 development approval for a Wal-Mart, they specifically put as a condition
110 through that process that they were not allowed. So we'd want to do a little
111 bit more research on that front and just double check the planning file to
112 make sure that there isn't anything there that would prohibit you from maybe
113 enacting some of the types of ordinances that we gave you examples of. That's
114 sort of just an overview of where you already are, the City. So basically

115 you're left with the RV storage language in the development code. Also in
116 interpreting that, it would be nice to know how the City - if they've
117 interpreted it in the past. And I don't know if Tom can speak to that.

118 **PESSEMIER:** I can, believe it not, which is unusual because that's a pretty
119 complicated questions. So first off, I'm very, not absolutely certain, but
120 pretty certain that this wasn't addressed in the land use decision as far as
121 storage or RV parking. Second off, the one thing that Heather doesn't know
122 that we talked about that any changes to section 16 probably wouldn't really
123 necessarily fall under this committee because of the timing issues with the
124 DLCD notice and having to go through planning commission and public hearings
125 and everything else. But we have had interpretations done not too very long
126 ago because we were having some issues with RV storage and people wanting to
127 redefine what RV storage was. And we certainly didn't make any
128 interpretations that would have indicated to me that would have addressed
129 camping or that type of thing on private property. So it would seem to me
130 that, I think Heather's cautions are good that we definitely need check those
131 things, but I think if we're going to proceed, we probably would want to
132 proceed with something outside of chapter 16 and just make sure whatever we
133 do does not conflict with what might have been there. But I can say with
134 pretty much certainty that we have already dealt with the storage issue, and
135 it certainly didn't include anything like overnight - plus the other problem
136 with chapter 16 is now you're in the land use violation. So if somebody is
137 camping overnight, you very well can't have code compliance apply any sort of
138 penalty that would have any sort of - if it's land use, it would probably go
139 to the developer, not necessarily to an individual who happened to have a
140 camper or something on the property. So I think there would be a lot of
141 technical issues with trying to manage that under chapter 16 without pretty
142 much changing the way that the penalties were applied, and then really that
143 doesn't really belong in Chapter 16. That's kind of my opinion.

144 **MARTIN:** Well, one issue that you could look at though is having an actual
145 planning commission interpretation of that term instead of actually changing
146 the development code and going through - because it's a pretty long process.
147 And I don't know if your code has an interpretation provision where the
148 planning commission can actually - First we need to check and see if they've
149 done it in the past, an official interpretation of what it means. But that
150 would just - I just wanted to put that out there, and I do know - to actually
151 change it, to change the code, the development code, that's going to be a
152 long process.

153 **MEYER:** Yeah. Given Tom expressed that as a concern, one of the things that
154 Chad indicated on Wednesday was that we could potentially look at expanding
155 the City of Sherwood, or not even expanding, but adding another ordinance in
156 regard to nuisances in which we could perhaps include oversized vehicle. The
157 City of Ashland for example, they have got some methods of parking and
158 parking regulations that would appear to be pretty helpful in terms of
159 creating perhaps, for our reasons, a district in which we are looking at a
160 larger area that might be referred to as our core or town center or something
161 along those lines for the promotion and well being of that core area.

162 **MARTIN:** You also have - so my next step, when I was looking at what you
163 already have in your code, you already have section 8.04 which you could
164 expand that. That deals with abandoned, discarded, and hazardedly located
165 vehicles. That would be- if you really want to get into more of the specifics
166 and incorporating some of the provisions that you see in some of those other
167 ordinances, that might be somewhere where you could look at actually changing
168 the code, and you wouldn't have to go through the development code to change
169 process.

170 **MEYER:** And that was what section?

171 **MARTIN:** 8.04, and it's Abandoned, Discarded, and Hazardously Located
172 Vehicles.

173 **BELOV:** Can I ask a question? Who's currently on staff to enforce the code
174 for this if there's an RV, vehicle?

175 **PESSEMIER:** Well, it somewhat depends. There are certainly - we have police
176 that are able to write tickets and do things that are more a timely nature
177 that are covered. We also have a Code Compliance Officer whose name is Bill
178 Collins. And so he handles all sorts of different kinds of nuisance
179 complaints and code violations for the planning code. So he covers a wide
180 range of things that the police officer could not necessarily do by just
181 writing a ticket that expressly allowed to do in the code. He writes tickets
182 at well, but it's a little bit different. He's looking at more of the things
183 that have been there for a week or a year or the grass is too high or
184 whatever. So that's how - that's it.

185 **MEYER:** So what I'm hearing is is making a modification or a change to the
186 development code given timing issues and notice issues as that may not be
187 applicable, one of the things that we could potentially look at is the City's
188 motor vehicles code, and we could include some language revising that area so
189 that - again, the goal of promoting positive visibility and all of those
190 things that I mentioned earlier could happen. Is that a yes?

191 **MARTIN:** I'd look at expanding it and looking at those other ordinances is a
192 way for you to look at saying, "This is something we would like to look at.
193 We like this section of this ordinance." That's sort of my next step here is
194 to get into some of the ordinances that we provided.

195 **MEYER:** Okay.

196 **MARTIN:** But I don't know if you want to talk more generally first before...

197 **MEYER:** Well, I just wanted to make sure that we have an understanding. Your
198 office provided to Council on I think June 3rd during the work session some of
199 the work that you looked at previously in regard to some of the proposed
200 ordinances. So I just want to make sure that we've got that clear that
201 looking at amending or modifying the motor vehicles code is something that is
202 an option.

203 **MARTIN:** It's an option definitely to modify it.

204 **MEYER:** Okay.

205 **MARTIN:** And what we would want to do is when we get down to the nitty gritty
206 of what exactly you want to do and which changes you want to enact, just
207 making sure that none of them are contrary to the State motor vehicle code or
208 any other state law. So once we get into more of the specifics, it will be
209 easier to give you a better idea of those types of restrictions.

210 **MEYER:** Okay.

211 **PESSEMIER:** So just to make sure that it's clear. If an ordinance is enacted,
212 essentially that changes the code. And so you can change a portion of the
213 code, or you can change a whole section, you can add a section, but the way
214 to change the municipal code is to do it by ordinance. So resolutions which
215 are passed don't change the municipal code, ordinances do. And so if we do an
216 ordinance, you can go into a section of code and modify, add, or delete, or
217 change particular items within that code; add completely different sections;
218 or manage it that way. So that's essentially what the process would be in
219 order if you wanted to change section 10 to add commercial properties to the
220 public - you would essentially do that by ordinance. The ordinance would be
221 passed and then Sylvia coordinates with everyone to get the municipal code
222 actually changed that way.

223 **SCOTT:** Am I correct in hearing that going into an existing sectio of code
224 and modifying it or adding to it is one way we could proceed immediately?
225 Another one would be coming up with the gist of what we want to do and then
226 having the attorneys then actually figure out where that impacts code, and it

227 comes back to us? And maybe that's a more efficient approach for us in our
228 time frame.

229 **MARTIN:** Yeah. And I think that's probably the best way is just saying, "We
230 want these types of provisions." And they could already be in your code in
231 certain areas, so it's (a) Making sure that they don't already exist, and
232 then (b) Making sure that - when you make code changes, you want to make sure
233 that they're consistent throughout. So you're changing one section and maybe
234 it impacts another section, so you end up going a little broader than you
235 originally intended. But those are the types of things that you would need to
236 be cognitive of as we move through the process. So it is a little more time
237 consuming even than just resolution as he was saying. When you're going
238 through and amending the code, you want to make sure that you're doing it in
239 a consistent manner.

240 **BELOV:** Can we have access to the developer's letter of intent maybe to see
241 if they did request to have RVs parked there?

242 **PESSEMIER:** I don't believe we have a copy of that. That would be a private
243 transaction.

244 **BELOV:** Oh okay. So what's the document that you were referring to where they
245 would have outlined what they needed to have.

246 **SCOTT:** The site plan application or the PUD or...

247 **PESSEMIER:** Yeah. That would have been through the site plan application
248 process where they would have, in their application, addressed some code
249 section through their narrative that would have then been reviewed and then
250 would have received some sort of comments or condition ultimately that would
251 have addressed that. But I'm pretty sure that it wasn't spelled out in their
252 application, and it wasn't addressed in the (indecipherable).

253 **SCOTT:** Yeah. And I read through the entire finalized site plan approval from
254 the Planning Commission, or at least skimmed most of it and read the parts
255 that I read the parts that I found more interesting, and I didn't see
256 anything about that. But I assume we could have Council double check that
257 offline.

258 **BELOV:** That'd be good. Right?

259 **MARTIN:** There really wasn't a lot in my cursory review that I did a bit in
260 terms of parking and - yeah, there were restrictions on traffic and how many
261 parking spaces, but in terms of actual parking and action of parking, I
262 didn't really find anything.

263 **O'KEEFE:** So if there's no written specifications on the parking or use of
264 the parking, they can pretty much do any - any retailer coming in can pretty
265 much do anything they want unless there's some sort of limitation written in
266 that...

267 **MARTIN:** And making sure that it comports with State law, too. That's the big
268 - that's always the big, overarching concern is just making sure that
269 whatever you want to do is not preempted by the State motor vehicle - and
270 that it wasn't outright allowed through the land use application process.

271 **MEYER:** Okay. Well maybe we can jump into the nitty gritty of what's
272 important.

273 **O'KEEFE:** I totally agree.

274 **MEYER:** Okay. And then maybe Heather can come back and let us know if it'll
275 work. One of the things that I noticed, and I unfortunately had not had time
276 to do, was go through all of the prohibited parking on certain streets within
277 our code, and one of the things I feel is really important is that the
278 storage of vehicles, dilapidated vehicles, for-sale vehicles, vehicles in
279 disrepair, all of those things including the oversized vehicles and RVs are
280 not parked along major thoroughfares or arterials where we've got folks
281 traveling in and about Sherwood. I'm guessing that a lot of the streets that
282 are already listed within the code include those areas. But as additional
283 development happens within Sherwood, I think that it's really important that

284 as folks are coming into our city that they see the best of what we have to
285 offer, and if we can protect the feel and the character of Sherwood, I think
286 that that would be fantastic. Does anyone have any other thoughts?
287 **PESSEMIER:** Well, can I - sorry. A little bit of a clarification here because
288 I know that Council didn't give you much guidance on where they wanted this
289 committee to go, but it was pretty clear to me the scope of what I understood
290 and to talk about was regulations or ordinance related to business
291 regulations. So I guess if that's somewhere you want to go, I guess there
292 would need to be some sort of finding or information that explained how that
293 related to business related ordinance which is kind of what the charge of
294 this committee was.
295 **MEYER:** Yeah. Well, I think in response to that, I feel like the goal of
296 development and growth is to encourage consumers and pedestrians and
297 connectivity between the different areas of Sherwood. So I think that as
298 folks are driving and walking and biking, those vehicles and all of the
299 things that I mentioned, they can be unsightly and unsafe. And so I feel that
300 could not only effect Sherwood but its guests and the folks that are going
301 into the businesses.
302 **SCOTT:** I think that's a valid concern and it's important. I guess to Tom's
303 point, I think the first thing we should tackle is the RV parking in
304 commercial zones, and if we feel like it's important, and we have a mandate
305 from the Council to come back and talk about street public parking and what's
306 not in the code already, because I know there's some coverage of that
307 already, then I think that's fine to reuse it later. But I don't want to get
308 distracted from what the primary focus should be.
309 **MEYER:** Excuse me. If I could just clarify my point, and actually, I should
310 have said this, and I apologize, but my intention was within parking lot
311 areas, for example. So that as you're driving by shopping centers or other
312 retail facilities, restaurants, that they're not anchored by these kind of
313 vehicles.
314 **SCOTT:** I thought you were talking about the roadway itself.
315 **MEYER:** No. I'm sorry. I was not clear.
316 **BELOV:** I can understand your concern because I live on Lincoln street, and
317 we do have two RVs parked in private properties that house people
318 permanently. And I know there's a homeless population here, and I found this
319 site today - I saw a like a little fire coming up because there's a homeless
320 boy population that lives near the Linger site. I don't know you're all aware
321 of that. And because the workers aren't paid very well at Wal-Mart, for
322 example, I can see where your concern might be that people could be coming in
323 and then having RVs parked on residences that already exist.
324 **MEYER:** On the private property.
325 **BELOV:** Just to house the workers.
326 **MEYER:** Oh, I see. Okay. Do you have anything to add in terms of parking the
327 vehicles and that sort of thing?
328 **SCHOENING:** I feel as though the intent - I guess I tend to agree, if that's
329 the right term, with Tom in that when we start talking about - although I
330 think that Naomi's concerns or her point is valid, I think that when we start
331 talking about RVs being parked on private streets and residences, I just feel
332 like that's not what we're supposed to be doing here. And I think that there
333 are quite a few other cities and states that address RVs being parked in
334 private parking lots. But for instance, hospitals do it all the time for
335 visiting doctors and families who have people in long-term care. They have
336 RVs parked in parking lots. I tried to look for things that might be an issue
337 for us. So medical facilities, hospitals, they do this quite often, and they
338 actually have a place for them to park and stay.
339 **O'KEEFE:** Designated areas.

340 **SCHOENING:** Yes. So obviously that is not a retail center, but if there were
341 a center - if that were to affect commercial parking, I would think we'd need
342 to pay attention to things like that. Most definitely, I feel like if in the
343 application of a new development, they're not expressly asking for places to
344 have power and hook up and plug in that we maybe address not allowing that to
345 happen in parking areas. It seems like that could be a pretty straightforward
346 way of making sure that people aren't parked long term.

347 **SCOTT:** Well, I think that if we just ban the camping outright, then why
348 would they ever go there.

349 **SCHOENING:** But what is camping? Then we have to define (indecipherable).

350 **SCOTT:** Well, and I think some of the other ordinances here give a pretty
351 good - there are some definitions I really liked.

352 **SCHOENING:** Yeah. Gilroy does a great job of it, I think, and they have a
353 migrant population, migrant worker population, and that's part of the reason
354 why they have this in their code. But I do think they need to - my point is I
355 think we need to stick with commercial property and be very clear that it's
356 commercial property.

357 **O'KEEFE:** I would agree with Rachel on that. I think that's where
358 neighborhood association and CCNRs are put into place to...

359 **BELOV:** We don't live in one though. There's a whole neighborhood where I
360 live in the poorer part of town - I don't see this being an issue in
361 Woodhaven, but certainly where I live on Lincoln street and then going just
362 west of there - I mean east of there - I could foresee somebody opening up
363 their street to have somebody - because there really are - two of my
364 neighbors have full-time residents living in their RVs already.

365 **MEYER:** And not to at all dismiss your concern, Naomi, but I feel like the
366 current code does address RV parking and hours of storage of RV parking...

367 **BELOV:** We could maybe say like maybe within 2,000 feet of the development or
368 within the town center, no RV.

369 **MEYER:** Yeah. That's a possibility.

370 **O'KEEFE:** Is that something that we could do, Tom, is put a clarification
371 kind of like they do with schools and whatever kind of retail outlets is
372 1,000 feet from a retail center, there can be no RV parking on the street.

373 **MEYER:** Or within the parking lot or something.

374 **O'KEEFE:** Is that within our...

375 **PESSEMIER:** Well, and Heather might be able to chime in here, too. Maybe.
376 It'll depend on a lot of things, and I think this conversation is good, and I
377 get Naomi's tie to the business thing. That was I was trying to impress is
378 there has to be a tie between what's going on with the business and stuff.
379 I'm satisfied that you guys have done that with your clarification, so that's
380 good. But I think until we know what section of code we're actually going to
381 be changing, it might be a little bit more challenging to figure out the
382 specifics of how we're going to do things. So probably what might be more
383 helpful tonight is to come up with a list of those things that you want to be
384 taking a look at so that Heather and Beery, Elsner and Staff can go back and
385 take a look at those code sections and figure out, "Okay, well this would be
386 here. This would be here. This would be here," and hopefully they'll all end
387 up in the same section so you can clarify things within there, but we might
388 be diving a little bit too deep on particular items. Because I don't know
389 which section the three things that have kind of come up reside in, and they
390 might be in three different places in the code, so now we're looking at three
391 different ordinances. So maybe the list of what you want us to take a look at
392 and then coming back and giving you feedback on how that can be accomplished
393 might be...

394 **MARTIN:** And if it's already in your code.

395 **MEYER:** Yeah.

396 **O'KEEFE:** Well, I might suggest then if we could maybe narrow that down to
397 like specific no parking hours at a retail center. Are we going to have any
398 parking? Are we going to have a maximum of 2-hour parking, 4-hour parking, or
399 no parking between such and such hours. And that may be - if we could just
400 kind of focus in on that and then go on to get each agenda item nailed down
401 after that.

402 **SCOTT:** I'll jump in. I have some suggestion, I guess, that may be a little
403 more specific. So I have read several of these ordinances from other towns as
404 well, and I kind of like a combination of things from multiple of them. I
405 think the Beaverton one is a pretty decent starting point. The only thing I'd
406 say is I don't care about the hours; I care about the activity. I don't want
407 someone camping at 3:00 in the afternoon anymore than I want them camping at
408 3:00 in the morning.

409 **SCHOENING:** I tend to agree with that.

410 **SCOTT:** To me, that's the important part is what the use is, and there some
411 of the - the definitions in some of these codes are pretty good. Hillsboro
412 says, "Live, sleep, or reside in a recreational vehicle." That's a pretty
413 broad definition that would cover sleeping as well as cooking and camping.
414 Other ones that actually specifically talked about cooking and sleeping and
415 those type of activities, I think if we got that kind of definition around,
416 this is the activity we're talking about, right? I don't care if somebody
417 stops at a store that happens to be open - we'll get to the hours of
418 operation at another topic, but let's say that there's a store that's open at
419 3:00 in the morning, and somebody pulls in, and they're there for 40 minutes
420 because they're inside the store shopping. Well, that would be in violation
421 if we had a 30-minute limit, and that seems silly to me. They're in the store
422 shopping; they're not camping. So to me it's more about the activity. If
423 they're in their vehicle sleeping or cooking or whatever, then that's camping
424 in my definition. And to me - it doesn't matter what the time is. If you're
425 there for the apparent purpose of camping as defined as sleeping, residing,
426 cooking, whatever, then you're in violation. It doesn't matter if it's 10
427 minutes or 10 hours. And I think there's a combination of these codes that if
428 you put together kind of get to that. So the "live, sleep, or reside..."

429 **MARTIN:** That's in the Hillsboro?

430 **SCOTT:** That was from Hillsboro.

431 **MARTIN:** What section?

432 **SCOTT:** .2 - Overnight parking prohibited in commercial zones. We're talking
433 specifically about commercial zones, but maybe we need to expand that to make
434 sure we're covering the light industrial zone with the PUD overlay or any
435 retail centers. I mean, we can expand on that definition. I think we're all
436 in agreement that we would want it to apply to all commercial properties not
437 regardless of the zone. "Live, sleep, or reside" I talked about, and then the
438 thing I liked about Beaverton is they actually had a protocol. The person in
439 charge is required to (a) Make a reasonable attempt to get the person to move
440 along, and if they don't then the person in charge of that particular place
441 is in violation. Obviously, we don't want the burden to fall on Milo's, for
442 example, because someone's parked - it wouldn't apply because you don't have
443 a parking lot, but let's say you did. I think that would be overly burdensome
444 to small businesses. We'd have to have some definition of the size of the
445 retail center in that scenario. I think signs also. A retail center of a
446 certain amount of space, signs are required to be posted: This is the
447 ordinance. You can't camp here, and here's how we define camping, and here's
448 what the penalty is. And then the one thing that Beaverton didn't have is
449 what happens if the person in charge can't get the person to leave, or they
450 can't locate them, or they don't answer the door when they're knocking on it.
451 To me, the next step is you call the non-emergency number of the police
452 department, and they come along and try to get the person to move along or

453 issue a citation or whatever. And I think that we should require the person
454 in charge of a large enough retail center to do that.

455 **SCHOENING:** On the Van Horn, Texas code, which was funny because when I did a
456 search, it was one of the ones that came up, they do a very good job of
457 defining what camp means, and it does talk about four consecutive hours. So I
458 get what you're saying about a time limit, but at the same time, if for
459 instance you stop at a Camping World, and you're getting your RV repaired,
460 and you pick it up, and you have kids, and you want to make them lunch, and
461 you're there for 3 or 4 hours, I don't think that's who we're trying to force
462 out of the parking lot. But this talks about four consecutive hours. It
463 expressly says, "Sleeping, making preparations to sleep including the laying
464 down of bedding," and what I like about this is it doesn't only address RV.
465 It's basically saying no camping at all. No digging. No fire making, no
466 nothing. It also talks about a public area which says, "Outdoor area to which
467 public has access and includes streets, highways, parks, parking lots," which
468 I get may not be maybe that fine line that we're not able to cross at this
469 point, but maybe we're laying ground work for somebody to eventually say we
470 would like this to be everywhere. And it does talk about schools, hospitals,
471 apartment house, and it expressly discusses right of way to those places. I
472 wonder though how difficult it would be to make some sort of - and talking
473 about this, it seems like there could be reasons why people might want to do
474 this and might want to allow it.

475 **SCOTT:** Temporary use permit.

476 **SCHOENING:** Yes. So could there be a temporary use permit at some point.

477 **MEYER:** I mean, I would guess, and Heather, please correct me if I'm wrong,
478 but I would guess that as the ordinance was drafted, there could be
479 exemptions written in to the ordinance for certain.

480 **MARTIN:** A lot of cities that have sort of RV restrictions, they'll have a
481 process where you can go and get a temporary permit to be there for however
482 long. And even another city that I represent, they have that process, and
483 then there were extenuating circumstances even beyond that. They came to
484 Council, they asked, "Can we keep our RV here." In that ordinance, it applied
485 to the whole city. You can definitely build a process like that into whatever
486 changes that you make. So there are exceptions.

487 **PESSEMIER:** And one that kind of jumps out to me is that the Elks Lodge has
488 RV and has had RV parking for a long period of time. So clearly they have a
489 use up there which their members appreciate and use where there is
490 essentially camping going on for months at a time for their members and for
491 other Elks members from other places. So you would want to consider those
492 things as you put things together. Obviously, potentially you could say, we
493 don't like that, and we want to change it, but then you get into issues of
494 preexisting and nonconforming uses which is probably more in chapter 16, but
495 you're then taking away a right, not a right, but something that somebody's
496 traditionally done for a real long time.

497 **SCOTT:** You're changing the current situation.

498 **O'KEEFE:** Wouldn't the Elks be exempt from that since they're not a retail
499 business or - they're a fraternal organization.

500 **PESSEMIER:** It depends on how you - exactly what you're talking about is what
501 I'm trying to get at. What exemptions are you going to make because you can't
502 apply it to the whole city.

503 **MEYER:** It's still a commercial property, right?

504 **PESSEMIER:** The Elks is zoned low density residential. So I believe probably
505 at this point in time, they're an existing, nonconforming use on their
506 property. So while they have a commercial use, they are not on commercial
507 property.

508 **MEYER:** Okay. So what I've heard everyone say is we're not comfortable with
509 folks cooking and sleeping in parking lots within any part of our commercial

510 district other than a few of these exemptions like the Elks club where - I
511 wonder how we could - Heather, how could we build that in? That's your job.
512 What are your thoughts?
513 **MARTIN:** In terms of how...
514 **MEYER:** So let me ask a question: So for us, what I've heard Tom say is
515 "Tell us what you want." You'll go back and figure out if we can do it, and
516 you'll draft the language - or if we already have it. So maybe as opposed to
517 talking about all the nitty gritty of what's exempt and what's not exempt
518 and all of those things, we can just start talking about our laundry list of
519 wishes, and Heather can go back and do her magic.
520 **MARTIN:** And take a look at some of the - I think it was in - in the Gilroy,
521 the California code. There is a section there that has - there's a little
522 exemption language there. It's under (e). But what type of exemption language
523 you'd be looking at too. What do you want? What type of exemption do you
524 want? That would be a provision in the code too.
525 **SCHOENING:** Also, that code, Naomi, addresses I think what you're talking
526 about. The exemption - or basically, it just says if it's entirely on
527 residential property, it's fine, but it can't use any hookups from that
528 residential property which was a little bit of where I was going with the
529 commercial parking lot. If they are fully self-contained vehicle, that's one
530 thing. You know, Grandma's parked her RV in front of your house for 72 hours
531 while she's visiting, not a big deal. But hooked up and plugged into the
532 house and renting and living in may be a different issue. I wonder if
533 possibly what we could do is make the list of what we feel like absolutely
534 should not happen and find out if we have any of those things already in our
535 code and then maybe once we find out what's already there, figure out what
536 the exemptions might be. And possibly, when we send the ordinance to the
537 Council, suggest that maybe they consider making it citywide. Does that sound
538 like a decent protocol?
539 **O'KEEFE:** That sounds great.
540 **SCOTT:** I just wanted to follow up with a quick question. You had brought up
541 the Texas ordinance, and I think their definition is great, but I'm a little
542 concerned about the four hours because the definition doesn't apply under
543 four hours. So someone could pull into a parking lot and stay for 3 hours and
544 45 minutes in the middle of the night sleeping, and they would technically be
545 not in violation of code, and is that what - are we okay with that?
546 **SCHOENING:** I'm okay with that. I think there are long-haul truckers. I think
547 there are people who work very late shifts. I think - I'm okay with that.
548 **O'KEEFE:** I'd be okay with that during business hours, but if the business is
549 closed then there shouldn't be any reason for people to be occupying that
550 parking lot. That's my take on it. Because there's a rest area right up the
551 freeway.
552 **MEYER:** Is there?
553 **O'KEEFE:** The Baldock rest area on I-5, south of Wilsonville.
554 **MEYER:** And I would tend to agree with you. I think that - I understand your
555 concern of those resting and taking pit stops and that sort of thing, but as
556 we're considering applying this to commercial districts, it would be really
557 difficult to, in my opinion, provide allowances without applying it to the
558 entire district.
559 **SCHOENING:** Okay.
560 **BELOV:** And part of that is our town is so small. Right? There's only so much
561 space to fit all the various uses. Right? Like the town I moved from is 60
562 square miles...
563 **SCHOENING:** I'm sorry, but I'm struggling with allowing the opportunity to
564 where a Sherwood police officer is feeling like he is needing to bother a man
565 or a woman sleeping in their car for an hour in the Walgreens parking lot. I
566 mean, I just feel like...

567 **O'KEEFE:** Or cooking lunch while somebody is in there shopping.
568 **SCHOENING:** I guess I feel like that's not a public nuisance or a problem.
569 And I feel like that might not be the best use of time and resources. I guess
570 that's where I'm coming from with it. I get what you're saying, but I also
571 think that while we are a small town, we do - we have places that - Shari's
572 is open 24 hours. I can imagine a worker there working a double shift, and
573 I'm certainly don't want them roused out of their car and told they can't -
574 you know? I guess I'm not really willing to open that door, but I can
575 definitely be overruled.
576 **SCOTT:** I think Larry brings up a decent idea of having it apply to the hours
577 of operation. Obviously, in a commercial zone, you have - like a Shari's
578 even, there's a lot of different businesses in there, and they're open 24 and
579 most of the other places aren't. So what part - would it apply to none of the
580 parking lot, a section of the parking lot? Even then, I think your example is
581 great, but what is a 30-foot RV pulls into the parking lot and sets up camp.
582 Are we comfortable with that if they sleep there for four hours or whatever?
583 And I'm not saying I'm not, I'm just curious what the rest of you all think
584 about that. It sounds like you are okay with that.
585 **SCHOENING:** I think that's not the intent of what we're talking about. I
586 think the person who pulls in in their RV and sleeps for four hours is not
587 the person that is causing the problem.
588 **SCOTT:** I thought that was the intent of what we were talking about because
589 Wal-Mart specifically allows that in a lot of their locations by manager
590 approval. And so I think that's what people don't like.
591 **BELOV:** And people plan their trips to the Wal-Mart. They'll go from one Wal-
592 Mart to the next as they go down the coast.
593 **SCHOENING:** I guess for me, I feel like we're now targeting a specific
594 business.
595 **BELOV:** I'm not intending to do that.
596 **SCOTT:** I'm not either, and I was only bringing it up as an example, but I
597 think that is one of the reasons why it's on the list of things to talk about
598 and important to people because I think that they don't want to see 30 RVs
599 sitting in any parking lot camping. I think that there's a lot of people who
600 feel about that..
601 **SCHOENING:** I guess I have a different definition of camping. I think camping
602 is 24 hours or overnight.
603 **BELOV:** Well, part of it..
604 **SCOTT:** Well, overnight - if there's a 4-hour limit, overnight could be 1:00-
605 5:00. And that's really the time when I think most people don't want to see
606 people camping.
607 **BELOV:** With only two officers on duty at night, for example, that's asking
608 them a lot, I think, to go and monitor - if there's not an ordinance in
609 place.
610 **MEYER:** Well, I mean, I think that's a little bit different because I don't
611 think that we're suggesting that our police force is out monitoring parking
612 lots. However, I think that enacting this kind of ordinance does provide the
613 police an opportunity and the ability to approach folks that shouldn't be in
614 areas that the City of Sherwood is - potentially going-to-vote-on areas that
615 they don't want folks parking and sleeping and cooking and those sorts of
616 things.
617 **SCOTT:** And that could be for their safety as well. I mean, if you have a
618 camper parked out in a big old parking lot where no one is at, they could be
619 at risk from some ill doer. Also, I don't think anyone - I don't want to
620 speak for you. I don't believe that people are intending for the police to
621 patrol and proactively address these issues. I think if someone notices a
622 problem and calls then having an ability to take action is good, but I don't
623 want the police out patrolling and looking for these problems on their own.

624 **SCHOENING:** And I'm not suggesting they will be. What I'm suggesting is that
625 there will be people calling and saying, "This RV has been parked in this
626 parking lot for 2 hours," or "This RV has been parked in this parking lot for
627 4 hours."
628 **O'KEEFE:** I would agree with that.
629 **SCHOENING:** I'm concerned about that.
630 **O'KEEFE:** I would also like just throw this out there that we probably should
631 have some sort of exemption in there for emergencies. Because I think that
632 it's important for us as a city to not necessarily provide a place for people
633 to camp, but if they're driving through our town in the middle of the night,
634 and their RV breaks down, they should be able to pull somewhere for a couple
635 hours and feel that it's safe until Les Schwab or whoever opens up in the
636 morning.
637 **SCHOENING:** So it sounds like we have some sort of an idea of what the
638 exemptions are, and we have some sort of idea of we don't want to allow.
639 Right? So can we at list start with the list making to see what we've got in
640 our existing code? Does that make sense?
641 **MEYER:** Mmhm. I think so.
642 **SCHOENING:** So it sounds like no time limit. No time. We don't want to
643 discuss time. So it's not acceptable for any amount of time. is that how we
644 feel?
645 **SCOTT:** I said that originally, but now that I've heard the rest of the
646 discussion, I'm not sure that I agree with myself anymore, and that's good. I
647 mean, that's why we're here, right? I think 4 hours is too long. I think 30
648 minutes is too short if it's the type we're talking about before. So I think
649 it's partly about what the definition is, right? Are you there to shop or are
650 you there to reside in your camper for whatever (indecipherable).
651 **SCHOENING:** See, and I think that's exactly the key. Maybe I've been on too
652 many road trip in RVs with four kids, but I can foresee times when you might
653 need to stop for a certain amount of time. And I get that probably someone is
654 not - I'm not going to be outside barbequing, and we're not going to sleep
655 there, and for the most part, the general population is not going to do those
656 things. So I guess that's my point is I would like to err on the side of that
657 people are going to, for the most part, be trying to do the right thing. And
658 when they're not trying to do the right thing, those are the people that
659 we're trying to sort of keep out of these parking lots. So we don't want to
660 open up Sherwood to be a home for people who don't have a home anywhere else,
661 in the parking lot.
662 **O'KEEFE:** What do you guys think about 2 hours. Is that - I was kind of
663 thinking 4 hours is a little long, but I think 2 hours kind of allows for
664 emergencies and for like a safe rest but not enough to get comfortable for 72
665 hours.
666 **MEYER:** Yeah. I mean I think I would entertain that as an option. I think - I
667 mean, you brought a good point: Barbequing, outdoor cooking, making cause
668 for food preparations, those sort of things. I mean, making any kind of a
669 fire within the commercial district I think is just a bad choice.
670 **SCOTT:** Putting out your awning. I mean, anything that is other than parking
671 would equate to me should clearly be covered.
672 **PESSEMIER:** So it sounds to me like you guys are really coalescing around the
673 Van Horn, Texas definitions being the terms of camp. I'll just read the
674 terms. It can't mean to "use a public area for living accommodations.
675 Purposes for a period of time in excess of four" - it sounds like you might
676 want to change that to two or something else - "consecutive hours for
677 activities such as, but limited to, the following: Sleeping or making
678 preparations to sleep including laying down a bedding for the purpose of
679 sleeping; parking of a motor vehicle, motor home, or trailer for the apparent
680 purpose of overnight occupancy; storing personal belongings; making any fire;

681 carrying out cooking activities; or doing any digging or earth breaking." I'm
682 not sure what that means, but is that kind of the direction that you guys are
683 headed? At least for a definition of camping and what you're trying to get at
684 in particular.

685 **MEYER:** I think that portion of the definition - it sounds like we're in
686 agreement. I would not necessarily go on to say - on the second page, it does
687 talk about "Except in designated areas where the owner or agent in charge of
688 the property gives the approval."

689 **PESSEMIER:** Yeah. No, I was only getting to the definition section. I think
690 the other portions you guys have (indecipherable).

691 **O'KEEFE:** The only thing that I crossed out on there was the 4 hours and made
692 it 2 hours, and everything else looks like we could cut and paste that.

693 **SCOTT:** I agree that that's I think a good definition, and we can come up
694 with the right time. I'm good with 2 hours as well.

695 **BELOV:** Because there must an RV campground around here, right? I don't have
696 an RV, so I don't - I'm not familiar with the area enough to know.

697 **O'KEEFE:** I am fairly familiar with the area, and again, I don't speak for
698 the fire department, but I have a very good knowledge of our (indecipherable)
699 area and of the fire district, and there is an RV park on Elligsen Road just
700 east. There's the Elks that - I don't think it's defined as a camping park
701 per se, but you have to be a member to store your thing, and I actually think
702 they do have a limit on how long you can be there.

703 **SCHOENING:** There's one on 99W, too, by the river. The one that floods every
704 other year or so.

705 **O'KEEFE:** One on 99W by the Tualatin River.

706 **SCOTT:** Is that just up North a mile or two? Is that the one you're talking
707 about? So we shouldn't be presenting a pressing need in the community if
708 there's already neighboring ways to fill that need, right?

709 **O'KEEFE:** I think the Elks would be the only RV overnight place in our city.

710 **MEYER:** Well, I think we need to be careful because at some point the Elks
711 could vacate or move, and I would hate to provide that exemption in the form
712 of an ordinance where another very different kind of user could come into or
713 onto that property.

714 **SCHOENING:** Well, I mean, but if we specifically say, "The Elks."

715 **MEYER:** Can we?

716 **SCHOENING:** Can we do that?

717 **PESSEMIER:** I think you can get there without specifically labeling the name
718 of a place. So if you want to cut out an exemption for that, we'll find a way
719 to do that.

720 **SCHOENING:** Because there are churches that also offer an RV space. I believe
721 we have some in town. I don't want to - I believe we do have some in town
722 that allow people to park RVs in church parking lots.

723 **SCOTT:** And to me, I think that comes back to who we're trying to cover by
724 this, and I think that - to me, it's commercial. And I don't think churches
725 are commercial, but maybe they are. Or maybe we go more specific, and we say,
726 "retail." And I guess I'd be looking for an attorney to give us some
727 different options maybe when they come back on how we can define this to
728 cover the areas I think we all want to cover without overstepping and hurting
729 on some of these other areas.

730 **SCHOENING:** I like the signage idea. I don't think we should let go of that.
731 I think putting some onus on property owners to provide signage that says
732 these things and maybe even going a step further and - I'm wondering if
733 possibly Nancy at the Chamber might have information about where people can
734 park RVs or where they can stay or if we could possibly direct them to where
735 they could be or possibly these larger retailers could have something at the
736 entrance or their information or customer service.

737 **SCOTT:** Those are great ideas.

738 **SCHOENING:** Where people might be able to go and say, "Hey, where can I park
739 my RV because it says I can't in your parking lot." I'm a firm believer of
740 giving people the tools to do the right thing while at the same time telling
741 them what they can't do.

742 **MEYER:** I would have to say in terms of signage that I feel like we need to
743 be careful with sign requirements because I think oftentimes signs become
744 often and much, and they can really make a community not look very good. But
745 I think that if there is a requirement, for example, for a business to post
746 one sign near its entrance or within its entrance so customers have the
747 ability to see what is allowed/not allowed on that property, that would seem
748 reasonable to me. But signing a large area or requiring buildings to put
749 signs all over them or within parking lots, I would not think that that is a
750 good idea.

751 **SCHOENING:** I only bring it up because we just discussed a retailer that
752 people know and understand they can park their RVs in.

753 **SCOTT:** How would they know they can't if there's no sign.

754 **SCHOENING:** So how would they know they can't? But I agree with you. It makes
755 total sense to me.

756 **SCOTT:** Yeah, it's got to be unintrusive.

757 **SCHOENING:** It must be one sign posted..

758 **SCOTT:** At the entrance.

759 **SCHOENING:** At the entrance or in easily accessible or readable or...

760 **BELOV:** How about on their website:

761 **SCHOENING:** Well, not everybody has web access.

762 **BELOV:** That's true.

763 **SCHOENING:** Primarily if they're living in an RV.

764 **PESSEMIER:** So one suggestion would be maybe one sign at every entrance to a
765 public right away or something like that so that - because people can come in
766 different entrances, and that way at least there would be coverage. So we
767 could come up with something like that. That's makes sense.

768 **MEYER:** Well, the other option with that is the State of Oregon already has
769 regulations pertaining to towing vehicles. So if one of the options of
770 addressing RV parking or storage or motor homes or cooking, all these things,
771 is addressed, perhaps we could - as the properties, any of the properties are
772 signed, they could follow the towing sign requirements. So I think it's
773 within 10 feet of an entrance to a property, that sort of thing. I mean, does
774 that seem reasonable? And that way we could make maybe a two in one sign
775 within the City of Sherwood?

776 **PESSEMIER:** Or leave it up to them to decide how they wanted to manage that.
777 But I see where you're going with that. There probably is some language out
778 there that kind of addresses that so that we don't end up creating something
779 else where people are, "Well, it was behind this tree. I couldn't see it."

780 **SCOTT:** And I think, on the signage, I think it's very important to have
781 that be only applicable to parking lots or retail developments of a certain
782 size. I mean, I don't think it's reasonable for the some of the Old Town
783 businesses that may be have three parking spots or something to be required
784 to - I mean, it's not going to be an issue there anyway. I don't know what
785 that right definition is, like a parking lot square footage or...

786 **MEYER:** Well, and I'm not sure that we would necessarily, and I'm just
787 throwing this out there, but I'm not sure that identifying even retail use is
788 necessary because I think that with plans for development in the future of
789 Sherwood, we're looking at potential industrial sites and office buildings
790 and all kinds of other buildings.

791 **O'KEEFE:** Yeah, any public parking area.

792 **MEYER:** Yeah, or private parking area.

793 **SCOTT:** In one of these, I saw a definition, because I didn't like the public
794 area because it doesn't cover private, and private may be too broad, but in

795 one here, I think I saw something like private parking accessible to the
796 public or something along those lines. And so maybe there is some way to
797 split that hair a little bit. And I think you're right, covering industrial
798 as well as commercial and retail I think is important. But I do think that
799 the signage requirements, specifically, and any other compliance requirements
800 need to have a reasonable, low-end limit so we're not overburdening small
801 companies and developments in town. Like to me, obviously the new development
802 should be required - the Target development, the Safeway, the Albertson's,
803 the Safari Sam's - all of those are, to me, big enough that they should be
804 required to have this sign postage. Anything smaller than that..

805 **SCHOENING:** But not all of those businesses are big.

806 **SCOTT:** But there's a property management owner over each of those, right? I
807 mean that control the whole property, so the burden would be on them to post
808 the signs.

809 **SCHOENING:** Yes, but for example..

810 **O'KEEFE:** I think Albertsons and Safeway may already have signage as far as
811 no for-sale parking. I think I've seen that out in the front of Albertsons so
812 that may already be in..

813 **SCHOENING:** I think limiting it to size, this one instance I feel like should
814 apply to all business sizes. For instance, we're Old Town, those are all
815 private owner buildings. My building is owned by someone, the Rainbow
816 Market's building is owned by someone, and there is space behind my building
817 where somebody could park and RV for a very long time on the ally.

818 **BELOV:** Would you want that?

819 **SCHOENING:** Nope.

820 **SCOTT:** Okay. I was trying to (indecipherable).

821 **SCHOENING:** I mean usually I would tend to agree with that, but there is the
822 opportunity for any small business to be able to do that, and we have many
823 small businesses around town with parking areas that belong to them that
824 could have an RV.

825 **O'KEEFE:** So as the tenent of - let's use that for an example, couldn't you
826 just call the police and say there's an abandoned vehicle or something
827 (indecipherable).

828 **SCHOENING:** What if it's me?

829 **O'KEEFE:** Oh, yeah. Okay.

830 **SCHOENING:** What if it's the business owner? And the man who leases Rainbow
831 Market parks his RV behind Rainbow Market. You know, US Bank parking lot.

832 **BELOV:** I think our - doesn't our current ordinance already cover that?

833 **SCHOENING:** That's a private area. So I would - isn't it the same as having
834 it in a residence? I guess that's something you'd have to look at to see
835 whether we already cover it.

836 **MARTIN:** Yeah, I'd have to do some research.

837 **SCHOENING:** Again, we sleep there overnight before Cruise In.

838 **SCOTT:** Well, I think that falls in the exemptions or the temporary
839 (indecipherable).

840 **SCHOENING:** I mean, but we do it.

841 **SCOTT:** True.

842 **MEYER:** And I think that in addition to the things that we're talking about,
843 I think that clearly we need to leave property owners with the ability to
844 also create additional restrictions on their own property if they so choose.
845 So while they may not be free to open up their parking lots for overnight
846 parking and all of the things that we've discussed, I think that we should
847 also provide them the opportunity to say, "Actually, no, this is our parking
848 lot, and no, we will not allow any overnight parking."

849 **O'KEEFE:** That's a good point. I think..

850 **MEYER:** Which I think is already..

851 **SCOTT:** I mean, by doing nothing, that's essentially the case, right?

852 **MEYER:** Well, I think private owners have the ability to restrict...

853 **O'KEEFE:** This would be minimum qualification (indecipherable).

854 **MEYER:** Yeah. This would be a minimum requirement within incorporated

855 Sherwood is what I think we're talking about. And I just want to be sure...

856 **SCOTT:** And maybe that's where the size thing comes back into play is we can

857 say it's required for spaces over a certain size and it's optional for places

858 smaller. And if the owner of that particular Old Town development wants to

859 post a sign because they feel like overnight parking may be a nuisance there,

860 then they're allowed to, but we're not going to necessarily require them to

861 because maybe that is a burden we don't want to necessarily force on people.

862 **MEYER:** Is that even an issue we need to address?

863 **SCHOENING:** The size of the business that has to comply? Yeah, I would think.

864 **MARTIN:** You'd definitely want to determine ultimately who or where is going

865 to apply though definitely.

866 **SCOTT:** So, following up on that, have we given you a clear intent of who

867 we're trying to apply this to or do you need more (indecipherable).

868 **MARTIN:** I think so. You definitely - one question I did have was

869 (indecipherable) brought up, section 8.04 with a dilapidated vehicle part of

870 what you all were discussing because I'm definitely not clear on that and

871 whether you wanted - was that part of the camping overnight issue? They are a

872 totally separate problem.

873 **SCOTT:** I was thinking of it as a separate issues personally, but I won't

874 speak for the rest.

875 **MEYER:** Yeah. In my opinion, I would see that as nuisance rather - and

876 perhaps we can incorporate that into a nuisance kind of an ordinance as

877 opposed to in this oversized vehicle, RV, motor home, trailer kind of part of

878 the (indecipherable).

879 **SCOTT:** And I think the difference is in the camping situation. The person is

880 most likely going to be there with the vehicle. And a dilapidated vehicle,

881 we're talking about most likely an abandoned vehicle or a vehicle that's at

882 least been there a long time. I know that Oregon - the state statutes won't

883 allow towing less than 72 hours. So there's that. So I would presume most

884 likely that abandoned vehicle cases, they're not necessarily going to be

885 there, right? If somebody is broke down and pulls into the parking lot, and

886 they're there trying to get back up and running to get back on the road,

887 that's a whole different.

888 **MARTIN:** And you're concerned about that in private - in the parking lots?

889 **SCOTT:** People who break down?

890 **MARTIN:** No. Dilapidated vehicles.

891 **SCOTT:** Yeah. Long-term dilapidated, absolutely. Yeah, I think that's what...

892 **O'KEEFE:** 72 hours or more, I would think, right?

893 **BELOV:** I would think the retailer would also find that a concern, though,

894 and that they would just deal with it.

895 **SCOTT:** Yeah. We would hope it's not an issue that needs to be addressed.

896 **SCHOENING:** Is it already covered under the 72 hours though? I mean that's in

897 a parking lot, right?

898 **SCOTT:** Well, the state law allows towing with a 72-hour notice; it doesn't

899 require it.

900 **SCHOENING:** I see.

901 **SCOTT:** So if we want to require businesses over a certain size to take

902 action then I think we have to come up with some ordinance to do that.

903 **SCHOENING:** Heather, did you happen to look at what our code is that already

904 st - you mentioned that we have one that addresses dilapidated vehicles?

905 **MARTIN:** Not dilapidated vehicles, not that exact word. That's not used.

906 **SCHOENING:** Abandoned, broken, ugly?

907 **MARTIN:** I need to do more research in your nuisance section, but then you

908 also have that section 8.04 which discusses abandoned, and I believe that it

909 only applies to those that are on city streets or the public right of way
910 right now. So that's what you currently have.

911 **SCHOENING:** So could we add for-sale vehicles to that? Is that kind of, I
912 mean...

913 **MEYER:** That's actually, based on our code, the for-sale vehicles, the junked
914 vehicles, it would appear that that's listed under chapter 10 already.

915 **PESSEMIER:** Yeah. I believe most for-sale vehicles are already covered on our
916 code. I know we've had issues with that, and they aren't allowed to stick
917 around for very long.

918 **SCHOENING:** I never see any. That's awesome.

919 **PESSEMIER:** That's right. That's right.

920 **SCHOENING:** So I have to ask this question, which is - I don't know how ask
921 it in a nice way, but what does the big red truck by Symposium? What is that
922 considered?

923 **SCOTT:** I think it's nice.

924 **PESSEMIER:** Unfortunately, it falls under their - well, there's a difference
925 between the vehicle and the sign on the vehicle. It's really challenging, and
926 we've looked at this a number of ways, and Jim Clos mentioned it at the last
927 meeting is you have to be time, manner, content, and place neutral in regards
928 to signage, and they are working through a kind of a difficult area to write
929 code or to enforce because it's on a moving vehicle which does move from time
930 to time, and it's not unlike any other box delivery truck or anything else
931 that parks in different places and has all sorts of words and signage on it.
932 So we've looked at that, and that's part of the sign code, and it was
933 actually considered when they did the sign code updates last year, and there
934 just wasn't really an effective way to get to the sign. Certainly, the
935 vehicle might be different if you wanted to talk about parking something on
936 private property for a period of time, but then you're really - you're really
937 going to be challenged because that probably happens a lot. So, if you can
938 find a way to get there - yeah. But that's a tough one. We've talked about
939 that.

940 **SCHOENING:** Okay.

941 **SCOTT:** I think going back to the 8.04, Abandoned Vehicle code - I think the
942 definition to me looks like. I think if we just extended that to private
943 commercial zones in addition to the public. That may cover what we're trying
944 to get at. Basically, it says the vehicle either has expired plates or no
945 plates or it's inoperative or disabled, or it's wrecked, or it has not moved
946 in 72 hours and appears to have been stored. And I think that covers what
947 we're getting at, so I think all we need to do is expand it into the
948 commercial retail zones, probably under the same definition we were looking
949 at before, and that might get at the heart of what we're trying to
950 accomplish. The only thing that maybe we would want to add to that is
951 requiring certain businesses to take action because right now they are
952 allowed to take action, but they aren't required to. And I'm not saying that
953 I'm for that, but that may be something that the committee wants to discuss.

954 **SCHOENING:** And would we consider an exemption for a vehicle that belongs to
955 the business? For instance, if you have a business and you have a vehicle
956 that is part of that - delivery vehicle. You have a delivery van, and it's
957 broken, and it's in your parking lot. Does that apply to that or is that an
958 exemption.

959 **O'KEEFE:** I would think the company owns that van, so it would probably be
960 exempt because it's part of their company whether it runs or not. If you have
961 your writing on Joe Smith Furnishings, and it's parked out in front of Joe
962 Smith Furnishings in one of the parking spots, I would think that's part of
963 your...

964 **SCHOENING:** So it would be an exemption? In other words. Because what we're
965 talking about now is a vehicle that's abandoned, broken, not working.

966 **SCOTT:** Or appears to have been stored.
967 **MEYER:** And I'm not sure that I feel like we should list that as an
968 exemption. I feel like if it's a functioning vehicle, and it's in use, that's
969 reasonable.
970 **SCHOENING:** Sure.
971 **MEYER:** But, in my opinion, if any vehicle is dilapidated, it could
972 potentially provide hazard to the area.
973 **SCOTT:** Yeah, I agree. I think the property owner, even if they are the owner
974 of the business and the owner of the vehicle, I think they have a
975 responsibility to address the issue in some reasonable time frame. If they're
976 work vehicle has - their delivery van has broken down, and they just decide
977 to park it in front of their business for the next year, I don't really think
978 that's okay.
979 **MEYER:** I don't either.
980 **SCOTT:** But if you disagree, I really want to understand that point.
981 **SCHOENING:** It is currently 72 hours?
982 **MARTIN:** Has not been moved in 72 hours. Yeah.
983 **SCHOENING:** Yeah.
984 **O'KEEFE:** I would think that's adequate.
985 **MEYER:** I would agree.
986 **PESSEMIER:** Let me clarify. If the vehicle is not moved in 72 hours and
987 appears to have been stored.
988 **SCHOENING:** So what's "moved?" We're talking about a parking lot that's
989 thousands of square feet. Is it moved across the parking lot? Is it moved
990 four spaces? What's "moved?" Off the property?
991 **PESSEMIER:** I think any of those would qualify, but...
992 **SCOTT:** One space.
993 **SCHOENING:** Right. I'm just saying that it's happening.
994 **SCOTT:** I guess I don't know the example you're talking about, so maybe
995 that's what I...
996 **SCHOENING:** I mean, I guess it doesn't...
997 **SCOTT:** Only to be illustrated by what your concern is.
998 **SCHOENING:** So if I - again, if you have a large parking lot, and you have a
999 vehicle A and parked in slot 3, and it's been there for over 72 and nobody's
1000 - it looks like it's been stored. And then someone calls X, and they say,
1001 "You need to move it." What's moved? If you say, it can be moved, and they
1002 move it across the parking lot, and it's still in the parking lot, at what
1003 point - even if you have it towed across the parking lot, it's still been
1004 moved. Do we want it off the property?
1005 **O'KEEFE:** I would say, being a member of a neighborhood association with
1006 CCNRs, we go through this all the time. We have boats and RVs and trailers
1007 and we have a 72-hour parking limit for visitors, and people follow the
1008 letter of the law, and after the 72 hours, they'll drive around the block and
1009 then park 10 feet farther south, and they have adhered to the letter of the
1010 law.
1011 **MEYER:** Well, and as a property manager, I find that happening in my parking
1012 lots often and much. So even if a car's not functional, it can still be put
1013 in neutral and moved. So I think what we're getting at is that all vehicles
1014 would be moved out of parking lots or parking spaces within the City if
1015 they're not functional and being used for their intended purpose.
1016 **SCHOENING:** So off of the property is what we're asking them?
1017 **SCOTT:** Has to be removed from the property.
1018 **SCHOENING:** Removed from the property. For a period of how long?
1019 **MEYER:** Until it works.
1020 **O'KEEFE:** And just to add to that, we may not be able to cover every issue on
1021 these, so maybe it would be my suggestion to cover what we can for the most
1022 amount of instances and people for these businesses and then...

1023 **SCOTT:** And there's always going to be a way for people to skirt the law if
1024 they try hard enough.

1025 **SCHOENING:** Absolutely. I guess I'm just trying to figure out what we're
1026 trying to avoid. If what we're trying to avoid is a broken vehicle being in a
1027 parking lot for a year...

1028 **SCOTT:** Yeah.

1029 **SCHOENING:** If that's what we're trying to avoid or if we're trying to avoid
1030 something not being in a parking lot for a week, I feel like those are
1031 different issues. But it makes sense. I don't want to spend all day splitting
1032 hairs about what moving a vehicle is, but if you have someone who owns a
1033 small business in a development, and they have a broken car, and they move it
1034 every 72 hours, we've accomplished almost nothing.

1035 **SCOTT:** In that particular case, I think what people may be concerned about
1036 is not the small business case where's someone's going to exploit the letter
1037 of the law, I think what maybe the bigger concern is a larger development
1038 that starts accumulating abandoned vehicles, and the property owner decides -
1039 I think this is rather farfetched, but let's say the property owner decides
1040 that they don't care, they don't want to deal with it, right?

1041 **PESSEMIER:** So I have a question. Do you guys feel that there currently is a
1042 problem with this and/or do you feel that in the near future that there is
1043 going to be a problem with this because of something that's going on. That's
1044 a question we usually ask ourselves as we're trying to develop a code. Are we
1045 trying to solve a problem, or are we satisfied that currently what's in place
1046 is actually kind of happening because people are kind of policing their own
1047 properties. So thought I'd just throw that out.

1048 **SCOTT:** I don't think this is a problem that currently exists in - I'm not
1049 going to speak to the residential zones because I think that's already
1050 covered in the code. I'm talking about the commercial and retail zone. And I
1051 don't believe that it's a problem that's going to exist in the near future
1052 either, but I think that there are people who are concerned about that. I
1053 think if we just took the code and expanded it to cover commercial retail
1054 then that gives the property owners something that they can use to enforce,
1055 right? If it's not covered in there, it's harder for them to actually go out
1056 and do something about an abandoned vehicle. If we actually say, you know...

1057 **MEYER:** I think that that's - I think what Tom is saying is private property is
1058 still, nevertheless, private property, and if a property owner identifies
1059 that a vehicle has been parked, stolen, left in their parking lot, they have
1060 the ability to tow already. So I think that we don't - I'm not sure that
1061 that's an issue that we need to tackle.

1062 **PESSEMIER:** But one issue that you did bring up was cars that were leaking
1063 oil. I think that's where this kind of started from in the conversation the
1064 other day. So you guys haven't talked about that. Is that something you're
1065 still concerned about and something you want to get at, and is that a
1066 dilapidated vehicle or is that some section of our environmental code which
1067 we don't have much of?

1068 **SCHOENING:** I feel like that - sorry. I feel like that's environmental code.
1069 Because I tend to agree. I don't think any business is going to be willing to
1070 give up a very valuable parking space for someone's broken vehicle. It's just
1071 not happening. I get that people have expressed it, but I think I would
1072 prefer for someone to say, "This is actually happening here, and we know that
1073 it's going to happen in the future, and we're concerned about it." I feel
1074 like it something that can be addressed. But in the environmental issues I
1075 think are another way to address what could be a possible concern.

1076 **BELOV:** And I think the purpose of this committee is to address the concerns
1077 that people had written on their letters to the City. So I don't know if you
1078 all have had a chance to read them.

1079 **SCOTT:** Yeah. I actually went into City Hall on Thursday and read through
1080 them all and actually took some tallies of the categories of things that
1081 people were concerned about.
1082 **BELOV:** Oh, great. Maybe we can talk about that in a little bit, too. Because
1083 I think that's what we need to focus on. I haven't heard that complaint.
1084 **SCHOENING:** So how - so after looking at that, Doug, how does that apply to
1085 the dilapidated vehicle?
1086 **SCOTT:** That complaint was relatively nonexistent in the ones that I looked
1087 through.
1088 **SCHOENING:** I thought the same thing.
1089 **MEYER:** Okay. Well, for the purpose of our meeting tonight and to stick to
1090 the agenda, I think - I'm hoping that we've given you enough to work off of
1091 for RV parking and storage. We didn't include a discussion of boats. But I
1092 think oversized vehicles - do you need us to define what those are or do you
1093 feel like, based on some of the examples that you've given us - Heather, you
1094 let us know if you need for us to be more specific.
1095 **MARTIN:** No, I think that's fine. I'm just making sure that...
1096 **MEYER:** So the motor homes, the trailers, the RVs, that sort of thing.
1097 **MARTIN:** Is the RV restriction also applied to boat parking or...
1098 **SCOTT:** Well, I think if you go back to the Texas code, it doesn't even talk
1099 about RVs - it could be a car. It's more about what you're doing, right?
1100 You're camping, you're storing personal belongings, you're making a fire,
1101 you're cooking, you're taking earth - and so whether you have a boat or not
1102 is not the relevant part, it's what you're doing with the boat or the RV or
1103 the car or the truck or the van or whatever.
1104 **MEYER:** Okay.
1105 **MARTIN:** So do you also want to avoid somebody unhitching and leaving it or...
1106 **SCHOENING:** Thank you for reminding me. I was going to say, can we
1107 specifically say, "You may not unhitch your pulled vehicle." Are we able to
1108 say that?
1109 **SCOTT:** Is that a problem? Back to Tom's point.
1110 **MARTIN:** No. I think the better thing would just be to regulate if there is -
1111 if you have the boat there which hopefully I hope that hasn't been a huge
1112 problem.
1113 **O'KEEFE:** If you say, "recreational vehicle," won't that apply to whether
1114 it's hitched or not? It's a recreational vehicle or a car or a vehicle or
1115 anything.
1116 **SCHOENING:** Or you could just say, "Vehicle."
1117 **O'KEEFE:** Yes. I think we're back to splitting hairs there.
1118 **SCHOENING:** Yeah. I would agree.
1119 **MEYER:** Do you feel like we're at a point that we can close the discussion on
1120 RVs? Yes?
1121 **SCHOENING:** Yes, Maam.
1122 **O'KEEFE:** Do we need a motion?
1123 **MEYER:** I don't think we do at this - we're not voting on anything tonight.
1124 **O'KEEFE:** Okay.
1125 **MEYER:** So it sounds like Heather will come back to us with maybe some
1126 proposed language, and at the time that she does, we can decide if we'd like
1127 to have further discussion or vote. Let's take a five minute break.
1128 **BREAK**
1129 **MEYER:** All right. Let's reconvene and move on to item number eight which
1130 pertains to some sample ordinances related to the use and storage of
1131 pesticides and other chemicals. Heather, can you talk a little bit about what
1132 you found and get us started?
1133 **MARTIN:** Well, my main question here tonight for you all is what exactly -
1134 again, which chemicals and pesticides or hazardous materials are you looking
1135 to regulate? That's my main overarching concern. So what we did is - I'm not

1136 entirely sure what exactly you wanted to regulate, so I gave you a panoply of
1137 different kinds of ordinances to look at.

1138 **MEYER:** I think what came up at our meeting on Wednesday was the example of
1139 the bees, the bee issue in Wilsonville, and so I think that as that issue was
1140 raised we started thinking a little bit about what can we do within our city
1141 that is perhaps more appropriate for our goals in terms of landscape and just
1142 general city safety. I happened upon a policy adapted by the City of Ashland
1143 that I've read over briefly, and I really like the policy - and I'll just
1144 read a little bit of it, but it was designed to reduce the risk of illness or
1145 injury resulting from city employee and citizen exposure to pesticides used
1146 in the course of performing operations and also from the accidental exposure
1147 of employees and other persons to pesticides. And then it goes on to talk
1148 about different kinds of pesticides and how, when practical, those are used
1149 and in what instances they may be used. And I think, and I'm only trying to
1150 paraphrase what I heard at our last meeting, but that was the concern is
1151 safety and general exposure.

1152 **MARTIN:** So really limiting yourself to pesticides and maybe harmful chemicals
1153 but not going whole hog and looking at the hazardous materials as it's
1154 defined under state law? So a very sort of narrow...?

1155 **BELOV:** Well, it is in close proximity to the Tualatin National Wildlife
1156 Refuge, and it's in the watershed. So something to consider would be
1157 (indecipherable).

1158 **SCHOENING:** And I noticed that you provided - did you provide us with
1159 Eugene's?

1160 **BELOV:** Mmhm.

1161 **SCHOENING:** It was the same one that I found, and they literally talk about
1162 any hazardous waste. They are super, super broad.

1163 **MARTIN:** And their ordinance is more aimed at - it's more of like they want
1164 to be able to take immediate action when something happens because the
1165 Department of Environmental Quality process can be a little bit longer. It's
1166 a bureaucracy. And I think they wanted to create a system where they could go
1167 in and take immediate action which - I didn't look at Sherwood's code in
1168 depth, but there's probably some general language that would possibly give
1169 the City the authority to use that in these hazardous waste situations. But
1170 that's a lot of what was behind the Eugene ordinance.

1171 **SCHOENING:** Right. And I felt like - where I was coming from when I brought
1172 it up was more along the lines of the Eugene ordinance and being able to
1173 react quickly, the City itself. Using the bee incident, afterwards I had a
1174 friend who said, "He Rachel, do you know why the trees are wrapped at the
1175 Sherwood Target?" I said, "I know exactly why the trees are wrapped at the
1176 Sherwood Target." And when that sort of thing happens what - there were no
1177 signs. If you went in the Target and asked the employees why they were
1178 wrapped, they didn't have to tell you, and I felt like they're - like you
1179 said. If the answer is go talk to the DEQ or - there were State ways to go
1180 about it, but there were nothing within the City that said, "Hey, we need
1181 some signage. We need someone to address this. We need to understand that
1182 something unsafe has been used." And so that's where I was going with it was
1183 that somebody be able to take action - somebody, meaning the City, be able to
1184 take action quickly. I'm not so clear about how to handle prevention,
1185 frankly. I'm not clear at all about landscaping uses and how we manage - I
1186 know we have lots of landscaping companies. I know some of the pesticides -
1187 I'm sorry, some larger restaurants use companies that don't use green, safe
1188 pest control. I know we do, but - so I just am not clear about how to
1189 prevent, but I am very - I feel very strongly that we need to have something
1190 that addresses, if exposure does happen, how and who is notified and what is
1191 done to take care of it.

1192 **MEYER:** Tom, can you maybe talk a little bit about whether or not the City of
1193 Sherwood currently has any kind of a maintenance specification in place for
1194 our commercial districts in terms of parking lot cleaning and exterior
1195 maintenance as is pertains to the use of chemicals and that sort of thing.
1196 **PESSEMIER:** No.
1197 **MEYER:** Okay. So I think that's where we're going as well is perhaps adopting
1198 a policy or a way of improving the standards that we have within the city for
1199 maintaining properties that the public has access to.
1200 **MARTIN:** And one thing I'll say, and it's just the same line - the same type
1201 of process that we used with the parking procedure. But it will be a matter
1202 of coming up with some of these ideas and then making sure that they're not
1203 preempted by state or - we also have federal law in this area.
1204 **O'KEEFE:** You also have fire code.
1205 **MARTIN:** Just coming up with what exactly you want to regulate and then your
1206 goal and then we'll come back and basically say, "Well, these substances -
1207 these regulations are going to apply." And Eugene did a good job of
1208 incorporating state and federal law, so it would be a good model if you
1209 wanted to look at that, but just - it's sort of...
1210 **SCOTT:** Yeah. I was going to ask you specifically if you'd looked at any
1211 preemption issues already in state law. It doesn't sound like maybe you had.
1212 I think that this is an area we have to be concerned about not trying to take
1213 on too big of a task. I mean there is a lot of federal law involved. There is
1214 a lot of state law involved. I think that Eugene is a great model. It's
1215 really talking about response to incidents so they can come in, they can take
1216 immediate action, and they can bill the offending party. And I think that is
1217 a good scope. Do we want to expand that to try to get involved in regulating
1218 what's allowed, what's not allowed, how things are supposed to be stored? I
1219 mean, I'm concerned about trying to take on maybe way too big of a task
1220 that's maybe and probably at least covered to some extent by existing state
1221 and federal regulation.
1222 **O'KEEFE:** I would agree. I know the fire code provides for storage of
1223 indoor/outdoor hazardous materials, and it's broken down to how hazardous
1224 they are. And it may be under the realm of DEQ, and I don't necessarily think
1225 that we need an ordinance to - I can't think of any other instance in the
1226 near past or present that has happened besides this bee thing that would
1227 warrant us to make a city ordinance for it. I can't think of any other
1228 issues, and I'm maybe looking for help here if you guys have heard of
1229 anything other than this Target issue in this past.
1230 **BELOV:** I don't know. I've never seen so - I mean, I've lived in a lot of
1231 places, I've never seen so much pesticide application as here which I'm
1232 really surprised about because part of Oregon is being really environmentally
1233 friendly. And so - You see it - every time I'm driving, I see someone with a
1234 bottle out there squirting herbicide and pesticide. So I think it's pretty
1235 common.
1236 **SCOTT:** Are you talking private property owners or business?
1237 **BELOV:** Maintenance, lawn crews, private property owners. It's just really
1238 pervasive here.
1239 **SCOTT:** So what do you propose that we should do about it?
1240 **BELOV:** Something like this, like the Eugene code where you - at least you're
1241 notified if there is application. I remember when I lived in Brookline, MA,
1242 there was always a sign, a little flag that people had to post on their
1243 private property if they had applied pesticides so if children or dogs or
1244 people go on the property...
1245 **SCOTT:** So if someone is in their yard, and they have a weed, and they go
1246 spray Roundup on it, they have to put a flag up?
1247 **BELOV:** I think - I don't know. That's what we could discuss. If it's a big
1248 retailer, they've just done a mass spraying, we should know about it.

1249 **SCOTT:** And I think that - those are two very different things to me.
1250 **BELOV:** Yeah.
1251 **SCOTT:** And I think this Boulder, Colorado one talks a lot about, and I've
1252 only skimmed it while we were sitting her talking, but it seems to discuss
1253 notification of use ahead of time. And I think in a commercial setting, that
1254 makes sense to me. I can see going there. Requiring private property owners
1255 to do that on their house, I think, is going too far. And I think the Eugene
1256 code is great on a clean-up side.
1257 **MEYER:** So just to make sure that we're focused on how this is affecting
1258 business, I think that that's a very valid point.
1259 **SCHOENING:** The Eugene code does say, "Hazardous Substance, Duty to Report,"
1260 which was sort of along the lines where I was going with it was. If you are
1261 going to spray powder, whatever, that you have a duty to report that that's
1262 happening. And it's pretty common actually for cities and counties, primarily
1263 in places where there are lots of - I will admit, and lots of places where
1264 there are organic labeling but also, in dense populations and populations
1265 that are putting in new developments where there are large amounts of housing
1266 developments. I found quite a few, some in the Arizona area. Regardless, the
1267 Eugene code is really big, and it is talking a lot about homes. So I do feel
1268 like we'd have to address commercial property. But where I was looking to
1269 what Heather was talking about was that we have something in place that
1270 allows the city to allow more quickly than DEQ and where a city can say,
1271 "You're absolutely doing business in an unsafe manner in the city, and we
1272 will not allow it, and we have an ordinance that says we don't have to." And
1273 there isn't anything in place that I could find that says that. So for me,
1274 the only way I know how to apply it is, for myself, in that we have weeds
1275 that grow in the back of our building, and we have a neighbor who hates it,
1276 and it is along the alley, but because we are food service and because I try
1277 to maintain a safe and green environment, we don't allow our landscaper to
1278 spray Roundup or other type chemicals. So we try to - and there are other
1279 things you can do. I mean, we cut them down, all those things. But that's my
1280 point is that what if I did? I mean there are lots of things you can do. I
1281 mean, and there are lots of - like I said, we have a pesticide company. He
1282 comes and sprays stuff out of a bottle, but it's perfectly safe. So that
1283 being said, I don't want to have assumptions being made, and I don't think
1284 that he should put up a big sign that says, "I'm spraying something safe,"
1285 but I do think that businesses should have an obligation to report something
1286 that is unsafe and considered a hazardous material under Oregon law. And so
1287 we're not trying to recreate a wheel; we're not trying to make things be an
1288 unsafe substance that aren't already recognized by the State, they already
1289 have a great list. Oregon does a fantastic job of saying what those things
1290 are, and Eugene literally does that. They just say, "Things defined under the
1291 Oregon State law." So I feel like there just needs to be a safety net,
1292 especially if we're looking at adding more large retailers. And while I get
1293 that you said that there's nothing besides the Target bee thing, but had a
1294 bunch of bees not dropped dead in another city, would we have had any idea?
1295 You know it's one of those things that I feel like if it can be prevented or
1296 we can be - if signs could have been put up that said, "Hey, you've been
1297 exposed to X."
1298 **O'KEEFE:** Well, let me ask you this: Could this ordinance be as simple as
1299 allowing the city to step in immediately if some sort of spill should occur?
1300 Bam! Done.
1301 **SCHOENING:** Yeah. And Eugene has - Eugene always says it's the City Manager
1302 by the way, Tom, so I expect you to show up at all these places.
1303 **PESSEMIER:** The City Manager is defined in other parts of the code as City
1304 Manager or his designee, so that's what usually happens.

1305 **SCHOENING:** Anyway, it literally is. I mean, I feel like if we wanted to
1306 literally copy and paste the lovely Eugene code, possibly, we should just
1307 look at doing that.

1308 **MEYER:** Shall we go through it?

1309 **SCHOENING:** It's really long.

1310 **MEYER:** Well, I mean - yeah. So I think - starting on the first page, under
1311 Release, I think this is sensible, "Spilling, leaking, pumping, pouring,
1312 emitting, emptying, discharging." And I think so long as this is, and it is,
1313 crafted in such a way to protect the public's health, I think that this is
1314 very sensible for the City of Sherwood.

1315 **SCHOENING:** It's also really old. Do you see the date on it?

1316 **MEYER:** Well, I do see that.

1317 **SCHOENING:** My point is - I mean, people have been doing - it's a long time
1318 coming I think for a city of this size.

1319 **BELOV:** I have a quick question. There was a superfund site on Murdock,
1320 correct? Do you know about that? The tannery?

1321 **MEYER:** Oh, yeah.

1322 **BELOV:** So and also where they're developing a SW Oregon Street right now?
1323 That's also part of the tannery. So they're already - and I think maybe it's
1324 a brownfield now. I don't know if it's been entirely cleaned up. Do you know?

1325 **PESSEMIER:** It's not a superfund site. They looked at trying to get superfund
1326 designation for that, but it is a brownfield. There is still portions that
1327 have been cleaned up at least to the point where they've got a "No Further
1328 Action" where the building was and are in private hands. And they have a "No
1329 Further Action," but if they do certain things, there will be additional
1330 clean-up measures that they have to do if they get below the area that they
1331 cleaned up because they only cleaned up a cap area. The remainder of the site
1332 was basically orphaned, and it just has been slowly transferring into the
1333 hands of Washington County, and it still requires cleanup. There hasn't been
1334 any cleanup done on it. It's nothing that's too worrisome at this point just
1335 because it's not traveling anywhere, and its onsite, but it is something that
1336 has to be dealt with.

1337 **BELOV:** I guess my question was was there a code or something set in place
1338 after having that huge problem that we can rely on and use in what we're
1339 trying to discuss here as far as spillage or...?

1340 **PESSEMIER:** Well, certainly DEQ is heavily involved in the cleanup efforts,
1341 but as far as is there any codes that are in place that prevent that type of
1342 activity occurring again and causing spills on the site, certainly, the
1343 federal laws are much more strict. The city laws that we have in regards to
1344 that are very specific and probably were written such that a tannery, if it
1345 wanted to come back in, could probably do that. So I don't know that we
1346 really a good city code in regards to that, but I will say that the federal
1347 regulations have certainly improved radically since the tannery was here and
1348 in business.

1349 **BELOV:** Okay.

1350 **MEYER:** So what I hear us saying is that we would like to work on a local
1351 ordinance that would work toward providing city staff to react to spills and
1352 those kinds of things. It sounds like the Eugene code is something that we
1353 are leaning toward mimicking. Am I hearing that correctly? Everyone? Yeah?

1354 **O'KEEFE:** Agreed.

1355 **MEYER:** Okay.

1356 **SCOTT:** Yes.

1357 **MEYER:** Great. So, Heather, are there specific areas that you need for us to
1358 discuss so that you can move forward with drafting some language for our
1359 review?

1360 **MARTIN:** I guess if in looking through it, if there are areas that you don't
1361 feel you want to regulate or you don't want to include in it, but if it's

1362 what you're looking for, we can leave it substantially the same and just go
1363 back and - I'll just need to check federal and state law just to make sure it
1364 still comports with that and then update all of the - make sure that the
1365 references are right. But it might be a matter of when it comes back before
1366 you, you've had a chance to really look at it in more detail because you just
1367 got it today.

1368 **MEYER:** Yeah.

1369 **MARTIN:** That you might - you can still strike provisions at that point if
1370 there's things that don't make sense.

1371 **MEYER:** Yeah. I think that because we did just receive it tonight, it almost
1372 feels like we should take some time to study a little bit as you are drafting
1373 some language that would be more specific to Sherwood. I would like to make
1374 sure that within the language that something along the lines of some kind of
1375 language that would lend itself to when practical, using the safest, lowest
1376 toxicity levels of chemicals that are used. Something along those lines I
1377 think would be really helpful.

1378 **SCHOENING:** I was going to say it doesn't - it's reactive, the Eugene code. I
1379 feel like the Eugene code, that's where I was getting at - I don't know what
1380 we do for prevention. And I'm not sure that we can necessarily regulate those
1381 things because then we're talking about regulating people's professions which
1382 is not something we can necessarily do.

1383 **SCOTT:** And my concern with what you just suggested, Meerta, about the lowest
1384 possible impact, and I think that's an ideal goal, and I think we should all
1385 individually strive for that. My concern there would be if you put that in
1386 code then how does reporting and enforcement going to look like for the City,
1387 right? That could be a potential cost factor long term.

1388 **O'KEEFE:** Very big cost.

1389 **SCOTT:** As well as a burden on employers, right? I got to come into Sherwood,
1390 and now I have all this extra record keeping and reporting requirements that
1391 I don't have in Tigard or Tualatin or Wilsonville, and that's a concern for
1392 me.

1393 **BELOV:** It could have - on the other hand, it could also have a positive
1394 effect because if there are carcinogens or things like that that are going
1395 into our environment, and we don't have any record of it, we're not being
1396 notified, and we're having health effects because of those, we're paying for
1397 it, but we're not aware of it. So I don't know - I don't see anything in here
1398 about notification.

1399 **SCHOENING:** It basically puts the onus on the person who is using them to
1400 report.

1401 **BELOV:** Like we had in Boston, I just remember these little flags, like it's
1402 just been like oh, okay (indecipherable).

1403 **SCHOENING:** And in the Boulder, Colorado code, it does have the signs.

1404 **BELOV:** Yeah, those. I haven't seen those here.

1405 **SCHOENING:** Yeah. I haven't either. So we could possibly look at something
1406 like that: Pesticides have been applied here. And then you're talking about
1407 a large retailer...

1408 **MEYER:** Or others.

1409 **SCHOENING:** ...I feel at that point. Or a large amount of spraying.

1410 **PESSEMIER:** Yeah, there are some limitations on that. Individual spraying of
1411 weeds if the spraying distance is less than 3 feet. I'm not sure what that
1412 means, but that might be...

1413 **SCOTT:** In a handheld sprayer.

1414 **PESSEMIER:** Yeah. (indecipherable).

1415 **SCHOENING:** I'm assuming that...yeah.

1416 **SCOTT:** Spot spraying.

1417 **PESSEMIER:** If you keep it close, that might not be much of an exemption. And
1418 spot treatment of areas are less than a total area of 100 square feet in a

1419 lot. That's a pretty good exemption there. But certainly though, I think this
1420 Boulder, Colorado one applies citywide. I don't think it's - I think it even
1421 applies to private property.

1422 **SCHOENING:** Yeah. I think Eugene does also, and that's not our intention. Am
1423 I correct?

1424 **SCOTT:** Well, it think that with the exemptions you talked about then I don't
1425 necessarily see - if there's a 100 square foot total area exemption, is that
1426 100 square foot of spraying or 100 square foot area when you spray 10 square
1427 feet of material.

1428 **PESSEMIER:** It says on a lot, so yeah.

1429 **SCHOENING:** It says, "Spot treatment of areas that are less than a total area
1430 of 100 square feet on a lot." So at that point, I feel like...

1431 **SCOTT:** Unless you're killing your entire lawn, I mean, you're not going to
1432 hit that threshold. And if you're killing your entire lawn, maybe you should
1433 post a sign.

1434 **BELOV:** I think (indecipherable) for pets or children or people who might
1435 want to sit on grass or those types of areas or if it's going into the
1436 Tualatin River.

1437 **SCOTT:** Well, I have a lot of pets who sit on my lawn, but I don't feel like
1438 I'm responsible for them or should be if they're sitting on my private
1439 property.

1440 **BELOV:** It's still all our Earth. We all want to take care of it the best for
1441 everybody here.

1442 **SCOTT:** Absolutely.

1443 **MEYER:** I think in the spirit of moving forward with drafting language, I
1444 think the goal here is to enhance safety and public health and encourage
1445 those things within the city. Is that fair? And so to that end, being
1446 proactive and creating some parameters for usage and creating some parameters
1447 for reacting to situations is where I would like to see the language go.

1448 **SCHOENING:** I think it's also important to include language that I saw in the
1449 Eugene code I thought but didn't seen in the Boulder which is employee
1450 safety. Which I know - the MSDS sheets, even I have to keep those. As small
1451 as I am, I have to have those. I think you mentioned that before, Meerta, the
1452 MSDS sheets. We all have to have those - "We all," meaning businesses. But I
1453 do feel like when discussing the living wage issues in some of these, that
1454 might be something that we could address in a different area, meaning this
1455 one, the pesticides area in that we are also looking out for the safety of
1456 their employees who are probably exposed to it way more than anybody who's
1457 visiting just the parking lot.

1458 **SCOTT:** Is there something we need to do above and beyond what's already
1459 required by either federal or state statute in that area, you believe?

1460 **SCHOENING:** Absolutely. I mean, yes.

1461 **SCOTT:** Okay.

1462 **SCHOENING:** I mean, I have the chemicals - I'm a tiny little restaurant, and
1463 I have caustic - when the guys come and clean the hood every six months.

1464 **SCOTT:** But you talk specifically about employee safety.

1465 **SCHOENING:** Right. I don't have to tell my employees that that's been done.

1466 **SCOTT:** You don't have to tell your employees?

1467 **SCHOENING:** I don't have to keep them out of the space.

1468 **SCOTT:** But you do anyway because you're a responsible business owner.

1469 **SCOTT:** Of course I do, but my point is - let me just put it this way, Doug.
1470 Maybe I do, but I don't know that, and no one's ever told me they did, and
1471 when they come in to do the work, they don't tell me that I need to tell my
1472 employees. Does that make sense? So I don't have a way of informing - it's
1473 not sort of built into the logistics of doing business within the city. So if
1474 it were built into the logistics of doing business within the city when they
1475 say, "Hey, there's a hazardous -." I mean, those men come in in Hazmat suits,

1476 you know? But I don't have to tell anybody. So possibly if something said,
1477 "Hey, Rachel, if someone comes in and uses hazardous materials, you must
1478 inform your employees." Then my employees have some repercussions if they get
1479 sick, other than calling DEQ or OSHA.

1480 **SCOTT:** Yeah. And I guess my only concern though would be going back to what
1481 is the reporting and enforcement burden on the city - reporting burden on
1482 employers and enforcement on the city.

1483 **SCHOENING:** I guess I feel like risk is worth the reward in that case.

1484 **SCOTT:** Yeah. I just think it something we need to consider. I'm not saying
1485 that's a reason not to do it, it's just it's a point of discussion.

1486 **SCHOENING:** I also think there's not a ton of businesses within the city
1487 limits that - unless we let a tannery back in. You know what I'm saying? I
1488 mean, I guess I feel like the city in and of itself is not going to be - we
1489 have a lot of restaurants.

1490 **SCOTT:** Well, we have that industrial area coming in. So that could be
1491 something down the road.

1492 **SCHOENING:** I would be more - I mean, I inform the city when our grease traps
1493 are cleaned or the company that does them does. So even if we said if that's
1494 being done, just let them know it's happening. Just let the city know. That
1495 could be as simple as shooting and email to someone at the city that says,
1496 "Hey, this is happening at my business."

1497 **MARTIN:** So am I hearing that you all would like something like the Boulder,
1498 like a separate ordinance, like the Boulder ordinance to basically just
1499 regulate pesticides and then hazardous substance or do you want them to both
1500 be combined together somehow?

1501 **SCOTT:** What I feel - I think there's strong agreement on across the
1502 committee is reactionary measures, right? We have a mechanism to react to
1503 incidents that occur. And I think we all agree on some level of notification
1504 requirements prior to use, and I think the scale is in debate, but something.
1505 What I think people want more information on, and I think there's not
1506 necessarily an agreement on yet, but more information about would be some of
1507 these extra reporting and record keeping requirements about hazardous
1508 materials. Is that - am I capturing the sense of what we're all talking
1509 about?

1510 **MEYER:** I think so. I think partially - Additionally, I think we're talking
1511 about imposing some guidelines on users of hazardous materials as more of a
1512 blanket philosophy for addressing different kinds of issues within the city,
1513 whether that be cleaning parking lots, whether that be spraying trees,
1514 whether that be actively leaking liquids out of buildings or what have you. I
1515 feel like what we're talking about is creating parameters that will encourage
1516 safety.

1517 **SCOTT:** Are you talking about recommendations or requirements?

1518 **MEYER:** I would say that I would like to see our city have some requirements
1519 in place for folks that are using potentially hazardous materials.

1520 **PESSEMIER:** In public areas?

1521 **MEYER:** In public areas.

1522 **BELOV:** In public areas. And that would apply to the city, too. As well as
1523 (indecipherable) parks.

1524 **SCHOENING:** That's fantastic.

1525 **MEYER:** I mean I feel like there are already regulations in place per the
1526 State of Oregon.

1527 **PESSEMIER:** There are, and we (indecipherable) to look into that
1528 (indecipherable), and I know Mike Leichner is over there biting his tongue
1529 because he knows exactly what the requirements are for sweeping parking lots,
1530 and I know there are some out there. I just don't know what they are, so
1531 that's why I said no earlier. So I think, and Heather, you know this better
1532 than I do, but I think that we're really talking about two different subjects

1533 here. Hazardous materials have a certain definition which is quite different
1534 than pesticides. And I think from kind of hearing the conversation that
1535 you're talking about hazardous materials and wanting a good code related to
1536 that, but that could be nuclear material. That could be all sorts of stuff
1537 that has a legal definition that's probably not defined by the city, it's
1538 defined by state law. Where pesticide use is probably something more specific
1539 to something that could be done for Sherwood and doesn't have overlapping
1540 things going on that would probably - you're talking about noticing
1541 requirements potentially and some other things. So I don't know that there's
1542 a way to tie these two together is kind of what I'm saying. They're probably
1543 two separate subjects. I think I got the hazardous material part. Do you
1544 understand the pesticide?

1545 **MARTIN:** Well, that's kind of what I'm getting at is your wanted the same
1546 types of things. You want to regulate the pesticide use, but then you also
1547 wanted to have this more public safety, hazardous substances, being able to
1548 react quicker. So it would be - I would envision it as two - they could
1549 potentially be combine to be one area in the code, but the pesticides would
1550 be called out...

1551 **MEYER:** It's own issue.

1552 **MARTIN:** ...as its own separate regulations and requirements. That would be how
1553 I would envision it, but I want to know if that's how you all are
1554 envisioning it, too.

1555 **O'KEEFE:** Where do we see needs to be regulated. Just in business retail
1556 areas or within the city limits?

1557 **MEYER:** Within the city limits.

1558 **O'KEEFE:** All buildings within the city limits?

1559 **MEYER:** All areas maybe open to the public.

1560 **BELOV:** When you think of herbicides are as important as pesticides because a
1561 lot of times it's the herbicides that are being applied to get rid of the
1562 weeds around the mulched areas, and that's a big problem.

1563 **MEYER:** So to answer your question, Tom, I think what we're saying is yes.
1564 Perhaps we would like to look at two separate...

1565 **MARTIN:** One thing I will so is I'm going to talk to Eugene, and I just want
1566 to find out how the enforcement of that has gone, how this - It's been in
1567 place for a little while, just to see if they've had some problems with it or
1568 if there are certain sections that look good on paper but in reality aren't
1569 really working that well. I will definitely do that when I come back to you
1570 so there might be certain parts of it that I'll put a caution flag on.

1571 **PESSEMIER:** Could you find out who enforces that and what the cost is to the
1572 City?

1573 **MARTIN:** Yes, that's my goal. Was it a significant cost to them when they
1574 first instituted it or were they still primarily just relying on the state
1575 government? Maybe it was more of the city trying to get something to move
1576 quicker. I just want to find out, in reality how does this work in Eugene. So
1577 I will try to incorporate some of that into whatever the first draft looks
1578 like.

1579 **PESSEMIER:** And sometimes we'll find when we do legislation is rather than
1580 drafting something that has penalties and all these provisions from day one,
1581 it's kind of a progressive thing. So if you're doing, for example, for
1582 pesticides and herbicides or whatever you decide, you're having this noticing
1583 requirement, and so now all of a sudden people are starting to notice, and
1584 people are starting to notice the notices. And then it becomes, well is there
1585 an issue here or not that we need to deal with further. And so you can always
1586 amend the code, and if it becomes and issue, people will come back and say,
1587 "Hey, you know what? We've noticed that people aren't abiding by this," or
1588 "They're playing games with this," or "We need to do something else." So some
1589 of these things can be progressive, too. So maybe this step is to do

1590 notification rather than have specific penalties and everything else and the
1591 city spending a bunch of time regulating it and setting things, or maybe you
1592 want to go there to begin with. I don't know. I'm just throwing that out as a
1593 thought.

1594 **MEYER:** I would suspect, based on the conversation that we've had, that our
1595 intention would be to assure that the onus of responsibility would be placed
1596 back on the property owner and not on the City of Sherwood. While there might
1597 be an immediate financial impact on the city in terms of response and
1598 mitigation efforts, it would seem to me that I don't hear that there's any
1599 question amongst the committee that the ultimate onus of responsibility would
1600 fall back on the person who acted in a way that resulted in a release of a
1601 substance.

1602 **SCHOENING:** Yeah, I guess my idea with it was not so much in let's find
1603 people. But I agree with what Tom is saying that even from if you think about
1604 a simple business marketing standpoint, do you really want to, every time you
1605 show up at a place of business have to put up signs that say you're doing
1606 something dangerous to the environment? Sooner or later, people are going to
1607 start to say, "Every time this woman or man shows up, they put these signs up
1608 that have women and children in danger." I do think that there comes a point
1609 where a certain amount of personal responsibility and civic responsibility
1610 might actually come into play before we have to start throwing down fines and
1611 showing up with tickets.

1612 **MEYER:** And I think that's a great point, and I think that's what we're
1613 getting at with implementing these kinds of ordinances is so that the
1614 business can maintain their good names and that the public will want to come
1615 into our city and will want to patronize existing businesses and new
1616 businesses. I think it's important that that's the goal.

1617 **SCHOENING:** And I think it's important that - I do believe that it's
1618 important that Sherwood not be seen as a town where it's difficult to do
1619 business but in a town where it's easy to do good business. I think that's
1620 what we're trying to accomplish here, and I think this can go really wrong
1621 quickly if we start throwing down fines and people getting in trouble.

1622 **SCOTT:** Something just occurred to me that's rather funny. If we require
1623 notification signs as you discussed, and people around town start seeing
1624 these signs go up all the time because of various things, we could be doing
1625 the exact same thing the next town over is doing, and they don't have any
1626 notification requirements, it gives the public perception that "Oh my gosh!
1627 What are they doing there in Sherwood? There's all kinds of chemical use all
1628 the time. I want to stay away from there." It could have the actual opposite
1629 effect in the public because the public doesn't...

1630 **BELOV:** It could, but it could also - it could be a great relief to pet
1631 owners or to anything.

1632 **SCOTT:** Yeah. It could go both ways.

1633 **SCHOENING:** I think done appropriately, what we're talking about - we're not
1634 saying that when you walk into this space, you've been exposed to X. What
1635 we're saying is "This business uses..." That's where I'm going with it was this
1636 business has applied x. And I think it's very important that the person who
1637 has applied it be identified, the person, the company, the corporation, the
1638 entity be identified as the person who has applied the chemical. That's where
1639 I'm going with that because that then is where - if you have that company in
1640 Beaverton, then you can do the connection yourself. And I think consumers are
1641 fairly smart people.

1642 **BELOV:** Also, if there is mass pesticide, herbicide, or insecticide
1643 application - we lived in areas where there were really bad mosquito
1644 problems, so they would go with a helicopter and they would spray over ponds,
1645 and it was really upsetting to a lot of people. But the city website would
1646 say what was happening. So I don't know if we could really - I mean, this

1647 would be like probably more in the future, but if you could have businesses
1648 report to the city, like a quick email, and that pops up on the city's
1649 website that day saying, "Well, today this is going to be happening, so
1650 people that have asthma or breathing problems or who don't want to be exposed
1651 could not go to those areas," too.

1652 **PESSEMIER:** You know what I kind of combined a couple of Rachel's ideas
1653 because this has been very successful in other code areas where we've done
1654 things, and that is incentivizing things. You talked about well maybe there's
1655 a certain threshold for a type of chemicals to try to encourage people to use
1656 less toxic or whatever type of things. And I have no idea if there's a way to
1657 do that. But for example, drugs have different classifications, and I know
1658 that a type of pesticide has a half life or something. If there would be a
1659 way that you could maybe tie an exception to something related to that so
1660 that basically saying, "You don't need a notice if you use a chemical that
1661 doesn't do x or y or whatever." I don't know if there's a way to get there,
1662 but then you could - that would incentivize people to say, "I don't really
1663 want to put these signs up. Maybe I should consider changing the way that I
1664 actually do things."

1665 **SCHOENING:** That's perfect.

1666 **SCOTT:** And preferably if there was some reference list so instead of having
1667 to update the code with all...

1668 **PESSEMIER:** Something like that's on the MSDS list or something like that.

1669 **O'KEEFE:** I would think there would be a list of green pesticides/herbicides
1670 that are approved by...

1671 **BELOV:** There is.

1672 **PESSEMIER:** Yeah, there are a lot of sustainability websites out there and
1673 things you might be able to find.

1674 **SCHOENING:** I think that - even so much as - it's interesting because we've
1675 discussed it at our restaurant and with other business owners, we compost.
1676 Just even having a sign on our door that says, "Hey, we compost." It's along
1677 the same lines.

1678 **MEYER:** Well, and that's other thing that I was going to suggest is that a
1679 lot of municipalities and a lot of other cities within Oregon do exactly what
1680 Tom has just discussed, and that is, and as silly as it may sound, but maybe
1681 the sign for the symbols for Sherwood businesses that are using these kinds
1682 of products or implementing these kinds of cleaning measures, they get a
1683 green star on their window, and our residents and guests can identify very
1684 quickly that, "Oh, this is a business that does x, y, z." And I'm being a
1685 little bit facetious with a green star but something that's very quickly
1686 identifiable that really encourages good business practices.

1687 **SCOTT:** And I'm a lot more comfortable with that incentivized-type approach
1688 or recognition-type approach than I am with draconian, hard and fast
1689 requirements. Now you're convincing me with this new approach.

1690 **O'KEEFE:** Yeah, I was kind of on the other side of the fence there thinking
1691 that we're trying to put too much of our power into one place, but I would
1692 certainly agree - encouragement.

1693 **BELOV:** Could that encouraged at the city level? Do you foresee?

1694 **PESSEMIER:** Yeah. Clearly, I would hazard to say that we use as much or more
1695 pesticides than anybody as a user just because we have so much right of way
1696 to maintain and so much landscaping in parks and everything that we have be -
1697 I don't know what our practices are, although I know that they definitely try
1698 to do that. But it wouldn't be a bad thing for the city to look at its
1699 policies and stuff too as we do things.

1700 **SCHOENING:** I still don't think that we should - for the incentive program,
1701 right.

1702 **BELOV:** Maybe the City could initiate that or do you think it would be more
1703 of a private...

1704 **PESSEMIER:** Well, I think they can find a way to do it on the private side.
1705 Let's try that first. Maybe have a green, yellow, and a red signs, depending
1706 on what you can find. I don't know.
1707 **BELOV:** The school that - my kids homeschool, so I'm not sure which - the
1708 school was the number one lead certified building in the country, right? So
1709 if that were on the city website, people would - and people might not want
1710 this, but people would move here just because it's perceived to be a green
1711 city, and that's really amazing.
1712 **PESSEMIER:** Yeah, and sustainability is important. It's something Sherwood
1713 hasn't embraced as much as other cities have, but I know it's something we
1714 need to be focusing on and making sure that we're (indecipherable).
1715 **BELOV:** That's a great cash resource. It's a great revenue resource, being
1716 green, right? In this area especially.
1717 **SCHOENING:** I still don't want to give up on the fact that I think people
1718 should let people know when they're using a hazardous substance in public
1719 areas.
1720 **SCOTT:** Yeah, I think we've all agreed on something (indecipherable).
1721 **SCHOENING:** Okay. I just want to make sure we're not throwing away one for
1722 the other.
1723 **BELOV:** Yeah. No.
1724 **SCHOENING:** Because business owners could say, "I'm just not participating in
1725 that," and then do whatever they want.
1726 **PESSEMIER:** Yeah, we're trying to combine both.
1727 **SCHOENING:** Got it.
1728 **MEYER:** Yeah, for sure. And in addition to be clear, when there is a
1729 hazardous release or spill, I think that there should be some kind of notice
1730 of that as well, I mean once it's been clearly identified. And I know with
1731 the bee situation at Target, I think based on what I read of the DEQ, they
1732 needed to do some testing to understand what the problem was before they
1733 could identify that to the public very clearly. And so I think that that's
1734 reasonable. I think that we do need to allow appropriate parties to clearly
1735 identify materials used because as you mentioned, just because someone's got
1736 a bucketful of something, you're not quite sure what's in there. So I think
1737 we need to be very careful to give folks an opportunity to identify what
1738 they've used and what they have not used.
1739 **PESSEMIER:** And that's a good point because something wrong happened there.
1740 Typically, people get things that are concentrated, and I don't know if
1741 somebody mixed it wrong or whatever, but that wasn't a normal situation.
1742 **SCOTT:** It wasn't intentional.
1743 **PESSEMIER:** No, not intentional, but somebody did something unusual.
1744 **SCHOENING:** And in that instance, I was more the point of yes, DEQ did need
1745 to find out what it was, but Target had already reacted here in Sherwood and
1746 did not have to tell anyone what they were possibly reacting to. That was my
1747 concern, you know, that when you were wrapping trees because you think there
1748 may have been. And I get that we don't want to be, "Hey, I may have done
1749 something," and everyone gets scared. At the same time, if a large
1750 corporation is spending money to react to something, I think they need to
1751 tell us what they're reacting to.
1752 **MEYER:** I see what you're saying.
1753 **SCOTT:** Yeah, the release or potential release has occurred.
1754 **SCHOENING:** Yes.
1755 **MEYER:** Okay. Heather, do you feel like you have enough direction or...
1756 **MARTIN:** I do. My one question would be - so I know that you all, you like
1757 some of provisions in the pesticide ordinance but maybe not so much the
1758 notice signage requirements.

1759 **SCHOENING:** Maybe we should look at the classifications for the notice. Does
1760 that sound like a good compromise? Like they have to put a notice if they're
1761 using a certain classification?

1762 **MEYER:** Perhaps a point of compromise, if we can have a compromise, perhaps
1763 once we can identify what a commercial property is within the City of
1764 Sherwood, we can hone in on what kind of a notice that commercial property
1765 will be required to provide. Typically, there's schedules; there's a
1766 quarterly or a monthly maintenance-type schedule that takes place on any
1767 property and so I feel like if we can - if, again, we can provide clear,
1768 reasonable parameters, I think that that might be a fair way of approaching
1769 this.

1770 **SCOTT:** Yeah, I would agree with that. I think maybe there's going to be one
1771 list of things that requires notification and another list of things that
1772 doesn't. And I'm not sure that everything we're trying to cover in both the
1773 pesticide/herbicide and the hazardous materials waste should necessarily
1774 require notification. I'm not sure what that differentiator looks like yet,
1775 but I'm thinking maybe there is one when we get further down the path.

1776 **SCHOENING:** Sure.

1777 **O'KEEFE:** I would agree, and there's probably different levels of hazardous
1778 materials that are a little bigger. We need to notify people.

1779 **PESSEMIER:** Well, there are a lot of resources out there. I know Beaverton
1780 has a whole sustainability department. The state has some people that have
1781 looked into this stuff. And so rather than Heather doing that, I think city
1782 staff might take that on because I think we have some better resources to
1783 maybe take a look at how could you classify things so when we bring that
1784 back, we can give you some potential options to think about how you might
1785 want to address those and if there is a way to get at it in the first place.
1786 But there are a lot of people that really know this stuff well, and I know
1787 some contacts that I can get in touch with. They can probably advise us on
1788 how we might be able to get to that point.

1789 **MEYER:** And perhaps another way of looking at this is as opposed to the city
1790 or others getting notices at various times of the month or various times of
1791 the year, I mean, perhaps an option, and I'm just throwing this out there,
1792 is that we could include a schedule that permits this kind of application for
1793 a variety of different things. And I think that many landscape companies
1794 follow schedules on when it's best to prune their trees. Perhaps the City of
1795 Sherwood can identify with other professionals when it might be best to apply
1796 these kinds of substances. And I don't know. I'm hoping that maybe you can
1797 find out.

1798 **SCOTT:** I was thinking we were talking more on the lines of a physical notice
1799 on site either prior, during, or after, or all three of a chemical use, a
1800 spray, and not some sort of reporting through the city and having the city
1801 disseminate the information.

1802 **MEYER:** Well, and I guess my reason for my comment was if the city has - if
1803 we have within our ordinance, let's just say for example: During the month
1804 of October, businesses within the City of Sherwood may be using this or
1805 during these first two weeks of the month - what have you. Again, I'm not
1806 trying to create parameters - if there's something's in the Gazette, for
1807 example.

1808 **SCOTT:** That just seems...

1809 **PESSEMIER:** Yeah, I think what you're trying to get at is best practices.

1810 **MEYER:** It's just best practices, yes.

1811 **PESSEMIER:** Yeah, what are the best practices in regards to doing this?
1812 That's hard to regulate in an ordinance, but it's something that can be done
1813 a lot of time through policy. So let's kind of see how this rolls out and
1814 figures because the problem is if you put it in an ordinance is that
1815 ordinance is there - it will be there 90 years from now maybe - maybe not

1816 that long, but 4 years from, and those best practices get out of date really
1817 fast. So we'll have to think about that.

1818 **SCHOENING:** I feel like we've beaten this to death a little bit, but I'm
1819 having an issue I think with - well, we've split the hairs so much that I'm
1820 confused about them. What are we trying to regulate exactly? The person who
1821 is applying it or the company that it's being applied at? For instance - do
1822 you get what I'm trying to say? So if a City of Sherwood landscaper sprays on
1823 a City of Sherwood commercial building, something, who's responsibility is
1824 that? And if a company from Hillsboro - who is responsible?

1825 **SCOTT:** The property owner.

1826 **MEYER:** Yeah, I think that the onus is on the property owner.

1827 **SCHOENING:** But as a property owner, how can I be liable for business
1828 practices of a contractor I've hired. This is the question I'm asking because
1829 that's a valid question.

1830 **BELOV:** You're a consumer.

1831 **MEYER:** And I think a quick response is so long as you know what the
1832 ordinance is and so long as you, in good faith, have provided your selected
1833 contractor's information, at that point, I would -

1834 **SCOTT:** You're operating in good faith.

1835 **MEYER:** Exactly.

1836 **BELOV:** And as the consumer, we shop around. We know if you're going to hire
1837 True Green or...

1838 **SCHOENING:** I hear what you're saying, but I don't know.

1839 **PESSEMIER:** The property owner is going to probably write up another contract
1840 with whoever is applying it, and they'll have to make sure; otherwise,
1841 they're going to be the one who suffers the consequences. So it would be
1842 incumbent on them, and they will, to make sure when they sign a contract that
1843 they have provisions in there that basically say, "You need to do x, y, z,
1844 and q so I don't get fined."

1845 **SCHOENING:** So property owner, not business owner, property owner. Because
1846 that's two - that's my point is that's two different things. I don't own my
1847 property, but I own my business, and I have a landscaper who is licensed in
1848 the City of Sherwood. So does he follow the rule? Do I follow the rule? Or
1849 does my landlord follow the rule?

1850 **MARTIN:** Well, typically what would happen is - so you're renting the
1851 property, and typically your commercial lease would cover that. And often
1852 times what you'll do in a commercial lease is you'll make your tenant
1853 responsible for anything they did that was in violation of state, federal, or
1854 local law. So if you do have something like that in your rental agreement,
1855 then presumably, the owner of the property would be responsible for that.

1856 **SCHOENING:** So it does it say that in the ordinance or does the ordinance say
1857 - Do you see what I'm trying to get at. I just am unclear about who is
1858 following this rule. Who are we targeting at this point?

1859 **PESSEMIER:** Who is responsible, and I guess (indecipherable). It would
1860 ultimately be the property owner

1861 **MARTIN:** It would be the owner because that's the easiest way to handle it.
1862 The owner by contract in their lease has a way to put that responsibility on
1863 another party. But ultimately - it's like the same thing - sort of the same
1864 problem you have like with utilities. You know, you have a tenant, they move
1865 in - it's what your code says about who is ultimately responsible, and if you
1866 have a provision that said that the owner, and the owner didn't put something
1867 in their lease that said, "You are responsible for -." It's the easiest way
1868 to do it in the code is to make the owner of the property responsible and
1869 then they can contractually obligate other people.

1870 **SCHOENING:** So the person who is applying the offensive chemical is never
1871 held responsible unless they're the owner?

1872 **SCOTT:** The contract with that company would need to specify that. So the
1873 owner of the property, in the case example, has an agreement with a tenent,
1874 and then the tenent, let's say, goes out an makes a contract with a chemical
1875 spray company. Ultimately, they're in that contract. They need to specify,
1876 "You're responsible for upholding all federal, state, and local (Sherwood)
1877 ordinances.
1878 **SCHOENING:** So at that point, if I have not posted my signs, and somebody
1879 says, "Rachel, you did not post your signs," and I say, "I shouldn't have to
1880 post signs. This contract says they will use only green materials." It's off
1881 of me and on them?
1882 **MEYER:** Yeah.
1883 **SCHOENING:** Okay.
1884 **SCOTT:** You operated in good faith, they agreed to do it, and if they're
1885 proven not to do it, then it's probably a legal court matter at that point,
1886 right?
1887 **SCHOENING:** Right. So who's responsibility is it to clean it up and react to
1888 it?
1889 **PESSEMIER:** The owners.
1890 **SCHOENING:** Okay. I'm sorry, but how do we get it cleaned up? I mean, we're
1891 figuring out who's personally responsible, and we're figuring out who's
1892 legally responsible, but who cleans it up?
1893 **MEYER:** Do you want to take this?
1894 **MARTIN:** In terms of that next step, it would be -the owner is still
1895 ultimately going to be responsible for -
1896 **SCHOENING:** So when we write the ordinance, the term will be property owner,
1897 not business owner.
1898 **MARTIN:** I mean, I think the easiest way to handle it would be the property
1899 owner.
1900 **SCHOENING:** Okay.
1901 **MARTIN:** Because otherwise, I just think it's too cumbersome try to carve out
1902 -
1903 **SCOTT:** So the City of Sherwood would enforce any violation on the property
1904 owner and the property owner can take action against either the either the
1905 tenet or the subcontractor if allowed by their contract.
1906 **MEYER:** If there was a violation. And that would be based on a contractual
1907 violation.
1908 **SCHOENING:** I totally get that part. I totally get that if I bought something
1909 in good faith or contracted in good faith, but that doesn't help me clean -
1910 that doesn't, as a citizen of Sherwood, help me get it cleaned up. So that's
1911 where I'm going with it.
1912 **PESSEMIER:** Well, if it go to that point then it would probably all under the
1913 Hazardous Materials issue, and that's when DEQ would step in just like they
1914 did at Target in Wilsonville and everything else because now, all of a
1915 sudden, you have a public health issue and everything else. My guess is in
1916 that type of situation, it's got a half life, and they're just going to wait
1917 until it goes away because, otherwise, you're going to have to cut all the
1918 trees down or whatever, and that's not practical.
1919 **SCHOENING:** Right. Put bags over them, right.
1920 **PESSEMIER:** So yeah, that would probably be handled under a different code
1921 section. The one thing that we might want to consider, too, is depending on
1922 how we put this together with penalties and stuff, especially if we do put it
1923 on the owner, having some sort of period of time to bring this in because
1924 people aren't going to go redo their contracts overnight with their landscape
1925 services. Those are probably one or two-year contracts. And so we'll have to
1926 make sure that...
1927 **O'KEEFE:** Like new contracts are better phased in over a period of time.

1928 **SCHOENING:** Yeah, I mean we contract with a few, not a ton, and we're tiny.
1929 So if we're doing it - yeah. Although we already do it green.
1930 **O'KEEFE:** Well, I think maybe we've given you guys enough to work on and then
1931 maybe report back to us next meeting.
1932 **SCHOENING:** Maybe we've given too much to work on.
1933 **MEYER:** Do you feel confident just with...
1934 **SCHOENING:** Mmhm.
1935 **MEYER:** Yeah? Okay. So the next item on the agenda is a general discussion
1936 for the committee on waste removal for businesses within Sherwood, and our
1937 intention of placing this on the agenda is multifaceted. And as I was doing
1938 some reading and reviewing of other towns within Oregon, it seems to me that
1939 a lot of the discussion of waste removal can oftentimes fall under nuisances,
1940 and because commercial property owners certainly do have, based on how their
1941 buildings are tenanted, a lot of waste, a lot of different kinds of waste - I
1942 feel like we have an opportunity, again, to encourage a best practice within
1943 the city. And some of the things that I've written, I've just jotted down,
1944 are things like styrofoam packing materials, bubble wrap, plastic bags,
1945 glass. In particular, recycling of light bulbs, those kind of things. And
1946 then, of course, the chemicals, but we've discussed that; medical waste, and
1947 there's already regulations about that, but Tom, can you talk a little bit
1948 about whether or not we do have anything currently that addresses this for
1949 commercial property owners.
1950 **PESSEMIER:** Well, we do have some things. It's up to the committee, but you
1951 actually have an expert here, Mike Leichner, who owns Pride Disposal. So if
1952 you really want good, intelligent information on this, you could always
1953 invite Mike up and ask him to address some of these issues.
1954 **MEYER:** We cordially invite you, Mike.
1955 **LEICHNER:** I'm open to any questions you may have.
1956 **BELOV:** I do have a question. I've heard that a lot of the modern day
1957 requirements...
1958 **SCOTT:** Do we need, for the record, to get him at the table with a mike?
1959 **MEYER:** Yeah. Thank you, Mike.
1960 **BELOV:** So my question is, a lot of the modern day products that we consume
1961 have a very short life, maybe six months in general. They're just cheaply
1962 made, and so they end up in the landfill much more quickly than they did like
1963 40 years ago when things were made with better materials and that sort of
1964 thing. So where does all of the - where does waste go to? Which landfill.
1965 **LEICHNER:** The solid waste from Sherwood goes to Riverbend Landfill,
1966 McMinnville.
1967 **BELOV:** Okay.
1968 **MEYER:** So based on some of the things that I brought up, Mike, can you talk
1969 a little bit about what options are available currently for commercial
1970 property owners and what you're witnessing?
1971 **LEICHNER:** Currently, styrofoam block, we are taking that at our depot for
1972 recycling. We're not taking the crumbled pieces or the small pieces just
1973 because of the handling issues of that.
1974 **SCHOENING:** So can we do a back and forth.
1975 **LEICHNER:** Sure.
1976 **SCHOENING:** So with I know a lot of commercial properties, there is
1977 containers that haulers will allow for comingling of waste. Is the styrofoam
1978 and the bubble wrap and those kinds of things - does City of Sherwood allow
1979 comingling of those kinds of products?
1980 **LEICHNER:** Those items are not currently collected in the comingling mainly
1981 because of the separation process. It would make it real difficult, and
1982 there's not much market for some of that material.
1983 **MEYER:** So how are those items stored for your pick up?
1984 **LEICHNER:** Which items?

1985 **SCOTT:** Styrofoam and bubble wrap.

1986 **LEICHNER:** We don't currently collect those. We could. There's be a fee for

1987 them, a special fee to send a special truck out, but most people come in to

1988 our depot on a regular basis with the styrofoam, film plastic. However, the

1989 film plastic and a lot of the plastics, because of the green fence, if you've

1990 done any reading on that, they really curtailed the recycling markets for the

1991 plastics at this point.

1992 **SCOTT:** So do they end up in landfills?

1993 **LEICHNER:** Well, currently, all of the material that's been collected that

1994 they can't move to China, you might see five or six types of recycled plastic

1995 in one bail that they would accept over there. They are not accepting it

1996 unless it's clean and separated by each individual so some of the processors

1997 that have got a large inventory of this are breaking those bails apart and

1998 trying to separate them back out to individual plastics, so they're doing the

1999 cost. And a big fear is you load up a container ship full of this material

2000 and send it halfway across the ocean, China says, "We don't want it," and

2001 they'll send it back.

2002 **BELOV:** So when did Pride stop accepting hard plastic?

2003 **LEICHNER:** Because of the green fence, there was just not a market for that.

2004 We're still working with a couple different processors to see if we can find

2005 a market that will take those, and if we can then we'll start collecting them

2006 again.

2007 **BELOV:** Okay. So was it China that is no longer accepting...

2008 **LEICHNER:** That is the main issue on the West Coast where most of the market

2009 for the plastics is.

2010 **SCOTT:** So since you don't have pick up currently for some of these

2011 materials, do you find that properties just put it in with the regular

2012 garbage?

2013 **LEICHNER:** There is some of that thrown away and then we'll separate it and

2014 bring it into the depot of the items we're taking. But when there's no market

2015 for it, the landfill is the final market.

2016 **SCHOENING:** When you say there's no market, you mean after you get it?

2017 **LEICHNER:** Correct. I mean, we're not a market. We're just a hands-on

2018 shipper.

2019 **SCHOENING:** I think we're more trying to address how the commercial companies

2020 get it to Pride, right? And what they get to Pride. I'm assuming that you

2021 will do the garbage service at this development?

2022 **LEICHNER:** Which - you mean the one that's...

2023 **SCHOENING:** Any new developments at this point that are...

2024 **LEICHNER:** Yes. Within the City of Sherwood, yes.

2025 **SCHOENING:** Yes. Okay. Sorry, I just wanted to make...

2026 **PESSEMIER:** So I guess what Mike - Let me see if I - I'm not sure I

2027 understand this, so let me ask a question: So is what you're saying is even

2028 if they were to separate the materials and you were to take it, eventually

2029 somewhere along the process change, it would get moved back into the solid

2030 waste disposal anyway.

2031 **LEICHNER:** Well, we wouldn't accept if there isn't a market for it. That's

2032 part of the reason why we quick taking some the plastics because there is no

2033 place to unload our trucks. We'll recycle anything we can, but when the

2034 truck's full, we have to be able to unload it for the next days, and that's

2035 the issue is there's not a place taking it at this time.

2036 **PESSEMIER:** So if someone was to separate it out - Styrofoam, let's say, and

2037 there was no market for it and you took it, then you would basically just put

2038 it in the landfill anyway?

2039 **LEICHNER:** That would be ultimately what we would have to do short of buying

2040 every warehouse space in the county and trying to fill it and hope it becomes

2041 available later on.

2042 **O'KEEFE:** Mike, can I ask you a question? What recommendations would you have
2043 for businesses if we were going to write ordinances on waste disposal and
2044 recycling, is there something specific that you would have in mind that you
2045 would like to see all Sherwood businesses recycle like mandatory recycling of
2046 batteries or light bulbs or...

2047 **LEICHNER:** Well, currently, light bulbs, we take those at our depot for
2048 recycling. Batteries - we're taking batteries at our depot for recycling.
2049 Some jurisdictions offer extra items like batteries at the curb side, but
2050 there's a cost to that, so I think there's a balance between what citizens
2051 are willing to pay versus what they want to recover, and that's more of a
2052 decision that Council would make based on what the citizens of this community
2053 would like.

2054 **PESSEMIER:** Yeah, I think they're specifically talking about commercial
2055 properties at this point.

2056 **LEICHNER:** Commercial businesses?

2057 **MEYER:** Yeah, commercial property.

2058 **LEICHNER:** It just depends on the what the business wants to do. If they want
2059 to set it aside and say, "I want a program," and we have enough program, we
2060 can establish a collection program for that. It would just be a matter of
2061 sitting down and seeing what the cost would be, have the city approve a rate
2062 schedule and/or rebate if it's got a value because all of the recycling
2063 revenue that we collect from sale of materials is part of the revenue that we
2064 use to offset some of the garbage costs. So you'll have garbage costs and
2065 revenue, and then they find a balance and - so as the material goes up in
2066 value or more volume, your rates show less of an impact of increases.

2067 **SCHOENING:** So the more we recycle, the less the garbage pick up costs?

2068 **LEICHNER:** Well, when you finally move - where you see a savings is maybe you
2069 have a 2-yard dumpster, and then you recycle enough you go to a 1-yard
2070 dumpster, so you see that reduction. However, since there's duplication of
2071 cost, you're never going to get to that free service because the material
2072 will never be worth that to cover the cost. Ultimately, if you can downsize
2073 or eliminate your garbage between what you purchase and how you purchase, and
2074 what you recover, that's where you see your savings.

2075 **BELOV:** I have a question: Would you offer an incentive or discount to a
2076 large retailer because of the volume of trash they'll be producing?

2077 **LEICHNER:** No, all the rates are set up in the jurisdiction, and most
2078 jurisdictions in the state say that if you have 2-yards of garbage, and your
2079 neighbor does, you pay the same rate. That's the - but commercial businesses
2080 also, if there is dry waste, which is mostly retail, not your grocery stores,
2081 those loads come into our facility, and we dump them, and we run them over a
2082 sort line, and we do pull out as much as we can based on the markets. Because
2083 obviously everything we pull out, we don't pay a dump fee for, so that's our
2084 incentive to pull it out.

2085 **SCOTT:** So, do you have any way, and I'm thinking - if we wanted to go
2086 somewhere like we talked about on the last topic of incentivizing business as
2087 the city or certifications of green practices, do you currently have a way to
2088 measure which businesses, or any location I supposed, but we're talking about
2089 businesses, you know, what their percentage of solid waste versus recycle is?
2090 Or would that be a burden that you guys don't currently undertake?

2091 **LEICHNER:** The best we could probably do is show the total tonnage that we
2092 pick up in the City of Sherwood for commercial businesses, and then show the
2093 commercial recycling tonnage, and that would give you a percentage by weight.

2094 **SCOTT:** But that's as a whole? Not individually?

2095 **LEICHNER:** Correct because there's no onboard scales that are accurate enough
2096 that would meet that criteria that would not slow us down immensely.

2097 **SCHOENING:** Well, and as I understand it, correct me if I'm wrong, but we
2098 have a limit on size, too, for some of the containers. Like, for instance,

2099 now that we compost, we don't need as large of a trash can, but can't get a
2100 smaller one.

2101 **LEICHNER:** I'm not sure what size - but you actually can. The smallest
2102 garbage commercial container, which we would normally be called a 1-yard
2103 container, 1 cubic yard, which is about 6+ cans, if you have less than that
2104 on a weekly basis, you can go to a roll cart, and that would cut you down to,
2105 say a 90-gallon cart, which would be half of a 1 yard or a 60 or a 30 that
2106 you see at most homes.

2107 **SCHOENING:** So there is no minimum for our business?

2108 **LEICHNER:** No.

2109 **BELOV:** I have a question: When we toured your facility, we saw the conveyer
2110 belt going up, so the people are sorting the trash and what not...

2111 **LEICHNER:** Correct.

2112 **BELOV:** There's a lot of cardboard, a lot of - and they were saying that most
2113 of that trash coming in was from retailers and commercial districts.

2114 **LEICHNER:** Yeah, we're allowed to sort our dry waste, which we call "dry" is
2115 basically has non-protrusible or no food waste in it or very little if any.

2116 **BELOV:** Right. So maybe if you have incentive like say for cardboard or a
2117 film plastic with businesses in town, that would relate to what you're
2118 talking about?

2119 **LEICHNER:** Well, we have - there's two ways to approach that. One of them
2120 that we use is if they have a lot of - if we have a customer that we know,
2121 the driver sees it in the container, or it's a large roll-off compactor and
2122 has a lot of recycle material in it, there's two ways we go back to the
2123 customer and say, "Because you have 50% recycling of that," we give them a
2124 reduced tipping fee because obviously there's less cost for us out our back
2125 door. The other incentive is we tell them, "If you put that in your comingle
2126 container, you won't pay for that volume in that container, and you would be
2127 able to reduce your garbage fee.

2128 **MEYER:** And on the flip side, if recycling is contaminated then there is an
2129 additional fee that would be imposed potentially to whomever is...

2130 **LEICHNER:** Correct. If they put it out for recycling, and the driver gets
2131 there and sees it's contaminated, we give them an option: Clean it up, and
2132 we'll come back. If they don't and it dumps in and it requires our driver to
2133 come in and dump the load, and we have to pick through it and separate it,
2134 there could be a charge for that time and materials, and that can get, as
2135 driver and truck hours, that's pretty expensive.

2136 **SCHOENING:** I mean when I was talking about waste, which is something that I
2137 hear people say a lot when we talk about these large developments, I guess I
2138 personally was not assuming that the company in charge of picking up that
2139 waste would be the one to incentivize.

2140 **BELOV:** They could though.

2141 **SCHOENING:** But why should it cost his company money for their company to do
2142 the right thing?

2143 **BELOV:** Right.

2144 **SCOTT:** Well, and I guess...

2145 **SCHOENING:** I don't understand why Pride should incentivize.

2146 **LEICHNER:** Well, those companies that have a lot of recycle material, they
2147 look at the bottom line and say, "Gee, if I pull it out and don't pay the
2148 garbage man, I'm saving that much money," and some do have internal bailers
2149 for cardboard or sheet and film and stuff, and they send it off themselves.

2150 **SCHOENING:** Right. What I'm trying to say is if we do a better job sorting
2151 our food waste and blah, blah, blah at Fat Milo's, it ends up costing me less
2152 money. So if I'm watching my bottom line, I should be doing that anyway, but
2153 if my bottom line is so huge that I don't need that extra \$65 a month, I'm
2154 not going to pay attention to it, and I don't feel like Pride should have to
2155 carry the expense or incentivize.

2156 **LEICHNER:** Well, in your case, if you pulled all the food waste out of your
2157 container, whatever is left over is dry waste, which might just be packaging
2158 or whatever that is not recyclable. The other option the city put in place
2159 last year was that container, you could double the size and go every other
2160 week which is the same, and that's another 6-8% reduction there. So we offer
2161 that because at that point, there's nothing to give off an odor or vector
2162 issue because there's no food waste in it.

2163 **PESSEMIER:** So, Mike, do you require or do you encourage businesses to have
2164 comingled and separate - how does that -

2165 **LEICHNER:** Yes. Between the news letter that we send out every month or
2166 every other month, and we also do a lot of promotions on that. At the Robin
2167 Hood Festival, we have a booth promoting our recycling program. We also have
2168 - the County does a lot of outreach with grants from Metro, and we've had a
2169 person in the field to try to touch base with the businesses at least twice a
2170 year. Unfortunately, she had a family issue, so she had to leave, and so
2171 we're still looking at replacing that person.

2172 **SCHOENING:** Yeah, I was going say - when I called, she came out.

2173 **LEICHNER:** That would have been Nancy.

2174 **SCHOENING:** It was Nancy, and she came out and explained to me exactly what
2175 my options were, how much they would be, how I could save money, go the two-
2176 week route, all of those things. I mean, so I felt as though Pride was doing
2177 everything...

2178 **LEICHNER:** I really hated to see her leave, but she...

2179 **SCHOENING:** I know. She was fantastic.

2180 **LEICHNER:** We're going to replace her at some point.

2181 **SCHOENING:** So I felt like Pride was doing everything they could to give me
2182 the information that I needed to do what was responsible, but it was still on
2183 me to do the responsible practice. So I guess where I feel like - I don't
2184 know what kind of an ordinance we could have but possibly related to the size
2185 of container and size of building.

2186 **MEYER:** Well, and I - I mean - I'm sorry. Go ahead.

2187 **SCOTT:** That's okay. You were going to talk to that point.

2188 **MEYER:** Yeah, I am. I think the intention is for the city of Sherwood to
2189 establish a coordinated program to responsibly encourage commercial property
2190 owners to dispose of materials in a...

2191 **O'KEEFE:** Green fashion.

2192 **MEYER:** In a responsible - you know, using the word, "green" can just be so
2193 challenging, but in as a responsible manner as folks are able. And I don't
2194 even want to say practical because it's not practical for a lot of folks.
2195 People don't consider recycling easy at times. People don't consider
2196 disposing of things as a fun - it's not fun. So it's difficult to do that.
2197 And as I think about my tenants and I think about the owners that are my
2198 clients, it's difficult for folks like Mike and the disposal companies, like
2199 you said, to incentivize these issues. But I think that this is another
2200 opportunity that the City of Sherwood can establish some coordinated programs
2201 on collection and accumulation of these products and perhaps streamline the
2202 kinds of things that large commercial businesses are bringing into our city.
2203 So perhaps there is an opportunity to limit the use of the bubble wrap or the
2204 limit the kinds of packing materials that are used as inventory as being
2205 brought into our city. Now I don't know if that is the case or not, but it
2206 could perhaps be something that - I'm hoping that's something that we could
2207 look at.

2208 **SCOTT:** I mean, that seems...

2209 **BELOV:** Some towns have done that where they ban plastic bags so then you
2210 don't have all the film plastic to deal with, and it doesn't get intermixed
2211 with the other garbage. It's kind of hard to pull out, I think. It tends to
2212 be soiled and...

2213 **SCOTT:** So I wanted to thank you for coming, and I wish I would have known.
2214 We maybe could have moved you to the front of the agenda instead of the end
2215 and had you speak earlier.

2216 **PESSEMIER:** He was here because he wanted to be here, and he just happened to
2217 at the right place at the right time.

2218 **SCOTT:** So the one question I'm curious about is - and this kind of goes back
2219 to something Tom mentioned earlier which I continue to think about now on
2220 every topic, is is there a problem or a potential problem that we're trying
2221 to solve or are we just doing things because we think maybe they're good
2222 things to do, and that isn't necessarily a bad thing. So I'm curious, Target
2223 specifically comes to mind. What's your experience with their garbage and
2224 waste handling and their practices? Is there a huge opportunity for them to
2225 do a better job? Are they doing a pretty good job?

2226 **MEYER:** Before you answer that, as opposed to maybe singling out Target,
2227 perhaps you can speak more to the collection of larger commercial users
2228 within the city without identifying those users.

2229 **LEICHNER:** Like I said earlier, we're in the interim of bringing somebody
2230 back on board to go back out and talk to businesses about recycling programs
2231 and efficient garbage collection. The retail businesses and almost all the
2232 commercial have some kind of comingle containers, so they are recycling. Some
2233 do a really good job and put everything that fits in there that they can put
2234 in there that's appropriate. Some do a decent job and say, "Well, I'm too
2235 busy to take that last box of cardboard out, and I'll just toss it in the
2236 closest container." Of those, when it goes in the garbage, when we run our
2237 commercial routes, we run two different routes, if you want to call it a dry
2238 and wet. Restaurants - not the ones that are separating food waste, that's a
2239 third truck that goes out. So you can see the layers of complexity, and that
2240 is four commercial. Then you have four different trucks in residential. But
2241 on the commercial side, we run - most of it is done at night because we're a
2242 24/7 business. That's part of the reason why I've been listening to some of
2243 this because of those issues. The night route picks up a lot of the
2244 industrial parks and office buildings that have little if no food, maybe a
2245 couple lunch sacks, but basically, it's office paper. We get a lot of that on
2246 our recycling program, but there's still some that goes in there. It's
2247 amazing. Those loads do go over our sort line. We run a commercial route
2248 besides our drop box trucks, and we run them over, and we pull out a lot of
2249 paper, cardboard, and we have requirements by Metro of how much we have to
2250 pull out. There is a percentage that we have to pull out, but the main thing
2251 is they come out and do sampling every so often, random sampling, of our
2252 loads coming off the end of the belt and make sure that the amount of wood,
2253 cardboard, and metal is of a size that's so small a person feels they can't
2254 pull it out. And they've got a little square box that they put it in there,
2255 and then they weigh it to see what our percentage that missed, and we're
2256 usually anywhere from 0-2% of mixed items going by of those items. We get 98%
2257 of the wood and metal and cardboard as well as glass. We do pull out glass
2258 and some plastics. What else are we pulling out? Motors, electric motors,
2259 aluminum, and it's all done by hand. So the crew does a really good job out
2260 there on that, and it can be a pretty tough job in the middle of December or
2261 in the middle of August.

2262 **PESSEMIER:** So, Mike, is it fair to say that they would pay less if they did
2263 it themselves? So essentially what some people are choosing to do is
2264 basically choosing to pay you to do it?

2265 **LEICHNER:** That's correct. If they choose to save the money and they separate
2266 it out, the system handles it. If they choose not to, then they pay the
2267 regular rate that somebody who is throwing sheer garbage away, and then we
2268 try to pull it out in order to save our disposal fee out the back.

2269 **SCHOENING:** At the same time, doesn't it cost me more money to compost? Don't
2270 I pay a little bit more now that I compost?
2271 **LEICHNER:** The way the rates were set up...
2272 **SCHOENING:** And that's not a blaming thing. I'm just saying I think I have to
2273 pay a little more for compost.
2274 **LEICHNER:** No. It is, for example, if you had a 3-yard container which is
2275 food and regular trash out of your back door, and you decided, "I can
2276 compost," and you take 1-yard of food waste and then 2-yards of dry, so you
2277 have two containers, that total monthly bill is just a little bit less than
2278 what your original bill was because Sherwood has a unique system they've had
2279 for years of a heavy rate and a light rate. The heavy rate being food waste
2280 generators that would have other stuff. And so they can go to light rate on
2281 both containers, and that's the process plus another 6% on the dry container
2282 if you just go every other week on it.
2283 **SCHOENING:** Right, and the overhead cost to a company to do...
2284 **LEICHNER:** Your internal cost is...
2285 **SCHOENING:** Is higher.
2286 **LEICHNER:** Yes, it is.
2287 **SCHOENING:** Because the compostable bags - it's higher.
2288 **LEICHNER:** And you have more labor because you have to have training and
2289 somebody watching.
2290 **SCHOENING:** Yes. We have more bins, and we frankly don't do a great job of
2291 it, and we're very small - we have one garbage can that collects food. So my
2292 point being, there's not necessarily - I feel like, an economic incentive for
2293 a company to do this.
2294 **LEICHNER:** It's what we call a low-hanging fruit that those are doing it
2295 because they want to do it, and it's the right thing. The next level, which
2296 is going to be the bulk of it, is going to take - it's going to cost as much
2297 - industry thinks that the next level of food waste recycling, commercial,
2298 is probably going cost the industry as much as the first 50% of recycling
2299 we've gotten out of the system now. Because in just the sheer cost and all
2300 the weights right there.
2301 **BELOV:** And you don't have much cardboard, so...
2302 **SCHOENING:** Oh, I have a lot of cardboard.
2303 **BELOV:** Oh, do you?
2304 **SCHOENING:** My recycling bin in the biggest bin we have. I mean, everything
2305 we comes in a cardboard box because it's recyclable. It's the greenest way.
2306 My point is I feel like a company is not going to do it on their own because
2307 they're going to save money.
2308 **MEYER:** And so that's where I'd like to maybe circle back to ask Tom and
2309 Heather to maybe explore opportunities that we might have to, and I'm looking
2310 and referring to Jackson County has a sanitation code that's got some great
2311 information in terms of collection and disposal and those kinds things. And
2312 I'm wondering what we can do that would require commercial property owners to
2313 follow or implement a more sustainable practice of disposal because that's
2314 what we want for the city.
2315 **PESSEMIER:** Well, I'd like to get feedback from the rest. I guess I have a
2316 couple of - one thing that I'd like to add to the conversation and that is a
2317 lot of this isn't under an ordinance because we only have one provider
2318 whereas a county might have multiple providers and reasons to do sanitation
2319 code. So we manage this under a franchise agreement with Pride which
2320 currently is under review. I believe we hired someone to come in for the
2321 first time in a long time to actually look through rates and practices and
2322 advise the city on things that we can change. So one option would be for us
2323 to take a look at some of the things that we've talked about here to do that
2324 because from what I heard, I'm not really sure that there's a major problem
2325 here that we can solve that isn't being solved in one way or another. Maybe

2326 it's not the most - maybe it's our commercial and other users aren't being as
2327 socially responsible as we would like them to be, but it's still getting
2328 handled and they're just choosing to pay for it in a different way. But
2329 that's kind of up for you guys to decide. I'm just kind of saying what I
2330 heard.

2331 **SCOTT:** Yeah. I'm actually - my question to the rest of the committee is what
2332 specifically do we feel like we're trying to accomplish here? Having heard
2333 this testimony and what's happening either by commercial users or at the
2334 facility afterwards and what the limitations are as far as measuring specific
2335 companies, I'm not really clear on what it is we're trying to or how we're
2336 trying to proceed on this specific topic.

2337 **BELOV:** I think what - I'm sorry. Do you want to go?

2338 **O'KEEFE:** All I would say is that while I agree with encouraging recycling
2339 and good practices, I don't feel that it is necessary to put in an ordinance
2340 to require it from people. I think any retailer coming in is - they have to
2341 recycle or they have to pay to get that stuff out. To have them throw away
2342 the amount of cardboard that a large retailer would be coming in or the
2343 amount of recyclable materials, that would cost them a lot, and I think
2344 bottom line, I would hope, it's just my opinion that yes, people are going to
2345 recycle to some extent. It's all our personal choice of how much and whether
2346 we want to compost everything and get by with a little, tiny garbage can or
2347 are we going to do this and get by with a little bit bigger garbage can. So I
2348 don't necessarily see, especially after talking to Mike here - he's been so
2349 gracious. Thank you very much - that there's a big problem that needs our
2350 committee to solve.

2351 **BELOV:** I think the problem that people are talking about in the petitions is
2352 that it's the product and that that will end up in the landfill, but I don't
2353 know how we could regulate that with an ordinance.

2354 **O'KEEFE:** The product? Being made-in-China products?

2355 **BELOV:** Yes. The cheaply made junk that ends up in the landfill.

2356 **O'KEEFE:** So you come up with an ordinance that all retailers have to sell
2357 stuff made in America?

2358 **BELOV:** Strong, good quality, made in Oregon.

2359 **O'KEEFE:** I think you'd have a difficult time.

2360 **SCOTT:** Yeah.

2361 **BELOV:** But maybe we can tie this into the green label. If a retailer is
2362 really great about sorting their waste, maybe they can get a green star.

2363 **SCOTT:** Well, that's what I was trying to get at about the measurement, and
2364 it doesn't sound like they have that. Unless went only by the size of the -
2365 they have this size of a cart for recycling and this size for garbage, and
2366 that meets our threshold for the green label. That might be the most
2367 practical way if we wanted to go that route.

2368 **BELOV:** And to promote it by saying, "You'll save money."

2369 **PESSEMIER:** Right. And we've done that on other residential - we have an
2370 incentive program, I believe, that's still in place. Is that gone now? We
2371 used to.

2372 **LEICHNER:** Yeah. Initially, what 15-20 years, I think, that the Council was
2373 unhappy with the participation at the residential level of recycling, so they
2374 said, "Okay, we're going to add \$1.00 to the bill, and they can get it back
2375 as a credit if they recycle." And it was pretty successful getting the
2376 percentage of participation up, so then they said, "Let's go to \$2.00," and
2377 then they went to \$4.00. And now it's a point where we - because the billing
2378 system, it really created issues for us, and we asked - and besides, now the
2379 peer pressure is so much that if they're not recycling, the neighbor's going
2380 to say, "Where's your recycling." So the incentive is already there. It
2381 doesn't need to be financial. And for the customers that have a lot of
2382 cardboard, several stores and chains will have their own bailer, and they'll

2383 ship it back in their own internal rigs back to the distribution point, and
2384 then they sell it from there. And there's several of the large stores that
2385 may be coming in or may not be coming in or whatever - I will have to say
2386 that they are one of the most aggressive food waste recyclers in the country.
2387 In the State of Oregon, every store is pretty much doing some kind of food
2388 composting, and they're pushing it really hard. And they said it may cost us
2389 more, but they're dedicated to that. It's just changing the culture one by
2390 one is what it takes.

2391 **BELOV:** I have a question about the life of the McMinnville landfill. Do you
2392 know how long - how many more years they have there and..

2393 **LEICHNER:** They're in the process of expanding that landfill and current site
2394 footprint. And I think they just received or are in the process of receiving
2395 a two-year extension while they go through this planning and application
2396 process. But as far as long-term, I don't have that..

2397 **BELOV:** Because I don't think landfills are getting filled everywhere, so I'm
2398 wondering if there's a site closer to Sherwood that you're considering using
2399 or are you going to burn it at a waste management facility?

2400 **LEICHNER:** The issue with the solid waste in the Metro area is until the end
2401 of 2019, they're obligated to send 90% of the general purpose landfill, which
2402 is protrusible waste, has to go to a waste management landfill. So they're
2403 either up in Arlington or McMinnville within the State of Oregon, basically.
2404 After that contract, who knows what Metro is going to do. There are two or
2405 three other landfills twice as far away as McMinnville. You've got Corvallis,
2406 the Dalles, but you have three regional landfills up in the Gorge within 50
2407 miles of each other, Arlington, Roosevelt, and Coffin Butte which are up at
2408 the Gorge.

2409 **BELOV:** And they burn? They create energy?

2410 **LEICHNER:** Each landfill is dealing with generating energy or collecting
2411 methane and putting it back in the grid. They're all experimenting with that.
2412 But those three landfills, between the three of them and the options of land
2413 of there because there's no rainfall, it really reduces any issues with the
2414 pollutants that go through that, have the potential to take all of the
2415 garbage in the Northwest for the next 200-300 years. So there's plenty of
2416 landfill capacity in the Northwest.

2417 **MEYER:** Quick question on a little bit of a different topic, still dealing
2418 with waste, do we have fencing-type requirements or enclosure-type
2419 requirements within the city in terms of maintaining beautifications
2420 standards and that sort of thing?

2421 **PESSEMIER:** We do. It depends on certainly new developments. We definitely
2422 have standards. I wouldn't say that they're all beautiful, but they certainly
2423 do screen the containers from sites, so that's definitely part of the code,
2424 and that's definitely been required as a part of developments that have come
2425 in recently or may come in in the near future.

2426 **SCOTT:** In the interest of time, I'd like - and I don't feel like there's a
2427 lot of consensus around proceeding in any particular direction. So I'd like
2428 to suggest that we not proceed at this time on any ordinance in this realm
2429 but reserve the right to approach it in a future meeting if we decide we want
2430 to.

2431 **O'KEEFE:** I would agree with that.

2432 **BELOV:** And I wanted to add one thing to the agenda in the future, just to
2433 propose that, and that is to talk about having standards for green or lead
2434 certified buildings on retail spaces over 65,000 square feet because I know
2435 there are some - like for the new proposed development that have been
2436 discussed and that they could readily be applied. It's just a matter the city
2437 saying, "This is what we want."

2438 **MEYER:** Okay. On that note, maybe we should talk a little bit about our
2439 agenda for Monday. On Wednesday when Chad was with us, we discussed talking

2440 about - Thank you, Michael - Mike? Michael. Okay. Thank you very much for
2441 your time. So we talked a little bit with Chad on Wednesday about, very
2442 specifically, the ordinances that were proposed at recent council meetings,
2443 and Doug, you mentioned that you went through those topics. Could you give a
2444 brief synopsis of what you remember in terms of the wage issue?
2445 **SCOTT:** Well, we talked about discussing that at Monday's meeting, and Beth
2446 specifically wanted to pursue looking at the Large Retailer Accountability
2447 Act in Washington, D.C. I also know that Santa Fe, New Mexico passed a wage
2448 ordinance several years ago that is in effect, and San Francisco, California
2449 has a higher minimum wage across the board, no exceptions. Those are the only
2450 three municipalities that I've been able to find that have any living wage or
2451 minimum wage law that applies to private employers. The other 120-150 all
2452 apply to either government employers, companies that contract directly with
2453 the local government, or companies that receive direct tax incentives from
2454 the local government. In my research, I came across Oregon Revised Statute
2455 653.017 which would seem to clearly preclude us from pursuing any wage
2456 standards outside of those three exceptions I just listed, and we asked Chad
2457 to follow up on that particularly.
2458 **MARTIN:** Yes, and you're basically preempted by state law from enacting a
2459 higher minimum wage than what's been set by the state. So in just doing some
2460 very preliminary research that - especially like if you had it worded the way
2461 the Washington, D.C. language is worded. It's basically - it's raising the
2462 minimum wage in D.C., too. It didn't really have any other provisions. They
2463 called it the Large Retailer Accountability Act, but..
2464 **SCOTT:** That was the only issue involved in it.
2465 **MARTIN:** ...which led you to believe that there might be more, you know,
2466 different other types of provisions that they were enacting to make them more
2467 responsible, but really the main thrust of it was a living wage, like a
2468 higher wage rate, and it was specifically targeted at Wal-Mart because
2469 there's a number of Wal-Marts that are set to open in D.C.
2470 **O'KEEFE:** So we would not be able to do anything like that?
2471 **MARTIN:** Not in Oregon. All of the local governments are precluded from doing
2472 that. It was enacted in early - I think it was 2002 was when it went
2473 into effect. But it was - a lot of the big retailers were behind the state
2474 law.
2475 **SCOTT:** So the only area around the wage, a minimum wage floor, that we could
2476 target would be companies that do direct business with the city?
2477 **MARTIN:** Yes. You could look at - there are exclusions to that in terms of it
2478 applying to large retailers. You wouldn't be able to do that. You can set it
2479 for public contracts and..
2480 **SCOTT:** And there's a lot of cities in Oregon that have done that, or not a
2481 lot, but there is a handful of cities that have done that but it would have -
2482 just off the top of your head, Tom, who would something like that apply to
2483 potentially? Obviously capital contractors or capital improvement contractors
2484 would be. Other than that, potentially what it town would something like that
2485 apply to?
2486 **PESSEMIER:** Well, the typical type of contracts we have, and I'm not sure I'm
2487 answering your question, I told you my ability to respond goes down after
2488 9:30, but typical type of contracts are certainly contracts, public
2489 contracts, for construction-type projects. We also have personal services
2490 contracts with all sorts of different vendors for janitorial services, which
2491 we actually have to use the State's list in order to enter into those
2492 contracts. That's another thing that the State required local jurisdictions
2493 to pick off their list, so we can't just hire anybody. But we hire attorneys;
2494 we hire all sorts of different things. I don't think we'd hire a large, big
2495 box retailer, but I know our Public Works - they got to Home Depot fairly
2496 often because they need parts to fix and maintain and do things.

2497 **SCOTT:** But that's probably not in a direct contract. It's probably in a buy
2498 and reimburse kind of scenario?
2499 **PESSEMIER:** I think the only - I don't even think we have a contract with
2500 landscapers, yeah.
2501 **SCOTT:** Sure.
2502 **PESSEMIER:** I think we do a lot of work with Staples, but I don't think we
2503 have a contract with them. I think we still just...
2504 **MEYER:** Just an account.
2505 **PESSEMIER:** An account. Yeah.
2506 **SCOTT:** So given those limitations, is the living wage ordinance something
2507 that the committee still feels like we should pursue knowing that it could
2508 only apply to very limited government contract situations, or does that
2509 interest now no longer exist?
2510 **O'KEEFE:** I think my interest has waned, and it doesn't seem like something
2511 that we could put into effect.
2512 **SCOTT:** I mean, it's not going to affect Wal-Mart is it? The bottom line - I
2513 think...
2514 **O'KEEFE:** No. Or any retailer. And that was my big thing coming into this
2515 committee is that this is a little bit bigger than Wal-Mart and affects all
2516 retailers present and the ones that may come into town. So if we can't do
2517 anything like that, I don't see why there's any need, in my opinion, to
2518 pursue something like that. You guys' thoughts?
2519 **MEYER:** Well, were there any exemptions that we would have the opportunity to
2520 pursue?
2521 **MARTIN:** If it's a public contract I believe for public employees. You know,
2522 you could do it for - the city would have to pay it, and I think there was a
2523 third one, and I can't remember it off the top of my head, but...
2524 **SCOTT:** The third one was if there was a direct tax incentive or abatement,
2525 you could put that in the contract. The tax incentive or abatement would
2526 require a higher wage.
2527 **MEYER:** A tax incentive or abatement by...?
2528 **SCHOENING:** The city.
2529 **SCOTT:** By the city, and it has to be a direct - the word, "direct" was in
2530 there.
2531 **SCHOENING:** And I'm assuming we don't have any tax abatement going on in the
2532 situation.
2533 **PESSEMIER:** We do not.
2534 **SCHOENING:** Thank you.
2535 **BELOV:** The living wage is not just the salary or the dollar-per-hour amount,
2536 it's the hours, a dependable schedule so someone who is working part time can
2537 work another second job. So I think that we should still discuss to see if
2538 there's anything we can do.
2539 **SCOTT:** Right. I totally agree with that. That was the question I was asking
2540 the other night was is do you have a living wage, which is specifically about
2541 wage, but then you have this whole other package of, and to me those are
2542 separate things - together but separate, a whole other package of hours,
2543 worker's rights, all the things that we're talking about. And those are still
2544 on the table, and maybe that should be our agenda for Monday.
2545 **MEYER:** So if I might make a suggestion that we table this discussion, given
2546 the hour, and we, Rachel and I, can work to list this as broadly as we're
2547 able to for Monday's agenda. That way, when additional committee members are
2548 here, they have an opportunity to chime in on the discussion. Is everyone
2549 okay with tabling the discussion until next week?
2550 **O'KEEFE:** Absolutely. Monday.
2551 **SCHOENING:** I just want to be clear. Are we not dealing with trying to raise
2552 the minimum wage?
2553 **BELOV:** Well, Beth Cooke isn't here, and she really wanted to be in.

2554 **SCHOENING:** But five of us are here. I guess I feel like I need to understand
2555 if we're letting that go because it's been made clear by the attorney that
2556 we...

2557 **O'KEEFE:** I don't think we can (indecipherable).

2558 **SCOTT:** It's not going to affect retailers in town, so do we want to pursue
2559 affecting public contracts or do we consider that to be an issue we don't
2560 particularly want to address at this time?

2561 **MEYER:** Well, again, I feel like we can table the discussion of the
2562 parameters upon which we want to look at until Monday if that's okay with
2563 everyone? And that way we can...

2564 **O'KEEFE:** Reserve the right to bring that back in if we (indecipherable).

2565 **MEYER:** If in between now and Monday, the City Attorney's office has found
2566 some kind of an option or opportunity, fantastic. And if it becomes an issue
2567 that we're unable to explore, well that will be then clear.

2568 **SCOTT:** So I'd like to ask that for the Monday agenda, and I think we've
2569 agreed we're going to cover the other worker's rights issues, I hope that's
2570 what we're talking about, I'd like to ask that we try to break those up into
2571 separate topics as much as possible because all together, it becomes pretty
2572 large, and we end up doing a lot of bouncing around but never really
2573 progressing on any one item. So that would be my request is that we say,
2574 "Here's the five areas of worker's rights that we're concerned about that we
2575 want to write a specific piece of legislation about, and then let's talk
2576 through them one by one instead of lumping them all together where it becomes
2577 harder to really make progress.

2578 **O'KEEFE:** I would agree. And I think kind of in our minds, we each know what
2579 those four or five issues are, and just we'll come in and start on Monday,
2580 and we'll be able to concentrate on this all together.

2581 **SCHOENING:** I just also ask that we not only come up with an idea of that,
2582 but we need to have a threshold to which these - what businesses these are
2583 going to apply for, and we need to have that sooner rather than later.

2584 **SCOTT:** Well, I think there's two ways to approach that. We either discuss -
2585 and to me, the threshold should be the same for all five of them or however
2586 many there are. So I think we either establish a threshold up front and then
2587 start talking specifics or we talk specifics up front and then figure out
2588 what the threshold is. And I'm open to either one, but I think that...

2589 **SCHOENING:** That's my point because it starts to affect different businesses
2590 in different ways in very minute detail, and I'm not interested in trying to
2591 explore...

2592 **MEYER:** Well, if I recall correctly, the letters that were signed were
2593 somewhere between 50-75,000 square feet of businesses. Is that correct?

2594 **SCOTT:** Well, I think there's a lot of ways we could go. I think rather than
2595 getting into specifics now, I think we should agree let's talk about what the
2596 threshold is first. Do we all want to do that first?

2597 **MEYER:** Yeah. I think that's reasonable.

2598 **SCOTT:** And then once we establish the thresholds.

2599 **SCHOENING:** And we need to make the decision about whether we're going to
2600 address living wage. I'm sorry. I know I keep bringing that up, but if it's
2601 off then it needs to be off and not keep coming up every meeting.

2602 **BELOV:** I don't want to discuss that yet. I don't want to decide tonight.

2603 **SCHOENING:** I'm not saying that. What I'm saying is we need to decide soon.

2604 **O'KEEFE:** On Monday.

2605 **SCHOENING:** Because it comes up at every meeting, and at every meeting we
2606 decide we can't do anything about it.

2607 **SCOTT:** Right. And nobody was here to hear the attorney - so I'd like to say
2608 unless there's new information that comes to light, that maybe we lead the
2609 meeting and say, "We've been told we can't produce a wage ordinance that's
2610 going to affect private employers. We're reserving the right to come back to

2611 that later, but that's not on our agenda tonight. We're going to talk about
2612 other worker's right such as these, and we're going to talk about
2613 thresholds."

2614 **BELOV:** And Heather, could you give us the specifics? Like what state law
2615 exactly is making it impossible, so we know because people will be asking.

2616 **SCOTT:** I've been posting it, and I read it verbatim the other night. I can
2617 give you a copy of it right here as well, and she can as well.

2618 **MEYER:** So for Monday's agenda, we're going to do, and I'll draft this up for
2619 you, Sylvia, but we'll do a review of some language that you're able to draft
2620 - well, actually, are you going to be able to do that for Monday? Yeah,
2621 probably not.
2622 So, okay...

2623 **PESSEMIER:** So, can I say something here because I think it might be
2624 beneficial for you guys to be thinking about as we move forward. I've kind of
2625 been looking at resources in general for this committee and the time frame
2626 that you have, and I was kind of waiting for tonight to see how tonight went
2627 to see how much you guys got through, and it went pretty much as I expected.
2628 I think at best you guys will be able to maybe produce five ordinances, but
2629 probably only four. Given the amount of time that it takes to prepare these
2630 things, to bring them back for you guys to review, and to talk about them, to
2631 take it back and review, there's kind of this natural process of how these
2632 things get put together, and we do this all the time with land use and
2633 everything. And really, the best you can do is have three touches on each
2634 thing. So you did two tonight. You covered two ordinances, but that's going
2635 to have to come back to you two more times before it's going to be acceptable
2636 to present to the Council on a recommendation, and you're going to have
2637 probably, not quite as much, but you'll still have a lot of conversation
2638 about the specifics as you start to see language and then polishing the
2639 languages and everything else. So you guys have done a good job by focusing
2640 your attention on certain things, but I want to continue to encourage you to
2641 do that because if you start to get more than five ordinances, my fear is
2642 that you will not be successful in being able to accomplish what you want to
2643 accomplish and that's to get the Council good recommendations on these
2644 things. So you might just want to keep that in mind as you move forward. I've
2645 been trying to kind of look at what resources you've said you want to do and
2646 kind of how long it takes to put these things together, and I think you
2647 should be targeting four, maybe five. And you already have two that you've
2648 gone over tonight. So you might want to think about how you're going to
2649 allocate your time and resources to make sure that you get that done.

2650 **MEYER:** Okay. I think that's a great recommendation, and thank you. So we
2651 will work on drafting a clear agenda for Monday as best we can, and I will
2652 get you the information by tomorrow. And we talked little bit on Wednesday
2653 about discussing 24-hour operations within the city of businesses, and I
2654 apologize. It's getting quite late. I think we talked a little bit about
2655 whether or not we want to see additional large retailers come into the city
2656 and what that threshold might look like. And so perhaps that's a conversation
2657 that we can push to later into next week.

2658 **SCOTT:** Isn't that the purview of the Planning Commission and the zoning code
2659 establishing limits on large retailer size. Is that even something we can
2660 cover?

2661 **PESSEMIER:** Well, if you were going to - and I'm still thinking about Naomi's
2662 lead thing, whether that falls under chapter 16 or not, I'm not sure. But
2663 certainly, yeah, if you were going to say we want to limit business sizes to
2664 X number of square feet, that would fall under chapter 16 of the planning
2665 code. And it certainly wouldn't be inappropriate for you guys to think about
2666 that and have a conversation. It may not be something you guys can accomplish

2667 here, but if it's something that important to you, you can certainly say
2668 (indecipherable).
2669 **SCOTT:** Maybe we could draft something and forward it to the Council for
2670 consideration.
2671 **PESSEMIER:** Yeah. That's just kind of our thoughts on that. I forgot what I
2672 was going to say. I guess just my recollection was, at least what I had
2673 written down was we were going try to cover the living wage stuff on Monday
2674 and then on Thursday, we're going to take a look at the 24-hour stuff. Maybe
2675 on Thursday there would be time to do the threshold conversation as well
2676 since you're only tackling one thing on day. I guess I have a question for
2677 Heather. Heather, do you think you guys can have some language put together
2678 for the two ordinances that we talked about tonight for the following Monday,
2679 or is that too quick.
2680 **MARTIN:** We could try. I definitely think we could have at least one of them
2681 ready, and I say that in assuming nothing happens. Not too many emergencies.
2682 So that means I think definitely we can get one. If we stick with Eugene, it
2683 should be easy because it's pretty much will be wholesale to what Eugene has.
2684 It'll just be some changes. We can definitely get one; we'll aim for two.
2685 **PESSEMIER:** Okay. Well let's make sure we keep checking in with you guys as
2686 these meetings go along because it might get to a point where we just need to
2687 cancel a meeting because if you don't have text coming back to you to review,
2688 and we can only do a certain number of ordinances, then we'll have to look at
2689 workloads and resources, and we're really stretched here. I know Staff is
2690 really stretched because of all the other things we have going on, and I know
2691 that Beery, Elsner is really stretched, too, to try to meet this stuff. So
2692 let's keep an eye on that as we go forward if that's okay with you.
2693 **MEYER:** And so with that in mind, perhaps rescheduling of a meeting here or
2694 there might be necessary so that we can review these as they are produced,
2695 yes?
2696 **PESSEMIER:** Yes. And obviously, it would be nice to get them to you a day or
2697 two in advance, especially if you're talking about reviewing text. Probably
2698 at least two days in advance would be good.
2699 **MEYER:** That would be great.
2700 **PESSEMIER:** Because you guys want to come in prepared to talk about what you
2701 read, what your ideas are, what you think is good, what you think is bad, and
2702 you can't do that when you're just sitting in front of here. So we'll have to
2703 take a look at that as well and make sure - I'm coordinating with Beery,
2704 Elsner, so I'll try to make sure that I communicate that with you, and we can
2705 go from there.
2706 **MEYER:** Okay. Are there any closing comments?
2707 **SCOTT:** I never miss an opportunity to talk. Just briefly, I wanted to
2708 review my findings in looking through the petitions. And thank you for that
2709 recommendation by the way. It was valuable. I tallied them into it looks like
2710 about seven or eight different categories. By far and away, the number one
2711 category that people expressed concerns about was traffic. I'm not sure what
2712 we are going to be able to do, unfortunately, on this committee in relation
2713 to traffic, but I just want to point that out. The second and third items
2714 were about same. I classified one of them under General Community Values. It
2715 was generalized statements, and I think those are important things, but it
2716 was hard to figure out specifically what action they would want to take based
2717 on that. And the other one that was tied with that was just kind of general
2718 angst about Wal-Mart. So those were the second and third. The fourth and
2719 fifth items were also tied, and it was fair wages and employee rights. Kind
2720 of two separate but related things, and I think we're going to talk about
2721 that on Monday, so I think that good that we're covering items that people
2722 care about. Then the next one was crime. Then there was a couple about hours
2723 of operation and parking.

2724 MEYER: All right. Well, with all of that said, thank you everyone. Meeting
2725 adjourned (9:50pm)

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2738
2739 Meerta Meyer, Chair

2740 8-2-13
2741
2742 Date

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2744 Documents presented at the meeting:
2745 Exhibit A: DEQ Fact Sheet, Model Ordinance Protecting Groundwater Sources of Drinking Water
2746 Exhibit B: Boulder Colorado Code, Chapter 6-10, Pesticide Use
2747 Exhibit C: City of Eugene Code, Hazard Substance Discharge and Removal
2748 Exhibit D: City of Hillsboro Code, 6.12.040 Recreational Vehicles and Trailers
2749 Exhibit E: City of Van Horn Texas Code, Chapter 12.12 Overnight Parking and Camping Regulations
2750 Exhibit F: City of Gilroy California Code, 15.8 Human habitation of motor vehicles prohibited
2751 Exhibit G: City of Flag Staff Arizona Code Trailers, RV's and Boats