



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, January 3, 2012**

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

**6:00pm City Council Work Session**

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



**AGENDA**

**SHERWOOD CITY COUNCIL  
January 3, 2012**

**6:00pm City Council Work Session**

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

**Sherwood City Hall  
22560 Pine Street  
Sherwood, OR 97140**

**CITY COUNCIL WORK SESSION 6:00 PM**

**REGULAR CITY COUNCIL MEETING**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. CONSENT:**
  - A. Approval of December 6, 2011 City Council Minutes**
  - B. Approval of December 12, 2011 City Council Minutes**
  - C. Approval of December 20, 2011 City Council Minutes**
- 5. PRESENTATIONS**
  - A. Proclamation Declaring January as School Board Month**
- 6. CITIZEN COMMENTS**
- 7. NEW BUSINESS**
  - A. Election of New Council President**
  - B. Resolution 2012-001 of the City of Sherwood providing for a suspension of late fees for Business License renewals for the period of January and February of 2012**  
(Craig Gibbons, Finance Director)
  - C. Resolution 2012-002 Authorize City Manager Pro Tem to enter into a construction contract for 2.0 MG reservoir improvements and seismic upgrade**  
(Craig Sheldon, Public Works Director)
- 8. PUBLIC HEARING**
  - A. Ordinance 2012-001 Amending multiple sections of the Zoning and Community Development Code including Divisions IV and V** (Zoe Monahan, Assistant Planner)

## 9. CITY MANAGER REPORT

## 10. COUNCIL ANNOUNCEMENTS

## 11. ADJOURN

### **How to Find Out What's on the Council Schedule:**

City Council meeting materials and agenda are posted to the City web page at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov), by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library.

### **To Schedule a Presentation before Council:**

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: [murphys@sherwoodoregon.gov](mailto:murphys@sherwoodoregon.gov)



**SHERWOOD CITY COUNCIL MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**December 6, 2011**

**CITY COUNCIL WORK SESSION**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 5:37 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Linda Henderson and Bill Butterfield. Councilor Robyn Folsom arrived at 5:49 pm. Councilor Krisanna Clark arrived at 5:51 pm. Councilor Matt Langer was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Pro Tem Tom Pessemier, Police Chief Jeff Groth, Police Captain Mark Daniel, Finance Director Craig Gibbons, Economic Development Manager Tom Nelson, Community Services Director Kristen Switzer, Public Works Director Craig Sheldon, Planning Manager Julia Hajduk, Assistant Planner Zoe Monahan, Administrative Assistant Kirsten Allen, City Recorder Sylvia Murphy and City Attorney Paul Elsner.
4. **OTHERS PRESENT:** Angie Ford and Lee Weislogel with Businesses Of Old Town (BOOTS), Jeff Sacket from Capstone Partners, Ray Pitz with the Sherwood Gazette and Sally Ho with the Oregonian.
5. **TOPICS DISCUSSED:**
  - A. **Oregon Main Street Program.** Lee Weislogel and Angie Ford presented a power point presentation and explained the program and offered program documentation for Council reference (see record, Exhibit A). Lee provided information on the history of the program establishment and Angie recapped the presentation. Discussion followed regarding funding, program benefits and the City's potential future responsibilities of financial support.
  - B. **Parks Bond:** Mayor Mays and Councilor Butterfield briefly explained the potential for a future Parks Bond. Discussion occurred regarding the purpose of the bond to provide for YMCA expansion, park improvements, new parks, ball field improvements and new ball fields and possibly land acquisition. Discussion occurred regarding the timing of the potential bond to be at the May 2012 election and conducting a community survey.
  - C. **Temporary Uses:** Zoe Monahan presented a power point presentation (see record, Exhibit B) and provided copies of Resolution 2002-021 for Council reference (see record, Exhibit C). Discussion occurred regarding temporary uses, food trucks, outdoor sales, permitting and event permits. Staff informed the Council proposed legislation and proposed

code amendments would be scheduled for Council consideration and a public hearing in January.

**D. Emergency Management Update:** Police Captain Mark Daniel presented a power point presentation (see record, Exhibit D) and informed the Council the City's Emergency Management Plan has been updated and explained the updates.

**6. ADJOURN:** Mayor Mays adjourned the work session at 7:07 pm and convened to the regular Council session.

### **REGULAR CITY COUNCIL MEETING**

**1. CALL TO ORDER:** Mayor Mays called the meeting to order at 7:13 pm.

**2. PLEDGE OF ALLEGIANCE:**

**3. ROLL CALL:**

**4. COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Linda Henderson, Bill Butterfield, Krisanna Clark and Robyn Folsom. Councilor Matt Langer was absent.

**5. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Pro Tem Tom Pessemier, Police Chief Jeff Groth, Finance Director Craig Gibons, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Economic Development Manager Tom Nelson, Planning Manager Julia Hajduk, Police Captains Mark Daniel and Jim Reed, Police Officer/SRO Adam Keese, Administrative Assistant Kirsten Allen, City Recorder Sylvia Murphy and City Attorney Paul Elsner.

Mayor Mays addressed the Consent Agenda and stated a councilor asked to move Item D to New Business, with no objections received on the amendment the following motion was received.

### **6. CONSENT AGENDA**

**A.** Approval of November 1, 2011 City Council Minutes

**B.** Approval of November 16, 2011 City Council Minutes

**C.** Resolution 2011-091 Canvassing Election results of the November 8, 2011 Washington County Election, proclaiming results and directing the City Recorder to enter the election results into the record

**D. Resolution 2011-092 Repealing Resolution 2009-022, a Resolution adopting a City Council policy for awarding grants to Non-profit Organizations - MOVED TO NEW BUSINESS**

**E.** Resolution 2011-093 of the City of Sherwood approving hiring decisions of the Pro Temp City Manager consistent with Section 33 of the Sherwood Charter

**F.** Resolution 2011-094 Authorizing the City Manager Pro Tem to amend the FY11 Audit Arrangement Letter with the Certified Public Accounting firm of TKW for additional services

**MOTION: FROM COUNCIL PRESIDENT GRANT TO ADOPT THE CONSENT AGENDA AS AMENDED, SECONDED BY COUNCILOR BUTTERFIELD, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCILOR LANGER WAS ABSENT).**

Mayor Mays addressed the next agenda item.

## **7. PRESENTATIONS**

### **A. Eagle Scout Recognitions**

Mayor Mays recognized Derek La Fave and asked Derek to provide a brief explanation of his project that awarded him the Eagle Scout Award. Derek stated his project was carried out in Woodhaven A, a neighborhood behind Sherwood high school. The project consisted of Derek and 13 other scouts installing 200 plus plaques above every storm drain in the area and passing out approximately 600 flyers to residents in the area with information regarding watershed protection. Derek explained the plaques indicate “No Dumping” and language regarding protecting watersheds. Derek stated the project was completed in one day with the assistance of the other scouts. Mayor Mays recognized Derek for achieving the Eagle Award at age 16 and presented him with a Certificate of Achievement.

Council asked regarding the support provided by the other scouts and how Derek selected the project. Derek explained the support was provided by younger scouts earning service hours and the project consisted of him contacting the City and working with staff members Rich Sattler and Denise Berkshire and said with their assistance the plaques were donated.

Mayor Mays recognized Jordan Bowers for his Eagle Scout Award and read a description write up of the project provided by Jordan who was away at school and could not attend the meeting. Jordan’s project consisted of working with Portland Police Transit and building replacement benches for their employee locker rooms and a display case for displaying letters of recognition received by the officers. Jordan received assistance from other scouts and had an opportunity to learn a skill he did not know and be able to teach that skill to the other scouts. Jordan indicated his favorite part of the project was delivering the items built and seeing the expressions of the Transit staff that were amazed and appreciative of the benches and display case. Jamie Bowers, Jordan’s mother accepted the Certificate of Achievement in Jordan’s absence.

Mayor Mays recognized Jeffrey Williams for his Eagle Scout Award, Jeffrey was not in attendance to accept his Certificate of Achievement.

Mayor Mays addressed the next agenda item.

### **B. Proclamation Declaring Human Rights Week**

Mayor Mays read the proclamation and invited Lauri Stewart from the Washington County Human Rights Office to come forward and accept the proclamation. Ms. Stewart came forward and thanked the Council and the City for the proclamation and provided comments regarding the importance of recognizing and supporting human rights.

### **C. Red Flex Photo Radar System Information and Update**

Police Chief Jeff Groth presented a power point presentation (see record, Exhibit E) and briefed the Council on the program data for the first 12 months of the program, November 1,

2010 to October 31, 2011. Chief Groth informed Council of the City's partners in the program being ODOT and the Washington County District Attorney's office and explained the partnerships. Chief Groth informed Council that staff continues to work with ODOT and they will be installing a protected right turn arrow at the intersection of Hwy 99 northbound turning east onto Tualatin-Sherwood Road. Chief Groth stated ODOT is concerned with traffic safety and supports the City.

Mayor Mays stated ODOT controls these intersections and asked if they will be looking at the timing of the green light signals. Chief Groth replied staff brought this issue to ODOT's attention the last time staff met with them and also spoke with them regarding developing more signage. Discussion followed regarding the data presented and Chief Groth stated more than 90 percent of the citations are from non-Sherwood residents.

Mayor Mays thanked Chief Groth and addressed the next agenda item.

## **8. CITIZEN COMMENTS**

Neil Shannon 23997 SW Red Fern Drive, Sherwood came forward and commented regarding Council procedures for receiving citizen input. Mr. Shannon stated he was concerned with not being able to comment on business items on the agenda and said Council doesn't accept citizen comments on resolutions listed on the agenda. Mr. Shannon stated the Council has discussed the sidewalk issues in work sessions and citizens are not allowed to provide comments in work sessions. Mr. Shannon stated he could attempt to speak to council members outside of a public meeting but if issues are taken to a public hearing level then we have to deal with ex parte contacts. Mr. Shannon suggested the Council take a look at their rules and consider opening this up to allow for citizen comments and said he understands this could prolong council meetings but feels rules could be established to allow for some comments and believes citizen input is a good thing.

Mayor Mays thanked Mr. Shannon and stated citizen comments can be received on items listed on the agenda at the request of a Council member and said Council can discuss this topic at a future Council work session when they address Council rules.

With no other citizen comments received, Mayor Mays addressed the next agenda item.

## **9. NEW BUSINESS**

### **A. Resolution 2011-095 Authorizing the Mayor sign a contract for City Manager search and recruitment services with Waldron & Company**

City Attorney Paul Elsner with Beery Elsner Hammond recapped the staff report and offered to answer Council questions.

Councilor Henderson asked regarding the language in Section 1 of the resolution, "substantially akin". Mr. Elsner explained in the event the Council opted to alter the contract or discovered an error after it was approved, this language would allow flexibility for insubstantial changes that do not affect the substance of the agreement.

With no other Council comments, Mayor Mays asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT GRANT TO ADOPT RESOLUTION 2011-095, SECONDED BY COUNCILOR FOLSOM, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCILOR LANGER WAS ABSENT).**

Mayor Mays addressed the next agenda item.

**B. Resolution 2011-096 Resolution 2011-096 Authorizing the City Manager Pro Tem to sign an Operating Agreement between the City of Sherwood and Loaves & Fishes**

Community Services Director Kristen Switzer explained the resolution and the changes in the agreement and explained the most significant changes to the agreement were the City will be adding janitorial services and paying for the utilities. Kristen informed the Council the City has been doing this since July 1<sup>st</sup> and is now putting the language in the agreement. Kristen said the other thing staff has looked at is splitting the cost of repair and maintenance of kitchen equipment and said the agreement indicated that Loaves & Fishes would pay for the first \$2000 of repair and the City would pay for the second \$2000 and then both parties would split any additional costs.

Mayor Mays commented that through the Washington County Community Development Block Grant (CDBG) program in the past few years, most of the equipment has been replaced. Kristen confirmed and said staff has also asked that Loaves & Fishes inform staff of any needs in January of each year to allow for budgeting.

Councilor Henderson asked if the agreement is similar to other agreements Loaves & Fishes has with other senior centers. Kristen replied yes and said the City is still not contributing quite as much as other cities as some centers receive cash contributions, but we are now more in line with other cities in comparison to prior years.

Councilor Folsom stated she is grateful for the services Loaves & Fishes brings to the seniors of our community and said she was not involved in the details of the agreement but is in support of the agreement.

With no other comments received, Mayor Mays asked for a motion.

**MOTION: FROM COUNCILOR HENDERSON TO ADOPT RESOLUTION 2011-096, SECONDED BY COUNCILOR CLARK, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCILOR LANGER WAS ABSENT).**

Mayor Mays addressed the next agenda item.

**C. Resolution 2011-097 Approving the Concrete Sidewalk Repair Assistance Program**

Public Works Director Craig Sheldon explained the Council has had a few work sessions on this topic and in 2009 staff conducted inspections and found about 226 issues with sidewalks. Craig stated our current Municipal Code calls that property owners are responsible for sidewalks and stated 60 days' notice is given to the property owner to fix needed repairs and then a lien is processed. Craig stated the city has never issued a lien. Craig stated Council in 2011-12 approved a sidewalk maintenance fee to help offset some of the costs to make the repairs. Craig stated this is strictly an assistance program, this is not the City taking responsibility for the sidewalks, and it is still the responsibility of the property owner to repair the sidewalk. Craig stated this is a program where the City can get competitive bids for citizen to use to make the repairs as well as use their

utility bills for up to 12 months to pay back the cost of repairs. Craig stated staff would like to recommend a cost for the shave and or repairs and said the costs are not indicated in the resolution it has been left blank for Council' consideration.

Mayor Mays stated in the proposed resolution it has been left blank, but there's language to allow it to be updated in the future and asked Craig if staff is asking Council to propose a fee today or is there time to allow the City's Budget Committee an opportunity to weigh in.

Craig replied the Council can leave it blank today and set the program and said staff has been doing the inspections and can come back at a Budget Committee meeting after set bids have been received and ask to receive Budget Committee input.

Craig informed the Council on how the program will work and said inspections occurred in December and January and then notices are sent out and the homeowner then has 60 days to comply per our ordinance, therefore by roughly February 1<sup>st</sup> we will need to have a plan in place.

Councilor Henderson asked if Craig had a cost estimate of a shave versus a replacement. Craig answered that a shave could be around \$70-\$80 with a replacement around \$400 to \$1000 depending on the damage.

Council President Grant asked Craig regarding language on page 60 of the Council Packet under "full replacement" "less than 25% of the total number of sidewalk panels on any given side of the property needs to be repaired" and said this is the exact language that is indicted for shaving. Craig explained that if the damage is more than 25% the assistance program cannot help.

Councilor Folsom asked if staff knows how educated our citizens are in knowing that sidewalk repairs are their responsibility and asked if staff crews have had contact with citizens. Craig replied staff has been in contact and stated in 2005-06 the City got to the lien language and received feedback from community members and the City did not proceed any further. Discussion continued on lack of enforcement and problem sidewalks from 2005-06 now being worse and how some property owners will make the repairs and other won't.

Councilor Butterfield stated "repair" doesn't include anything that would be causing the sidewalk to deteriorate, such as trees. This is just repairing the problem at hand and not addressing what is causing the problem. Craig replied as discussed in work session, some trees will have to be removed and arborist' time has been budgeted in this program.

Mayor Mays asked if the criteria dictates if it is a shave or a replacement based on the difference in cost between a shave and a replacement. Craig confirmed that it did and stated there is about \$245,000 for the next five years to help people make the repairs.

Councilor Henderson asked how many sidewalks have been identified that need repair. Craig stated around 245 were identified in 2009. Of those, 209 would have fallen under the shave program at that time.

Mayor Mays asked for input from Council on establishing the fees in the resolution, or accepting staff recommendation or allowing for the Budget Committee to provide input.

Councilor Folsom asked the Council to consider receiving citizen comments.

Councilor Henderson said if we choose to leave it blank when does the Budget Committee meet? Staff replied the third Monday in January. Councilor Henderson said she wanted to be sensitive to the timeliness of staff needs.

Councilor Folsom asked regarding staff recommendation on the fee. Mayor Mays answered \$25 and \$50 and Craig stated the numbers are about half the cost of the shave, which is the majority of the repairs.

Mayor Mays asked to receive citizen comments on the proposed resolution.

Neil Shannon 23997 SW Redfern Drive, Sherwood came forward and stated he is against big government solutions and said the City failed to enforce repairs in the past. Mr. Shannon stated the lien language in the resolution still remains and questioned if the City would follow through with putting liens on properties. Mr. Shannon commented that the discussion on fees should have been discussed when the sidewalk repair fee was added to the water bill. Mr. Shannon commented that this is probably an appropriate way to put together a repair program for sidewalks and in four years he will be arguing not to renew this temporary tax. Mr. Shannon stated he appreciates the fact that the City is phasing in the program over a four year period.

Mayor Mays thanked Mr. Shannon and asked to receive other citizen comments, none were received.

Mayor Mays commented about work session discussions and city standards set in place not always being best for trees and or sidewalks and said this issue is occurring in other communities as well and provided examples from the City of Tualatin.

Mayor Mays stated he was unsure about the fee level and asked for Council feedback on putting this before the Budget Committee. Discussion followed regarding the Budget Committee meeting schedule and the timing of the program notification letters.

Craig Sheldon commented about the need of getting it approved and said staff would not send out letters until something is approved and hoped to have something back by the first Council meeting in February.

Mayor Mays asked for Council comments and said he feels it's important to move forward and staff could come back to Council in February to amend the resolution after receiving feedback from the Budget Committee. With no other comments received the following motion was made.

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO ADOPT RESOLUTION 2011-097 AS SUBMITTED WITHOUT COST INFORMATION, SECONDED BY COUNCILOR BUTTERFIELD. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCILOR LANGER WAS ABSENT).**

Mayor Mays addressed the next agenda item.

**D. Resolution 2011-098 Supporting BOOTS (Businesses of Old Town Sherwood) in its application for "Transforming Main Street" level to the Oregon Main Street Program**

Mayor Mays stated the Council held a work session on this subject and the Main Street Program application. Economic Development Manager Tom Nelson came forward and explained the resolution and recapped the staff report.

With no comments from the Council the following motion was received.

**MOTION: FROM COUNCILOR HENDERSON TO ADOPT RESOLUTION 2011-098, SECONDED BY COUNCILOR FOLSOM, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCILOR LANGER WAS ABSENT).**

Council addressed Resolution 2011-092 moved from the Consent Agenda.

**Resolution 2011-092 Repealing Resolution 2009-022, a Resolution adopting a City Council policy for awarding grants to Non-profit Organizations**

Finance Director Craig Gibbons explained the topic was an unscheduled discussion of the Budget Committee at their November 21<sup>st</sup> meeting. Craig explained in the discussion of supporting local community efforts with cash grants, the group also discussed the in-kind support and services provided by the City and the cost associated with the services. Craig stated the group discussed tracking these costs and said the resolution before Council came from these discussions.

Mayor Mays commented on the services provided by the City in the form of resources or public safety for various events and asked for other Council comments.

Councilor Folsom commented on the special event permitting process and the amount of time previously spent on grant funding discussions.

Councilor Henderson commented regarding staff contacting non-profit organizations to inform them of the new policy and how they are able to work with staff utilizing the special event process and still receive assistance from the City.

City Manager Pro Tem Tom Pessemier added that staff has had previous conversations regarding tracking costs and has begun tracking costs for in-kind services to help with the budgeting process in the years moving forward.

With no other comments received, Mayor Mays asked for a motion.

**MOTION: FROM COUNCILOR HENDERSON TO ADOPT RESOLUTION 2011-092, SECONDED BY COUNCILOR BUTTERFIELD, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCILOR LANGER WAS ABSENT).**

**10. CITY MANAGER AND STAFF DEPARTMENT REPORTS**

City Manager Pro Tem Tom Pessemier asked Police Chief Groth to report on the SRO (School Resource Officer) Program. Chief Groth informed the Council that the City was notified by CIS (City County Insurance) regarding a Law Enforcement Bonus Program. Chief explained the criteria that must be met to qualify to receive a bonus and how the City has scored high enough to receive said bonus of 1% of the fees paid to CIS. Chief Groth introduced Police Captain Jim Reed, SRO Adam Keesee and High School Principle Carlos Sequeira.

Captain Reed explained the interview selection process of the SRO. Mr. Sequeira thanked the City Council for their support of the program, explained the interview process for the SRO position and informed of the program benefits. Officer Keesee provided a brief explanation of his experience as SRO and integration from a police office to an SRO and explained the benefits of

the program and why he wanted to be the SRO. Officer Keesee shared a story with the Council regarding a recent experience with a Sherwood elementary student and the connection made with the student at a previous school event that allowed for the student to appear comfortable approaching Officer Keesee and Officer Keesee taking the opportunity to seize the moment and connect with the student.

Chief Groth commented regarding the story of Officer Keesee and explained how the SRO Program is an investment.

Mayor Mays thanked staff and Mr. Sequeira.

Tom Pessemier informed the Council of a water flyer that was distributed in the community explaining the flushing program and getting water from the Willamette and asked Public Works Director Craig Sheldon to explain.

Craig stated the flushing had not yet begun and explained the water transitioning program and process.

Tom Pessemier informed the Council Langer Farms Parkway opened up on November 18<sup>th</sup>.

Councilor Henderson asked for an update on the Cannery Plaza. Tom Pessemier explained the progress to date and said the project was a bit behind schedule. Ms. Henderson asked if we had concerns due to the weather.

Economic Development Manager Tom Nelson replied this is why things are delayed and they hope to have it completed by December 20<sup>th</sup>.

With no other items to report on, Mayor Mays addressed the next agenda item.

## **11. COUNCIL ANNOUNCEMENTS**

Councilor Folsom commented regarding the Cultural Arts Commission and reported the Commission along with the Robin Hood Festival Association, Voices for the Performing Arts and the Sherwood Foundation for the Arts submitting a grant application to the Oregon Arts Commission, Arts Builds Community, for an event called the Royal Academy. The grant was award in the amount of \$3000. Councilor Folsom commended Cultural Arts Commission member Alyse Voldemark for writing the grant and bringing all the partners together.

Councilor Folsom reported on the Voices for Performing Arts (VPA) performance to be held this coming Saturday at the Sherwood High School. Ms. Folsom thanked the Public Works Department for their support of the holiday festival and recognized Give & Gobble for their event.

With no other announcement received, Mayor Mays adjourned to an Executive Session.

## **12. ADJOURN TO EXECUTIVE SESSION**

Mayor Mays adjourned the Council meeting at 8:55 pm and convened to an Executive Session.

**EXECUTIVE SESSION**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 9:05 pm.
2. **COUNCIL PRESENT:** Mayor Mays, Council President Dave Grant, Councilors Linda Henderson, Bill Butterfield, Robyn Folsom and Krisanna Clark. Councilor Matt Langer was absent.
3. **STAFF PRESENT:** City Manager Pro Tem Tom Pessemier and City Recorder Sylvia Murphy.
4. **OTHERS PRESENT:** Sally Ho with the Oregonian.
5. **TOPIC DISCUSSED:** City Recorder annual performance evaluation, pursuant to ORS 192.660(2)(i). The City Recorder provided Council members with a report indicating areas of responsibilities and duties of the City Recorder and outlined accomplishments achieved in 2011 (see record, Exhibit A). Council discussion and review followed. Upon conclusion Mayor Mays stated compensation cannot be discussed in Executive Session and reconvened to the regular Council meeting.
6. **ADJOURN EXECUTIVE SESSION:** Mayor Mays adjourned the Executive Session at 9:50 pm and reconvened the regular session.

**REGULAR SESSION**

1. **COUNCIL PRESENT:** Mayor Mays, Council President Dave Grant, Councilors Linda Henderson, Bill Butterfield, Robyn Folsom and Krisanna Clark. Councilor Matt Langer was absent.
2. **STAFF PRESENT:** City Manager Pro Tem Tom Pessemier and City Recorder Sylvia Murphy.
3. **OTHERS PRESENT:** Sally Ho with the Oregonian.
4. **TOPIC DISCUSSED:** City Recorder annual performance evaluation.

Mayor Mays stated the Council concluded the annual performance evaluation of the City Recorder in the Executive Session and has reconvened the regular session. Mayor Mays stated the scope of the responsibilities of the City Recorder isn't understood by most, unless you've had an opportunity to serve as a Board or Commission member or a Council member. Mayor Mays stated the Council appreciates the work performed by the City Recorder and her attention to detail. Mayor Mays said the City Recorder is a contracted employee who works for the Council and said the Council received information on comparable salaries from other cities. Mayor Mays asked for Council discussion and reminded the Council that Ms. Murphy did not receive an increase at her previous year' evaluation. Discussion followed regarding the types of adjustments Council is able to consider, the percentages of increase, COLA percentages anticipated for 2012 and prior year COLA's. Council discussed recommendations of a 2-3% increase and the following motion was made.

**MOTION: FROM MAYOR MAYS TO ADJUST THE CITY RECORDERS COMPENSATION WITH AN INCREASE OF 3% FOR THE YEAR EFFECTIVE JANUARY 1, 2012 WITH NO ELIGIBILITY FOR COLA IN 2012, SECONDED BY COUNCILOR HENDERSON, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCILOR LANGER WAS ABSENT).**

**5. ADJOURN:** Mayor Mays adjourned at 9:50 pm.

Submitted by:

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Sylvia Murphy, CMC, City Recorder

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Keith S. Mays, Mayor



**SHERWOOD CITY COUNCIL MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**December 12, 2011**

**CITY COUNCIL WORK SESSION**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 5:09 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Bill Butterfield, Matt Langer, Robyn Folsom, Linda Henderson and Krisanna Clark. Councilor Henderson left the meeting at 6pm, Councilor Clark at 6:05pm and Council President Grant at 6:10pm.
3. **STAFF PRESENT:** City Recorder Sylvia Murphy and Finance Director Craig Gibons.
4. **OTHERS PRESENT:** Lara Cunningham and Jeremy Parks with Waldron.
5. **TOPICS DISCUSSED:**
  - A. **City Manager Recruitment Process.** Mayor Mays welcomed Ms. Cunningham and Mr. Parks as the consultants contracted to perform the recruitment of the City Manager. Ms. Cunningham provided documents to the Council outlining the meeting agenda and project timeline (see record, Exhibits A & B). Discussion followed and Council members provided general position feedback to Waldron, suggested a list of stakeholders and contacts and provided feedback on job profile.
6. **ADJOURN:** Mayor Mays adjourned the work session at 6:15 pm

Submitted by:

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Sylvia Murphy, CMC, City Recorder

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Keith S. Mays, Mayor



**SHERWOOD CITY COUNCIL MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**December 20, 2011-SWOT Meeting**

**WORK SESSION-SWOT MEETING**

1. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Bill Butterfield, Robyn Folsom, Linda Henderson and Krisanna Clark. Councilor Matt Langer was absent.
2. **STAFF PRESENT:** City Manager Pro Tem Tom Pessemier, Community Services Director Kristen Switzer, Economic Development Manager Tom Nelson, Finance Director Craig Gibons, Library Manager Pam North, Planning Manager Julia Hajduk, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy.
3. **OTHERS PRESENT:** Various members of City Boards & Commissions, see signup sheet in the record.
4. **BUSINESS:** No business was conducted; the City hosted an appreciation dinner for all City Board & Commission members which began at 6pm. SWOT reports were provided at the meeting for informal discussion, (see record, Exhibit A).
5. **ADJOURN:** There was no formal adjourn time, the dinner concluded at approximately 8:00 pm.

Submitted by:

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Sylvia Murphy, CMC, City Recorder

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Keith S. Mays, Mayor

**TO:** Sherwood City Council

**FROM:** Craig L. Gibons, Finance Director

**SUBJECT: A RESOLUTION OF THE CITY OF SHERWOOD PROVIDING FOR A SUSPENSION OF LATE FEES FOR BUSINESS LICENESE RENEWALS FOR THE PERIOD OF JANUARY AND FEBRUARY OF 2012.**

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**ISSUE:**

Shall the Council waive business license renewal late fees for January and February of 2012?

**BACKGROUND:**

The business licensing application and renewal process is being upgraded to provide for a more user friendly system. The revised system will replace the existing over the counter paper application and payment system with an internet application and payments. This will be easier for customers to use and will reduce the staff time allocated to the business licensing process.

The City is contracting with a programming firm that has built a similar system for the City of Newberg. The process will be completed in January.

The Sherwood Muncipal Code provides for a late fee for renewals that are not completed on time and the attached resolution waives that late fee for the 2012 renewal period.

**FINDINGS:**

Given that businesses will not be able to comply with the Municipal Code provisions, staff would like to waive the late fee for this renewal period.

**RECOMMENDATION:**

**APPROVE RESOLUTION 2012-001 A RESOLUTION OF THE CITY OF SHERWOOD PROVIDING FOR A SUSPENSION OF LATE FEES FOR BUSINESS LICENESE RENEWALS FOR THE PERIOD OF JANUARY AND FEBRUARY OF 2012.**



**RESOLUTION 2012-001**

**A RESOLUTION OF THE CITY OF SHERWOOD PROVIDING FOR A SUSPENSION OF LATE FEES FOR BUSINESS LICENSE RENEWALS FOR THE PERIOD OF JANUARY AND FEBRUARY OF 2012**

**WHEREAS**, the City of Sherwood is upgrading the business licensing process; and

**WHEREAS**, that upgrade will not be completed until January of 2012; and

**WHEREAS**, the Sherwood municipal code section 5.04.060 provides for the business license renewals and penalties for late renewal; and

**WHEREAS**, the renewals are due by December 31<sup>st</sup> annually; and

**WHEREAS**, the business licensing system upgrade will not be completed until January 2012.

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

**Section 1.** That the late fee for late renewals for the 2012 business license renewals shall be suspended for the months of January and February of 2012.

**Section 2.** This Resolution is effective as of the date of its adoption by the Council.

**Duly passed by the City Council this 3<sup>rd</sup> day of January 2012.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Craig Sheldon, Public Works Director

**SUBJECT: RESOLUTION 2012-002, AUTHORIZING THE CITY MANAGER PRO TEM TO ENTER A CONTRACT WITH CLACKAMAS CONSTRUCTION TO CONSTRUCT THE 2.0 MG RESERVOIR IMPROVEMENTS AND SEISMIC UPGRADES.**

**ISSUE:** The City has a need to maintain water infrastructure.

**BACKGROUND:** In 1999 an analysis was completed that stated the cables set inside the reservoir were overstressed for a seismic load. Mainly, this was the result of an increase in code requirements from the time the reservoir was constructed in 1973 to the analysis completed in 1999.

In August of 2005 the City adopted a water system master plan that identified the deficiency of this reservoir and the recommendation that needed to be addressed regarding improvement and seismic upgrades. In the 2011/2012 budget this project was approved.

This project has been delayed over the years because the City was unable to take the 2.0 MG reservoir out of service. Having the new 4.0 MG reservoir in service allows us to move forward with this project. During the inspection of the design phase, we identified additional improvements that need to be completed in keeping with the 2005 Master Plan. Staff recommends completion of these improvements during this project.

In late spring of 2011 the City contracted with Murray Smith & Associates through our engineering on call contract to begin design of the improvement and upgrades.

This project was advertised in the Daily Journal of Commerce on November 17<sup>th</sup> and 22, 2011 and held a mandatory pre bid meeting on December 8, 2011. The bid opening was on December 15, 2011. We received three bids with the low bid being \$478,989.00 and the high bid being \$888,292, see attachment A. Bids did come in a slightly higher than the engineer's estimate which was \$445,000 to \$ 475,000.

**FINDINGS:** Failure to move forward with these reservoir improvements and the seismic upgrade will curtail the life expectancy of the reservoir and the reservoir will continue to not meet seismic load requirements.

**RECOMMENDATION: STAFF RECOMMENDS THAT COUNCIL AUTHORIZE THE CITY MANAGER PRO TEM TO ENTER INTO A CONTRACT WITH CLACKAMAS CONSTRUCTION TO CONSTRUCT THE 2.0 MG RESERVOIR IMPROVEMENTS AND SEISMIC UPGRADES.**



**BID OPENING RECORD**

Date: December 15, 2011 Time: 2:00 PM

Project No.: 10-1190.203

Project Name: 2.0 MG Reservoir Improvements  
and Seismic Upgrades

Owner: City of Sherwood

Location: City Public Works Department  
22560 SW Pine Street

Bidder's Name	Contractor or Sub-Contractor Prequalified	All Addenda Acknowledged	Contract or Resident Bidder	Contractor Registered With OCCB	All Unit And Total Prices Filled in	Total Bid Amount (\$)	Bid Signed	Bid Bond Present	First-Tier Sub Form Present
Leewens Corporation	Y	X	X	X	X	\$888,292.00	X	X	X
Clackamas Construction Inc.	Y	X	X	X	X	\$478,989.00	X	X	X
Todd Hess Building Company	Y	X	X	X	X	\$509,300.00	X	X	X
Engineer's Estimate						\$445,000 - \$475,000			



**RESOLUTION 2012-002**

**A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO ENTER INTO A CONTRACT WITH CLACKAMAS CONSTRUCTION TO CONSTRUCT THE 2.0 MG. RESERVOIR IMPROVEMENTS AND SEISMIC UPGRADE**

**WHEREAS**, Sherwood adopted a water system master plan in August 2005 that identifies improvements and a seismic upgrade are needed at the 2.0 MG. reservoir; and

**WHEREAS**, the City advertised an RFP to construct these improvements and the seismic upgrade and the City received three bid proposals with Clackamas Construction being the low responsible bidder at \$478,898; and

**WHEREAS**, the construction bids received were higher than the Engineer's Estimate and to protect the City's best interest, staff recommends carrying a 10% contingency on the project due to unforeseen items that could arise with doing improvements to a facility that is approximately 30 years old. This amount would be \$ 47,889.00 for a total contract of \$526,787.00.

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

**Section 1.** The City Manager Pro Tem is authorized to enter into a contract with Clackamas Construction to construct the 2.0 MG reservoir improvements and seismic upgrade.

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

**Duly passed by the City Council this 3<sup>rd</sup> day of January 2012.**

---

Keith S. Mays, Mayor

Attest:

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Sylvia Murphy, CMC, City Recorder

TO: Sherwood City Council  
FROM: Zoe Monahan, Assistant Planner  
Through: Julia Hajduk, Planning Manager  
Subject: Code Clean-Up Temporary Uses and Outdoor Sales

### EXECUTIVE SUMMARY

**Summary:** As part of a multi-phase code clean-up project with the goal of providing a more clear and usable code for citizens and developers, the proposed amendments include updates to: 1) Temporary Uses and 2) Outdoor Sales. The Planning Commission held a public hearing on November 8, 2011 and forwarded a recommendation of approval to the Council. The Planning Commission recommendation is attached as Exhibit 1 and the proposed Chapter 16 amendments are attached as Exhibit 1-A (clean copy) and 1-B (track changes).

**Previous Council Action:** None

**Background/Problem Discussion:** Temporary uses and outdoors sales were updated in order to address the following issues:

- Ensure that the language is consistent with existing policy outlined in Resolution 2002-021 (Exhibit 1-C).
- Exempt events that receive a special event permit as it is reviewed through a separate process.
- Separate short term (2 week) temporary uses from other temporary uses.
- Update the renewal criteria.
- Separate short term and permanent outdoor sales to be consistent with allowed temporary use permits.

The Planning Commission held a public hearing on November 8, 2011 to discuss the proposed Code Clean-up amendments regarding temporary uses and outdoor sales. There were no public comments and the comments section of the public hearing was closed. The Planning Commission expressed concerns about only allowing holiday sales to be permitted for a four week period of time. The Planning Commission recommended that "holiday trees sales" be changed to "trees and plant sales".

The City Council held a work session on December 6, 2011 to discuss the concepts of the draft language. Based in the questions raised and feedback provided at the work session staff has prepared additional amendments which will be presented at the January 3, 2012 Public Hearing for the City Council to consider. The amendments clarify;

- All temporary uses are consistent with the uses of the underlying zoning district.
- Multiple temporary uses could not operate year round on one site.
- Food carts are not permitted as temporary uses.

If the Council concurs with the additional changes a motion will be needed to modify the Planning Commission recommendation accordingly.

**Alternatives:** Approve, approve with modifications or deny the Planning Commission recommendation.

**Financial Implications:** There are no foreseen financial impacts.

**Recommendation:** Staff recommends that the City Council adopt the attached Ordinance which reflects Planning Commission's recommendation.

#### Attachments:

Ordinance  
Exhibit 1– PC Recommendation  
1-A - Proposed development code changes (clean copy)  
1-B - Proposed development code changes (track changes)  
1-C - Resolution 2002-021



## ORDINANCE 2012-001

### AN ORDINANCE AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS IV AND V

**WHEREAS**, The Sherwood Zoning and Community Development Code has not been comprehensively updated in many years; and

**WHEREAS**, the City has undertaken a multi-phase, multi-year program to comprehensively update the development code to ensure that it is clear, consistent, and current; and

**WHEREAS**, the Planning Commission helped guide the development of proposed amendments after extensive public outreach and opportunity for public input; and

**WHEREAS**, Code Clean-Up Update: Temporary Uses and Outdoor Sales includes amendments to divisions IV and V specifically related to the Temporary Use standards as well as the Outdoor Sales standards; and

**WHEREAS**, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

**WHEREAS**, the proposed amendments were subject to full and proper notice and review and a public hearing was held before the Planning Commission on November 8, 2011; and

**WHEREAS**, the Planning Commission voted unanimously to forward a recommendation of approval to the City Council for the proposed development code modifications attached as Exhibit 1-A and 1-B; and

**WHEREAS**, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

**WHEREAS**, the adoption of the proposed development code modifications attached as Exhibit 1-A and 1-B will repeal Resolution 2002-021, and

**WHEREAS**, the City Council held a public hearing on January 3, 2012 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

**Section 1. Findings.** After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and of the evidence presented at the public hearing, the Council adopts the findings of fact contained in the Planning Commission recommendation attached as Exhibit 1 finding that the text of the SZCDC shall be amended as documented in Exhibit 1-A.

**Section 2. Approval.** The proposed amendments for Plan Text Amendment (PA) 11-04 identified in Exhibit 1-A is hereby **APPROVED** and Resolution 2002-021 is hereby **REPEALED**.

**Section 3 - Manager Authorized.** The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCDC and necessary updates to Chapter 16 of the municipal code in accordance with City ordinances and regulations.

**Section 4 - Applicability.** The amendments to the City of Sherwood Zoning and Community Development Code by Sections 1 to 3 of this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

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

**Duly passed by the City Council this 3<sup>rd</sup> day of January 2012.**

\_\_\_\_\_  
Keith S. Mays, Mayor

ATTEST:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	_____	_____
Butterfield	_____	_____
Langer	_____	_____
Folsom	_____	_____
Henderson	_____	_____
Grant	_____	_____
Mays	_____	_____

**City of Sherwood**  
**Planning Commission Recommendation to the City Council**  
**File No: PA 11-04 Temporary Uses and Outdoor Sales**

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**November 29, 2011**

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

The Planning Commission held a public hearing on November 8, 2011. No public testimony was received. After consideration of staff recommended changes, the Commission voted to forward the proposed amendments with modifications (attached to this report as Exhibit A) to the Council for approval.

**I. BACKGROUND**

- A. Applicant: This is a City initiated text amendment; therefore the applicant is the City of Sherwood.
  
- B. Location: The proposed amendment is to the text of the development code and, therefore applies citywide.
  
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is forwarding this recommendation to the City Council for consideration in making the final decision. Any appeal of the City Council decision relating to Chapter 16 updates would go directly to the Oregon Land Use Board of Appeals.
  
- D. Public Notice and Hearing: Notice of the November 8, 2011 Planning Commission hearing on the proposed amendment was published in *The Times* on 10/27/11, and published in the November edition of the Gazette. Notice was also posted in 5 public locations around town and on the web site on 10/18/11.

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

- E. Review Criteria:  
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).
  
- F. Background:  
The City underwent periodic review in 1989-1991 and the Zoning and Community Development Code was comprehensively reviewed and updated as part of that process. Since that time, there have been a number of updates to comply with regional and state laws, and to address local issues. Over time, the piece-meal updates resulted in the need to conduct a comprehensive audit and update of the code to ensure cross references are correct, standards are clear, and typographical errors are fixed. In addition, development trends and community values have changed such that it has become necessary to evaluate the standards to ensure they remain consistent with the goals and policies of the City's Comprehensive Plan, Metro policies and related state and local laws. To that end, the

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

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

## II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

### Agencies:

The City sent an e-mail request for comments to agencies October 11, 2010. DLCD notice was sent on September 19, 2011. The City has received comments from ODOT and Washington County. Washington County has indicated that they do not have any concerns.

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

### Public:

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

## III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3

### 16.80.030.1 - Text Amendment Review

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

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

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

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

As the temporary uses were being reviewed it became clear that the outdoor sales and merchandise display (16.98.040) also need to be updated in order for the two standards to be consistent with each other. Currently, a conditional use permit is required for outdoor sales and merchandise display. In order to make it clear that temporary uses are permitted without a

conditional use permit the language has been revised. The proposed amendments include code language that discusses permanent and temporary outdoor sales.

Upon review of the Comprehensive Plan, there are no specific policies which directly relate to the proposed language. There are no comprehensive plan requirements that would conflict with the proposed code language.

#### Applicable Regional (Metro) standards

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

#### Consistency with Statewide Planning Goals

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

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

The process used to develop and review the proposed amendment is consistent with the Goal 2 requirements for land use planning.

Goal 1, citizen participation, has been satisfied through the following outreach specific to this request.

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

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

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

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

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

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

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

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

**IV. RECOMMENDATION**

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

- V. EXHIBITS**
- 1- A. Proposed development code changes (clean copy)
  - 1- B. Proposed development code changes (track changes)
  - 1- C. Resolution 2002-021

## Chapter 16.86 TEMPORARY USES\*

### Sections:

#### 16.86.010 Purpose

#### 16.86.020 Temporary Uses – No Permits Required

#### 16.86.030 Temporary Uses- Requiring Permits

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

#### 16.86.010 Purpose

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

#### 16.86.020. Temporary Uses – No Permits Required

##### A. Applicability

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

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

3. Tree and plant sales are limited to four (4) weeks in duration.

##### B. Criteria

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

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

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

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

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

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

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

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

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

- h. Temporary uses permitted by these criteria are not exempt from any other required permits such as temporary portable sign permits, City business license, sanitation facility permits, electrical permits, or any other required city, county or state permit.
- i. The use shall comply with applicable noise, odor, nuisance, fire code and comply with other provisions of this Code.

C. Enforcement

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

16.86.030 Temporary Uses - Requiring Permits

A. Applicability

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

B. Application and Fee

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

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

C. Permit Approval

1. Findings of Fact

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

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

2. Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or his/her designee.

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

### 3. Conditions

In issuing a temporary use permit, the City Manager or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following:

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

### 4. Revocation

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

## Chapter 16.98 ON-SITE STORAGE\*

Sections:

16.98.010 Recreational Vehicles And Equipment

16.98.020 Solid Waste and Recycling Storage

16.98.030 Material Storage

16.98.040 Outdoor Sales and Merchandise Display

### 16.98.040 Outdoor Sales and Merchandise Display

#### A. Sales Permitted

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

1. Permanent outdoor sales and merchandise displayed are in use year round or in excess of four (4) months per year and require the location to be reviewed through a site plan review. They will be reviewed as conditional uses in accordance with Chapter 16.82. Permanent outdoor and merchandise display are subject to the standards outlined in subsection B, below.
2. Temporary outdoor sales and merchandise display are seasonal and are not displayed year round and must meet the requirements of Chapter 16.86 (temporary uses). When the temporary use is not occurring the site shall return to its original state.

**B. Standards**

1. Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.
2. Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.
3. Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be improved with asphalt surfacing, crushed rock, or other dust-free materials.
4. Additional standards may apply to outdoor sales and merchandise display dependent on specific restrictions in the zone.

## Chapter 16.86 TEMPORARY USES\*

Sections:

16.86.010 ~~Generally Purpose~~

16.86.020 ~~Applicability~~ Temporary Uses – No Permits Required

16.86.030 Temporary Uses- Requiring Permits

~~16.86.020 Permit Approval~~

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

16.86.010 ~~Generally Purpose~~

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

16.86.020. Temporary Uses – No Permits Required

### A. Applicability

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

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

3. Tree and plant sales are limited to four (4) weeks in duration.

### B. Criteria

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

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

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

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

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

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

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

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

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

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

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

### C. Enforcement

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

## 16.86.030 ~~Applicability~~ Temporary Uses - Requiring Permits

### A. Applicability

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

### ~~BBC~~. Application and Fee

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

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

## ~~16.86.020-030C~~. Permit Approval

### ~~A1~~. Findings of Fact

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

~~1a~~. Generally conforms to the standards and limitations of the zoning district in which it is located.

~~b2~~. Meets all applicable City and County health and sanitation requirements.

~~c3~~. Meets all applicable Uniform Building Code requirements.

~~4d~~. On-site real-estate offices, Construction offices and construction trailers shall not be approved until land use approval and building permits, if applicable, have been issued.

### ~~B2~~. Time Limits

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

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

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

### ~~C3.~~ ~~Additional~~ Conditions

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

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

### ~~D4.~~ Revocation

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

## Chapter 16.98 ON-SITE STORAGE\*

Sections:

16.98.010 Recreational Vehicles And Equipment

16.98.020 Solid Waste and Recycling Storage

16.98.030 Material Storage

16.98.040 Outdoor Sales and Merchandise Display

## 16.98.040 Outdoor Sales and Merchandise Display

### A. Sales Permitted

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

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

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

### B. Standards

1. Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.
2. Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.
3. Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be ~~paved~~improved with asphalt surfacing, crushed rock, or other dust-free materials.
4. Additional standards may apply to outdoor sales and merchandise display dependent on specific restrictions in the zone. ~~in NC zones, as per Section 16.24.050A.~~



**Resolution No. 2002-021**

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

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

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

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

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

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

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

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

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

## TEMPORARY EVENTS

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

### **The following are criteria for all temporary events:**

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

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

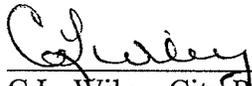
**Enforcement for non-compliance is applied as follows:**

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

**Duly passed by the City Council this 28<sup>th</sup> day of May 2002.**

  
Mark O. Cottle, Mayor

ATTEST:

  
C.L. Wiley, City Recorder