



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, May 3, 2016

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

6:00 pm City Council Work Session

6:15 pm Executive Session
(ORS 192.660(2)(f), Exempt Public Records)

7:00 pm City Council Regular Meeting

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



6:00 PM WORK SESSION

1. Update Willamette Governance Group (Craig Sheldon, J. Soper)

6:15 PM EXECUTIVE SESSION

1. ORS 192.660(2)(f), Exempt Public Records (Josh Soper)

REGULAR SESSION

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

- A. Approval of April 19, 2016 City Council Meeting Minutes
- B. Resolution 2016-022 Appointing Geoffrey Beasley to the Cultural Arts Commission (Kristen Switzer)
- C. Resolution 2016-023 Authorizing the City Manager to renew an IGA with City of Portland for Telecommunication Services (Brad Crawford)

6. PRESENTATIONS

- A. Recognition of Eagle Scout Award Recipient
- B. Recognition of Oregon Mayor's Association, 2016 "If I were Mayor, I Would..." Contest
- C. Proclamation, Proclaiming May 16-21, 2016 Emergency Medical Services Week

7. CITIZEN COMMENTS

8. PUBLIC HEARINGS

- A. Ordinance 2016-007 Amending Title 9 of the Municipal Code relating to public peace, morals and welfare, Chapter 9.52 Prohibiting of Noise (Josh Soper, City Attorney)
- B. Resolution 2016-024 Establishing fees in the City's Fee Schedule for the Community Garden Program (Joe Gall, City Manager)

AGENDA

SHERWOOD CITY COUNCIL May 3, 2016

6:00 pm Work Session

6:15 pm Executive Session (ORS 192.660(2)(f), Exempt Public Records)

7:00 pm Regular Meeting

Executive Session (ORS 192.660(2)(f), Exempt Public Records) (Following the Regular Council Session)

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

- C. Ordinance 2016-008 Amendment to Chapter 16.31 (Industrial Uses) of the Sherwood Zoning and Community Development Code** (Julia Hajduk, Community Development Director)
- D. Ordinance 2016-009 Repealing Title 1 General Provisions, Chapter 1.08 Initiative and Referendum; and amending Title 2 Administration and Personnel, Chapter 2.04 Elections of the Municipal Code; declaring emergency** (Josh Soper, City Attorney)

9. CITY MANAGER REPORT

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN To Executive Session

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, by the Thursday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the Sherwood YMCA, the Senior Center, and the Sherwood Post Office. Council meeting materials are available at the Sherwood Public Library. **To Schedule a Presentation before Council:** If you would like to schedule a presentation before the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or murphys@sherwoodoregon.gov



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
April 19, 2016

WORK SESSION

- 1. CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 5:33 pm.
- 2. COUNCIL PRESENT:** Mayor Krisanna Clark, Councilors Dan King, Jennifer Kuiper and Renee Brouse. Council President Harris arrived at 5:40 pm and Councilor Henderson arrived at 5:44 pm. Councilor Sally Robinson was absent.
- 3. STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Captain Mark Daniel, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, City Engineer Bob Galati, Senior Planner Michelle Miller, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
- 4. TOPICS:**

A. Industrial Use Code Update

Julia Hajduk presented information to the Council (see record, Exhibit A) and said legislation would be coming before the Council on May 3, 2016. She briefed the Council on the process the planning commission went through that led to their recommendation.

She stated the Tonquin Employment Area (TEA) was brought into the urban growth boundary (UGB) in 2002 and the City went through the concept plan process and adopted that in 2010. She said through that process we identified preferred industry targets; clean technology, advanced tech biopharmaceuticals, outdoor gear, and we envisioned flexed space with small-medium sized industrial campuses and business parks. She said what we did at the time was have those uses outright allowed and then have conditional uses for things that could be found to be compatible. She said a problem arose in 2012 when we did our code cleanup project and merged three chapters into one. She said in the translation process from the three codes and what we wanted to see with the TEA into this one code, we discovered that there were quite a few uses that ended up not be allowed in the employment industrial (EI) zone. She said in the current code the uses that are allowed in the EI zone are: limited manufacturing entirely within an enclosed building when secondary to a permitted or conditional use, medical or dental laboratories, non-medical or dental laboratories, distribution, warehousing and storage associated with a permitted use manufacturing, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of pharmaceuticals in facilities up to 50,000 square feet, and renewable energy

efficiency, sustainable environmental products, advanced manufacturing, high tech, biotech, sports apparel and other recreational products. She said what is there are the only industrial uses that you can have in that zone, she referred to the exhibit, and said two of those uses are only when it's related to a permitted use in the zone. She said there are really only three things you can do in the TEA currently. She said this was brought to her attention about six months ago when brokers and developers started looking at the area. She said on October 27 staff presented the issue to the planning commission and received support to move forward with the code update process. She said on December 8 we began discussing with the planning commission the project approach and timeline and at that time the general consensus was that we wanted to focus on being more general with the types of uses that were permitted, and specific with those that were prohibited, to be more responsive to changes in technology and demand. She said we mailed notice to every industrial property owner in the City as well as every property owner in the TEA, and sent a letter explaining our intent and sent a survey to industrial property owners and had a survey on the City's website, which was slightly different than the survey sent to the industrial property owners. She recapped the survey questions and said great feedback was received and we were able to identify some specific issues that we carried forward. She briefly recapped the results of the online survey.

Tom Pessemier stated that some feedback received from the survey indicated having no restrictions, and feedback received from a property owner whose property sits under the power lines, who can't build a structure. Tom said there is quite a bit of land in that area that is restricted in one way or another that will prevent someone from building a structure, but is still usable land. He said this is an area that staff had to look at and think about and said we have started a conversation about this type of land.

Julia stated the survey timeline was December 8 thru January 12 and on January 12 the planning commission held a work session. Julia recapped the public participants that attended and the work session format, which included dividing the commission members into working groups and facilitating discussions. She said after the work session, the planning commission held a regular meeting and provided staff direction to move forward and draft changes. She said they had a desire to have a general list of permitted uses and a more specific list of prohibited uses and they indicated they were not in favor of having more retail in industrial zones. She said when we implemented the TEA, they (planning commission) specifically prohibited warehousing and distribution that wasn't associated with another use. She said the planning commission received feedback from developers and they indicated a willingness to consider warehousing and distribution in the TEA because it was understood that they wouldn't likely be huge because of the proximity to I-5. She said on January 26 staff presented to the planning commission the first proposed staff draft changes and reviewed those in detail and made modification. She said at the February 2 planning commission meeting there was additional information received and changes the planning commission wanted. Julia recapped the public noticing process (see exhibit).

Julia recapped the planning commissions public hearings held on April 12. She distributed a document to the Council (see record, Exhibit B) and explained this is the track-change version of the planning commission recommendation. She explained the difference between the staff recommendation and planning commission recommendation and referred to page 5 of the exhibit. She referred to page 6 and the proposed amendments. Julia referred to page 8 and language regarding landfill and incinerators and testimony received from Pride Disposal.

Julia stated at the Council May 3 meeting they will see the planning commission's recommendations, the clean copy of the proposed changes, the track-change version and a summary of changes and

explanations (see record, Exhibit C). She said the planning commission unanimously recommended the proposed changes. Discussion followed.

B. Possible Amendment to Noise Ordinance

City Attorney Josh Soper provided the Council with a handout (see record, Exhibit D). He said the Council recently addressed amendments to the noise ordinance and are reviewing it now in greater detail. He addressed language in Chapter 9.52 Prohibiting of Noise.

He addressed specific violations, section 9.52.050 Noises Prohibited, page 3 and said he left existing prohibitions for the most part in place and cleaned up the language. He said he removed the time ranges and switch to the terms of “day hours” and “night hours” as defined in the definitions. He said he added prohibitions that are in the model noise ordinance from the LOC (League of Oregon Cities). He reviewed the chapter. Discussion followed regarding timeframes, noise sensitive areas, construction hours, emergency signaling devices and testing, and lawn maintenance equipment.

Police Captain Mark Daniel suggested language for testing of emergency vehicles and Josh stated he would add language in the exemption section.

Josh provided information on Day/Night Hours Comparisons from other jurisdictions (see record, Exhibit E). Discussion followed. Josh suggested minimizing the number of time ranges the City has, and said he has consistently heard we should not have a 7 pm night start time. Discussion followed. Josh suggested 9 pm to 7 am seven days a week, no objections from the Council were received. Discussion followed regarding working hours of landscape companies and garbage collection service and limitations possibly reducing opportunities to provide service. Discussion followed regarding commercial businesses near residential areas and noise from delivery trucks. It was suggested to have a time range of 9 pm to 7 am on weekdays and 9 pm to 8 am on weekends.

Comments were received regarding noise from retail business delivery trucks and exemption, and Josh explained the only specific prohibition the City has is idling engines. Discussion followed regarding refrigeration trucks delivering to Target which is near a residential area, and noise generated by this type of service and what is allowed in the code and if the code is reasonable.

Julia Hajduk stated staff would look at the Target notice of decision as limitations may have already been addressed. Discussion followed regarding noise specific to Target.

Josh addressed the Exemption section of the code, 9.52.060. He explained the proposed amendments. Josh specifically addressed language pertaining to community events and noise from percussions. He said in researching other cities, their language was broader. He referred to a handout, school event comparisons (see record, Exhibit F) and said Sherwood is the only City that limits it to athletic events. Josh recommended language similar to other cities and said if it's a school or City sponsored event, they would be exempted. Discussion followed regarding which code language was the broadest and Josh suggested changing Sherwood language to indicate, “events on public property, sponsored or sanctioned or otherwise approved by the City or the Sherwood school district”. Josh suggested expanding the language to also include, “public property approved by the City, school property approved by the school, private school property approved by the private school”. He said if you're going to have a percussion event on private property that would go through the variance process. Discussion followed.

Josh addressed Variances, section 9.52.080 and said he has heard concerns that it is too complicated of a system and it took a long time to get approved variances if it was a type B or C, and the neighborhood notification part was unnecessarily burdensome. He said he looked at all of these cities noise ordinances and Sherwood has types A, B & C, and B & C go to Council for approval, and to the City manager for a type A. He said no other City he looked at sends these to the Council for approval, they go to the City Manager or his/her designee. He said his recommendation is to have everything to go the City Manager. He said this would speed up the process and people would not have to determine what type of variance they have. Josh stated there is an appeal process that is appealed to the City Council. He said he also set the timeline for the decision making to be the shortest timelines in comparison to other cities. He said it's 10 business days for the City Manager to make a decision from the date of the application, and 10 business days for an appeal to go to the City Council, submitted within 10 business days of the City Managers decision and then it would go to the next City Council meeting.

Josh addressed notice requirements and said in comparison to the other cities, Sherwood is the only City that requires any type of neighborhood notification. He said Sherwood also required notifications for types B & C variances and not type A, and said we have eliminated those distinctions. He asked the Council if they wanted to require neighborhood notifications, and if so under what circumstances, and how much notice is to be provided. He said if the Council is going to require notification he would recommend that it is based on a City Manager evaluation of the anticipated impact of the event on the neighboring property owners. Discussion followed. Josh said what he has noted, for what types of notice has been provided, is based on what we are currently doing. He said it seems like a bit much to him, in particular the newspaper notice, which will slow down the process. He said he doesn't see much value from this and there is a cost associated with it. Discussion followed.

Josh addressed language regarding posting along the boundaries and said this isn't a big burden and seems reasonable if you're going to require noticing. He said what we are currently requiring, although it is not in the code, is contacting property owners. He said the feedback he has received from people that have been through the permitting process, is some prefer to mail a notice and others prefer the option of canvassing because of postage costs. He said he wrote the language as "deliver" written notice to allow people to choose the method. He said within 300 feet is what we are currently doing. Comments were received regarding other distance language. Josh explained we have a few different distance factors, we have amplified sound within 50 feet in a commercial industrial area, and 400 feet for "noise sensitive" areas, and 400 feet for when you're applying for a variance. He asked how Council felt about the noticing requirements. Discussion followed.

Council asked regarding the application fee established by resolution and what the penalties were. Josh and Captain Daniel explained.

Mayor Clark addressed the next subject.

C. Update Kruger/Elwert Intersection Improvements

City Engineer Bob Galati, Patrick Oakes Senior Project Manager with Washington County and Stephanie Serpico Project Manager with HDR Engineering presented information (see record, Exhibit G). Bob explained the information presented was a project update on a joint City/County project through an IGA. He said an open house is scheduled for May 12 and this information would also be presented at that event.

Mr. Oakes recapped the project background and said at the request of the City the project was added to the County's MSTIP Major Streets Improvement Program in June 2012. He said in 2014 the City adopted the STP which included this realignment. He said the current intersection has congestion problems and safety issues and delays, and the new project increases the traffic flow, helps reduce congestion and as a roundabout it creates a feature where people realize they are entering something different. He explained the project description and referred to the proposed intersection map in the presentation.

Ms. Serpico reviewed the map and answered Council questions. Discussion followed regarding future growth and the Sherwood West Concept Plan and the project considering the growth of this area. Discussion followed regarding the project location and property ownership being jointly County and City ownership. Tom Pessemier explained the property that is owned by the City, with approximately 15 acres remaining after the project is completed. Bob Galati noted a portion of this land is wetland. Discussion followed regarding working with ODOT and signal light configurations and queueing of traffic. Bob explained this project is a County project and currently there is another project in the City's TSP which deals with the lane configuration and pedestrian crossing, Hwy 99, and the light structuring based on the Sunset Blvd. side of the intersection and said he will be looking at this to see what can be done.

Ms. Serpico provided the project status and said it's at 30% design and design should be done by July 2016, with construction estimated in 2018-19 and the budget is \$5.9 million which includes engineering, right of way and construction.

Mr. Oakes stated the 30% design coincides with the May open house where this information will be presented to the public and they will be receiving public input. He said after the open house the County will be working with the City and County engineers to receive a blessing of the concept. He explained information can be obtained at www.co.washington.or.us/transportationprojects

He said City Engineer Bob Galati is the City's lead person and questions can be addressed to Bob, he also offered to answer questions.

5. ADJOURN:

Mayor Clark adjourned the work session at 7:00 pm and convened to a regular session.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Clark called the meeting to order at 7:12 pm.
- 2. COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Linda Henderson, Renee Brouse, Dan King and Jennifer Kuiper. Councilor Sally Robinson was absent.
- 3. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Captain Ty Hanlon, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Senior Planner Michelle Miller, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

Mayor Clark addressed the next agenda item and asked for a motion.

4. APPROVAL OF AGENDA:

MOTION TO AMEND: FROM COUNCILOR KUIPER TO AMEND THE AGENDA TO ADD YMCA DISCUSSION TO NEW BUSINESS ITEM C, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON WAS ABSENT).

MOTION AS AMENDED: FROM COUNCILOR HENDERON TO APPROVE THE AMENDED AGENDA, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark addressed the next item on the agenda and asked for a motion.

5. CONSENT AGENDA:

- A. Approval of April 5, 2016 City Council Meeting Minutes**
- B. Resolution 2016-019 Reappointing Shelly Lamb to the Cultural Arts Commission**
- C. Resolution 2016-020 Reappointing Vicki Poppen to the Cultural Arts Commission**

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark addressed the next item on the agenda.

6. PRESENTATIONS:**A. Recognition of Sherwood High School Student Athlete**

Mayor Clark recognized Sherwood High School student Gaven Jolley. She stated Gaven is the first Wrestling State Champion since 2002 and the only freshmen to win a state title in the history of the Sherwood Wrestling program. Mayor Clark congratulated Gaven and presented him with a Certificate of Achievement. When asked his weight class, Gaven stated 113 lbs.

Mayor Clark recognized and congratulated Wyatt Zettlemoyer for obtaining the rank of Eagle Scout. Wyatt was not present and Mayor Clark indicated the certificate would be mailed.

Mayor Clark read a challenge letter from the Sherwood Archers to the Archers of the Nottinghamshire Archery Society representing Nottingham, England. Mayor Clark signed the letter which will be sent to the Archers of the Nottinghamshire Archery Society inviting them to a competition held during the Robin Hood Festival.

B. Employee Spotlight

City Manager Joseph Gall stated that once a month the City will highlight an employee. He recognized Senior Planner Michelle Miller for her work on a Community Development project. He said Ms. Miller joined the City in 2007 as an Associate Planner and was promoted to Senior Planner in 2013. He said before coming to the City she worked in both private and public sector and has a Master's Degree in

Urban Planning from Portland State University and a Law Degree from Willamette University. He noted she received her AICP Certification in 2009. He stated she is the project manager for the Cedar Creek Trail Project and recently helped the City obtain a \$68,000 grant from Metro to add additional amenities to the trail. He said she also assisted in the grant writing for the Washington County Tourism Grant which will bring an additional \$30,000 in funding for the trail project. He said she is always looking for new opportunities to leverage this project and obtain additional funds to support the community. He acknowledged Ms. Miller's hard work and thanked her for her service to the City.

Mayor Clark addressed the next agenda item.

7. CITIZEN COMMENTS

Tracie Butterfield, Sherwood resident and YMCA member and volunteer on the Board of Trustees for the YMCA Columbia-Willamette. She said the City and the Columbia Willamette YMCA have a unique partnership that has served the community well. She said the contract that has guided the partnership since 1988 has enabled the YMCA to provide comprehensive health and wellness programs to local residents without competing for taxpayer dollars that fund public services provided by the City. She said nearly two years ago the City requested and funded a report by TKW which made several recommendations for clarifying the contract terms. She stated local residents, who overwhelmingly voted to bring the YMCA to Sherwood, deserve to know why the City has not followed through on the recommendations outlined in the report. She said the first recommendation is for the City to undertake a formal review and revisions to the current agreement. She stated since the TKW report was released in 2014 the YMCA continues to request opportunities to meet and work with staff to conduct such a review and to make any and all changes necessary. She stated the City has not responded to these requests and instead staff has made piecemeal changes that leave many of the most important contract clarifications unresolved. She said the piecemeal approach continued last week as the City proposed to amend the current contract on a couple of points without a commitment to constructively resolve important outstanding issues. She said given our historic voter sanctioned contract, the YMCA Columbia-Willamette believes it is in the community's best interest to review all outstanding contract recommendations in the TKW report. She stated the review should be comprehensive and conducted soon and completed as a matter of public stewardship. She said the YMCA Columbia-Willamette remains committed to serving the Sherwood community and ready to work with staff to make sure the contract is strong. She commented on how she uses the YMCA personally and how there is a feeling of belonging and it is the hub of the community. She said the YMCA is a proven model throughout the country. She asked the Council to ensure that the YMCA is invited to meet with the City and resolve all contract issues this month.

Gail Cutsforth, Sherwood resident came forward and commented regarding comments made by Mayor Clark at the April 5 City Council meeting. She said she sent an email to the Council on April 6 regarding this matter and received a response from one Councilor that stated she found it "frustrating that I continue to make false statements and yet accuse us of not having the correct information please stop making misrepresentations". She referred to the ballot measure from 1996 that included verbiage on the construction and operation of the facility that is now home to the YMCA. She referred to the meeting minutes from April 5 and said the Mayor's comments stated, "She referred to a question about whether the citizens of Sherwood voted in the YMCA and stated that the citizens did vote for a recreational facility but not the YMCA specifically." Ms. Cutsforth stated the Mayor was not responding to a question and just wanted to make a statement. She said it is accurate that the ballot title from 1996 did not state anything

about the operation of the building and just the construction and noted that ballot titles are limited to 175 words. She asked why a city would construct a large recreational facility without an operator in place. She stated that while the information provided about the ballot title was factual, the explanatory statement for the measure was omitted and hopefully that was an oversight and not an intentional omission aimed at misleading the citizens. She referred to the Mayor's comments that the citizens did vote for a recreational facility but not the YMCA specifically and said this is inaccurate. She commented on the explanatory statement which states that the City, the YMCA and the citizens of Sherwood were united in their efforts to bring a recreational facility operated by the YMCA to Sherwood. She read from the explanatory statement: *"Approximately \$5 million has been targeted to build an indoor recreational facility. A joint public-private partnership has been formed between the City of Sherwood and the YMCA of Columbia-Willamette which will allow the YMCA to operate the facility on a day-to-day basis. No additional tax dollars will be required for the operation of the facility."* She stated the voter turnout was 55% with 60% voting in favor. She said another Councilor criticized her for stating that the citizens voted overwhelmingly for this measure and that it does not apply since the population in 1996 was 5,000 and now Sherwood has 18,900 residents. She said she disagrees and the votes from 1996 matter. She stated that a feasibility study should not be done in house and stated this Council only discusses the YMCA in secret closed door executive sessions so she would not trust an in house study to be open, honest, transparent, unbiased or fair. She noted the Council discusses the other City owned buildings and not the YMCA. She commented on how the Council is willing to discuss other events and activities but not the YMCA and said the disparity is glaring. She placed copies of the ballot measure and a document detailing the process up to the grand opening of the YMCA on the meeting sign in table. She said at the end of the explanatory statement it states that "if the bond passes, it is anticipated that the YMCA will be under construction early in 1997". She stated that even the ballot measure refers to the building as the YMCA.

Mayor Clark asked Mr. Gall to provide clarification on the difference between a ballot title and an explanatory statement.

Mr. Gall said the ballot title did not mention the YMCA and that was what appeared on the ballot. He said the explanatory statement was not on the ballot and was in the voters' pamphlet. He said there have been suggestions that the City will not be able to not renew the contract with the YMCA without a public vote because the public voted for the YMCA. He noted that this is semantics but it is important to note what was on the ballot when people voted. He said staff has requested a copy of the ballot and it is his understanding that there was no mention of the YMCA on the ballot. He commented on the implications if the City decides not to renew the contract and is there a need to go back to the public for a vote.

City Attorney Soper added that he has never seen an explanatory statement printed on a ballot and it is always intended for the voter's pamphlet. He stated he verified with bond counsel that from the explanatory statement reference to the YMCA there are no binding requirements in terms of the bonds imposed by that language.

Kurt Kristensen, Sherwood resident approached the Council and discussed the Water Master Plan. He said in 2005 with Mayor Mays and Councilors Henderson, King and Clark voters were told that we need to go to the Willamette River for our water and there would be some costs and benefits involved. He said they were told the water costs would level off and even go down. He said now after 10-15 years the rates are still going up and that is cause for concern. He said before 2005 residents received their water and sewer bill every other month and soon after 2005 the City began to bill residents monthly for about the same amount so in effect the costs doubled. He said in 2015 the City Council approved a resolution to

hire the same contractor that built the \$44 million water system to design and update our Water Master Plan. He stated he reviewed the materials from that meeting and said it looked like a bit of an uncompetitive process and that was a mistake. He said on May 5 Mayor Clark signed Ordinance 2015-004 that amended Chapter 7 of the Sherwood Comprehensive Plan and adopted the Sherwood Water Master Plan and this document commits the City to a number of costly water expansions over the next 10-20 years without clarifying to ratepayers exactly where the funds will come from. He said when you dig into the Water Master Plan the total cost through FY 2034 is about \$25 million and that means the City is going to have to ask for about \$1.5 million per year to fund these projects. He referred to page 90 of Ordinance 2015-004, Exhibits 1 and 2 which states that costs for both projects are allocated 80% to existing customers and the remaining 20% of the cost is allocated to system growth. He said all the expansion costs should be allocated and put in escrow and collected by the City from SDCs not by current residents. He said at the very least the percentages should have been reversed. He said at the same time Governor Brown has signed a water reduction order because of concern for the watershed from the mountains where there is no more snow in the winter. He said this is happening while Sherwood and Washington County are taking water out of the river. He asked the Council and City to be more transparent about how costs are being allocated, bring the Water Master Plan back for another hearing and amend the allocation of costs so that 80% be paid by developers. He commented on raising the water rates 2% a year would double his water bill in 10 years.

Mayor Clark clarified that Mr. Kristensen was referring to her late husband Del Clark who was on Council in 2005. Councilor Henderson clarified that former Councilor Clark did not serve in 2005.

Nancy Taylor, Sherwood resident came forward in support of the Ballot Measure 34-244 putting a 2% water tax cap. She said citizens need to read the Water Master Plan. She commented on the proposed increases over the next 5 years and the information that the YMCA and the City was not paying for water. She commented on the FY 2015-16 budget where 29% of the revenue comes from utility fees. She said property taxes are only 23% of the revenue. She said this will give the voters back the power they had with voting on annexations. She stated that with a 2% tax cap the City will not have the money to annex Brookman and the developer will have to do it. She said the only way to stop development and slow it down is to pass the water tax cap.

Alan Pearson, Sherwood resident approached the Council and said as a member of the Planning Commission he appreciates the work of Senior Planner Michelle Miller. He said she is well prepared, able to answer questions, brings clarity, and is impartial and always willing to help. He commented on the YMCA and said it is a business even though it is a nonprofit. He said nonprofits are in the business to make money and would not be in business if they weren't making money. He commented that the YMCA does not pay property taxes because it is a City building and that is not included in the rent. He noted personally that he resents the implications that the Council is being untrustworthy and doing things behind closed doors. He said he has never seen a more open set of government than in Sherwood. He stated the Council is transparent and always open to the public. He said the Council is taking their time and doing this cautiously, properly and judiciously.

With no other citizen comments, Mayor Clark addressed the next item on the agenda.

8. NEW BUSINESS

A. Resolution 2016-021 directing City Manager to discuss with Washington County and the Washington County Sheriff's Office the possibilities of contracting law enforcement services between the hours of 1:00 am and 6:00 am

Assistant City Manager Tom Pessemier stated that Washington County has a policy that requires Council to approve a resolution or an order from the jurisdiction requesting law enforcement services to be passed before they enter into conversations. He said this resolution honors the County's request and formalized the conversation from the last meeting.

Mayor Clark asked for public comment.

Tess Keis, Sherwood resident came forward and commented that Sherwood has been rated the 2nd Safest Community and is growing. She commented on the resolution proposing to contract law enforcement services between the hours of 1:00 am and 6:00 am and said the Police in our community are well known to the citizen and she hesitates to bring someone in during those hours that is not familiar with our City and our citizens. She said this will be open to rookies who are not experienced enough. She referred to being integrated in the community and the response times in Sherwood. She said she opposes using the City Managers time to look into this possibility and fixing something that is not broken.

Mayor Clark said the Council discussed this issue in a work session and the consensus was to have this option in order to free up funds for the extra policing requested by citizens in the Policing Survey. She said this is an opportunity to get information from Washington County.

Mr. Pessemier said the resolution states that staff will report back to Council prior to entering into any contract negotiations with the County.

Mayor Clark said this is a recommendation from the Police Staffing Study and it is appropriate that Council move forward.

Councilor Kuiper asked if this could be an ongoing conversation and she would like specifics and provided examples. Mr. Pessemier said there will be an initial conversation to see if contracting makes sense. He said the contract negotiations would spell out the details. He offered to keep the Council informed through work sessions or conversations.

Councilor King said he supports the resolution to achieve a short term gain as far as managing manpower. He commented on Ms. Keis remarks and said if Washington County had a presence in Sherwood it would be a benefit over time to have that familiarity.

Council President Harris said Sherwood is in Washington County and those officers come to Sherwood now for backup.

Councilor King said he views this as temporary and with projected growth in the community the Police Department will have to grow.

Councilor Henderson said Matrix provided this as an option and not a recommendation. She stated that she wants Sherwood Police Officers working the night shift and she has no interest in hiring Washington County. She said she understands that this is information but stated that we have no control over who

Washington County hires and how they train and who they send to Sherwood. She said she has spoken with the City of Cornelius. She stated she does not know how we can free up funds if we are paying a third party who pays higher wages to patrol our community from 1 am to 6 am. She noted that data is important and said she has looked at the data. She commented on the caliber of the Sherwood Police Department and she would rather hire someone vested in the community.

Council President Harris referred to the importance of information and the separation between Sherwood and Washington County is small. She said the contract parameters can be negotiated later. She referred to Wilsonville and said they contract with Clackamas County. She stated she supports the resolution.

Councilor Brouse referred to Councilor King's comments regarding how this could build a relationship with Washington County but agrees with Councilor Henderson regarding investing in Sherwood Police instead of Washington County. She said she is a proponent of gathering information but in this instance we are better off staying with Sherwood.

MOTION: FROM COUNCIL PRESIDENT HARRIS TO APPROVE RESOLUTION 2016-021, SECONDED BY MAYOR CLARK. MOTION PASSED 5:1. (MAYOR CLARK, COUNCIL PRESIDENT HARRIS, COUNCILORS KUIPER, KING AND BROUSE VOTED IN FAVOR, COUNCILOR HENDERSON VOTED AGAINST AND COUNCILOR ROBINSON WAS ABSENT).

B. Conflict of Interest - Request for Action by City Council

City Manager Joseph Gall recapped the staff report and said there isn't a resolution as he is looking for a Council motion. He stated he has a conflict of interest in his role as City Manager. He said in the Solid Waste Code the City Manager is designated as the enforcement officer. He stated there is a dispute between the City's franchise hauler Pride Disposal and a service that is provided where he lives in the community. He stated he consulted with City Attorney Soper to determine if he should get involved with resolving the issue when he is a beneficiary of the service of one of the companies involved in this dispute. He noted that Mr. Soper followed up with the State Ethics Commission and they recommended that the City Manager declare to the City Council that there is conflict and Council can either become the party to enforce the code or delegate someone in this specific instance only. He said he is recommending delegating his authority as City Manager to the Assistant City Manager to deal with this specific issue.

Mayor Clark said she appreciates Mr. Gall's transparency and due diligence. She agreed with Mr. Gall's recommendation to delegate the authority to the Assistant City Manager.

MOTION: FROM MAYOR CLARK TO ALLOW TOM PESSEMIER TO TAKE OVER THE RESPONSIBILITIES OF JOE GALL IN DISCUSSING THE ISSUE BETWEEN PRIDE DISPOSAL COMPANY AND VALET WASTE LLC AS PRESENTED IN THE COUNCIL PACKET, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0. ALL MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark clarified for the public that this authority is now allocated to Tom Pessemier to handle without Joe Gall's involvement.

C. Sherwood YMCA Discussion

Councilor Brouse recused herself and stepped down from the dais.

Mayor Clark noted this discussion has been added to the agenda to discuss a letter the City received. She provided the Council with a copy (see Record, Exhibit H). Mayor Clark said the letter will be placed in the record and she read the letter.

“Good morning Joe and Tom. Because of our agreement with you that we would not discuss the amendments with our board during the negotiation process, it took a few days to process the proposed changes with our policy volunteers. The YMCA of Columbia-Willamette appreciates the City’s proposal to address a couple of the issues in our current 20-year contract that need clarification. However, as City officials know, the TKW LLP report requested by the City in 2014 outlined multiple areas to clarify concerning our contract. After nearly two years, the piecemeal approach to those recommendations now proposed by City staff will still leave several issues unresolved, without a commitment to constructively work with the YMCA toward a resolution. For this reason, the YMCA believes it’s in the best interest of all parties, including our members and Sherwood residents, to review all outstanding contract recommendations in the TKW report, as well as any other issues, in a comprehensive manner. It’s worth noting that since the TKW report was released, the YMCA has requested numerous times the opportunity to work in collaboration with City staff to review our entire contract and make any and all changes necessary. We are still unclear why the City has delayed moving forward with a comprehensive contract review, particularly since it sanctioned the TKW report for the purpose of ensuring the contract is as sound as possible. The YMCA remains as committed as ever to serving the Sherwood community. We very much look forward to working closely with the City to review our contract in a timely manner that reflects our long-standing, mutually beneficial partnership. Please let me know when you would like to get back together again. Sincerely yours, Bob Hall, President and CEO of YMCA of Columbia-Willamette.”

Mayor Clark asked staff to provide a clarification on the allegations regarding staff not working with the YMCA in the negotiations. She said she requested the number of hours staff has spent negotiating the contract changes with the YMCA.

Assistant City Manager Tom Pessemier said it was over \$9,000.

City Attorney Soper stated the total staff cost was \$9384.72 which breaks down to City Manager 10 hours, Assistant City Manager 82 hours, City Attorney 12 hours and Finance Director 14 hours.

Mayor Clark clarified that those hours were spent negotiating and working on the issues with the YMCA.

Councilor Kuiper said she made a motion to put this discussion on the agenda because both parties are talking passed one another and there is not much clarity. She commented on Section 33 of the contract which addresses subleasing space in the YMCA for other uses and recalled that it was decided through Council and the City to address that section in anticipation of further negotiating at a later time. She said this is how this issue started and referred to the timeline and the results. She stated the other issue at hand is negotiating the contract and the YMCA is ready to negotiate but the City needs to effectively communicate with the YMCA that in keeping with good public stewardship of the building the City has to do some due diligence before they can come to a discussion. She said the City needs to look at the building and do a feasibility study. She asked City Manager Gall for an update.

Mr. Gall said the approved Council goals included a feasibility study to begin in April and be completed by October 1. He said they will be putting out an RFP to hire an independent analysis. He stated next year's budget, if approved, includes funding for the study. He discussed the timeline and reminded the Council that the contract with the YMCA expires October 2018. He said both parties are required to provide a year notice if they will not be renewing the contract so the City must decide by October 2017 whether they want to renegotiate the contract. He commented on the negotiations with the YMCA regarding Section 33 of the contract and stated that the YMCA agreed to the changes. He said it is frustrating to have City staff negotiate in good faith with Mr. Hall and Mr. Hunter and come to an agreement and now the letter states that they do not want to do that. He stated that is not acting in good faith and the City would not have spent nearly \$10,000 of staff time to develop better language to throw it out the window. He said he is looking for direction from the Council.

Councilor Harris said Section 33 affects groups beyond just the YMCA and the City and it was decided to have that section amended to address the issues with the groups that it affects as quickly as possible. She stated the City spent almost \$10,000 getting Section 33 to a place where both parties were in agreement and the groups were able to continue using the YMCA. She said it was her understanding that those negotiations were complete and now the letter from Mr. Hall states differently. She commented on her frustration with the issue and said this amount of money does not show a delay in moving forward or a lack of collaboration.

Councilor Kuiper stated the City has to do some due diligence and do the feasibility study then go to the next step. She referred to an email from Mr. Hall and said that needs to be communicated to the YMCA.

Mayor Clark stated Council has given staff direction to keep moving forward with the feasibility study.

Mr. Gall said the feasibility study will move forward so decisions can be made. He stated he also needs direction on how to respond to the YMCA now. He noted that time and money has been spent negotiating a poor section of the current contract.

Councilor Harris said it is her understanding that they are in breach of the contract.

City Attorney Soper said the reason Section 33 was being renegotiated is because the current activities at the YMCA at the time violated existing language in Section 33. He stated they developed new language that would bring them into compliance.

Mayor Clark asked Mr. Soper for a recommendation on how to move forward since the City has wasted \$10,000 going through with the negotiation process and coming up with a conclusion that has now been summarily rejected with no discussion. She asked for a legal recommendation for an appropriate response.

Mr. Soper said the next step would be for him to advise Council confidentially on what the ramification of holding the YMCA in breach of the contract would be and allow Council to digest the information and make a decision.

Mayor Clark said she is comfortable scheduling that item for the next meeting.

Councilor Henderson asked Mr. Soper if he is assuming that the YMCA is in breach now. Mr. Soper said the issues with Section 33 that arose last fall were in violation of the contract.

Councilor Henderson referred to the RFP and asked Mr. Gall about the scope of the feasibility study and the projected costs. She said she would like to see the study include projections for 5 years as opposed to a snapshot. She stated we need to be proactive and not reactive. She said it can't be myopic. She commented that citizens that use the YMCA are now getting anxious about change and the future of the YMCA facility. She said she would like to see progress that is not in the form of animosity.

Mr. Gall responded that he would foresee a 5 year plan similar to what the City of Wilsonville did. He said the study could be like a business model to determine what it would cost the City to operate the facility. He commented that the building is nearly 20 years old and his proposed budget includes a roof replacement and said there will be maintenance costs. He also noted there is desire for expansion of the facility. He said it is a complex issue and there is unfortunately a lot of emotion and allegations back and forth. He said as a City we need to make an informed decision about what is going to happen with the facility. He expressed frustration on the amount of time spent negotiating Section 33 and he thought the deal was done. He said now they need to put the frustration aside and operate under the current language which is very poor and requires the City Manager to approve every potential use from outside organizations. He stated the current language is terrible and they had a good solution and that is frustrating.

Councilor Kuiper said there needs to be a process to identify the data objectives that need to be in the RFP. She referred to the different options that the RFP should consider.

Mr. Gall said he will provide Council with the proposed scope of work before the RFP is released. He said the proposed budget includes \$45,000 for the study based on what other cities have spent. He stated the facility cost the City \$8 million 20 years ago and there are important decisions to make. He noted the need for an outside analysis and said it is worth the investment.

Mayor Clark thanked Council for their direction and forward thinking. She said this is now a Council goal and was unanimously approved by Council. She stated the study will focus on how we deal with recreation in our City. She said she looks forward to the results of the study and is disappointed that the YMCA has chosen the path of entering into negotiations and then cutting the City off and wasting \$10,000 of the citizen's money, but stated we have to move forward.

Mayor Clark addressed the next item on the agenda.

9. CITY MANAGER REPORT:

Mr. Gall reported the community garden plots are available for reservation on the City website. He said the garden is currently under construction.

Mayor Clark addressed the next item on the agenda.

10. COUNCIL ANNOUNCEMENTS

Mayor Clark announced that May 7 will be the first work party for the Community Garden and it is full. She said the LDS community sent out notice and 50 people signed up. She said there will be a raised bed building work party in early June. She said she attended the Women of Influence luncheon sponsored by Nike and the Portland Journal and was invited to sit at the Nike table with Governor Brown. She announced that Trashpalooza is Saturday from 10 am – noon at the Cannery Plaza. She said wireless printing will soon be available at the Library. She stated the “If I were Mayor” contest deadline is Friday at 5 pm. She said Representative Suzanne Bonamici is having a Town Hall at the Sherwood Center for the Arts May 7 at 2 pm. She announced the Neighbor to Neighbor program will meet at the Newberg Hospital at 8:30 am April 30 for their spring cleanup. She stated that the Council will only meet once in May on May 3 as there will be 3 Budget Committee meetings that month.

Council President Harris said the Library had a 23% increase in card usage for March and there was an increase of 32% for volunteer hours. She said the Library had 70 programs in March with 1700 attendees. She said the registration for the Suicide Prevention Workshop is open and the workshop is Thursday, May 19 from 5:30 – 7:30 pm and is in partnership with the Washington County Mental Health and the Rotary. She said the Friends of the Library meeting is May 5 at 5 pm. She said the Library Advisory Committee meets tomorrow to clarify the exhibit process. She commented on the unique relationship the Center for the Arts has with the Tears of Joy Theater. She said May 14 is the Wacky Circus Fun. She discussed the gallery at the Center for the Arts and the new catalog. She stated the Altered Arts Festival is June 4.

Councilor King referred to the annexation measure signed by the Governor and asked staff if the Charter needs to be changed. Mr. Soper said they do not have to remove any language in the existing Charter. He said the Charter says unless otherwise provided by State law it will be referred to the voters and now State law provides otherwise. He stated that a link to the bill would be put on the City website.

Councilor Henderson said the Police Advisory Board will meet this week and next month is National Police Week and there will be a service in Salem. She said there is a shredding event on Saturday at the Police Department. She announced Guys and Dolls opens at the High School on Thursday and runs two weekends. She said on May 5 she will attend the Meals on Wheels annual luncheon with Community Services Director Kristen Switzer. She said the Missoula Children's Theater registration is open with a camp in June and August. She stated the Altered Arts Festival is June 4 at Veterans Memorial Park.

Councilor Henderson excused herself at 8:55 pm.

Councilor Brouse announced the Spaghetti Factory is open. She said she attended the School Board meeting and stated there is a potential bond proposed for the November election and there will be more title funding coming to Sherwood students. She said the School Board also had an update on the strategic plan and they are on track. She stated the next Chamber meeting is May 10 and it is Tip a Cop and will take place at Rose's. She said there is a Chamber mixer tomorrow night at the Refuge. She announced the Rotary Tree sale is open.

Councilor Kuiper announced the Sherwood Mixolydians won first place in the Rose City Sing off and they will be in the Grand Floral Parade. She said the Robin Hood Festival Association will meet on Thursday at 7 pm at the Masonic Lodge. She said 503 Uncorked is having a Wine Festival June 23.

With no further announcements, Mayor Clark adjourned the meeting.

11. ADJOURN:

Meeting adjourned at 8:48 pm and convened in a URA Board Work Session.

Attest:

Sylvia Murphy, MMC, City Recorder

Krisanna Clark, Mayor

TO: Sherwood City Council

FROM: Kristen Switzer, Community Services Director
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2016-022, Appointing Geoffrey Beasley to the Cultural Arts Commission

Issue:

Should the City Council appoint Geoffrey Beasley to the Cultural Arts Commission?

Background:

The Cultural Arts Commission currently has 2 vacancies. Council Liaison, Jennifer Harris, the Chair of the Commission and staff interviewed Mr. Beasley on Monday, April 18th and feel that he would be an excellent addition to the Commission.

According to Chapter 2.08.010 of the Sherwood Municipal Code, members of the Cultural Arts Commission shall be appointed by the Mayor with consent of the City Council for a two year term.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2016-022, appointing Geoffrey Beasley to the Cultural Arts Commission.



RESOLUTION 2016-022

APPOINTING GEOFFREY BEASLEY TO THE CULTURAL ARTS COMMISSION

WHEREAS, the Cultural Arts Commission currently has 2 vacancies; and

WHEREAS, Council Liaison Jennifer Harris and the Chair of the Cultural Arts Commission, Skye Boughey, with assistance from staff, are recommending Geoffrey Beasley for appointment; and

WHEREAS, according to Chapter 2.08.010 of the Sherwood Municipal Code, members of the Cultural Arts Commission shall be appointed by the Mayor with consent of the City Council for a two year term.

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

Section 1. The Mayor is authorized to appoint Geoffrey Beasley to a two year term, expiring May 2018.

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

Duly passed by the City Council this 3 day of May, 2016.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Brad Crawford, IT Director
Through: Joseph Gall, ICMA-CM, City Manager
Josh Soper, City Attorney

SUBJECT: Resolution 2016-023, Authorizing the City Manager to Renew an IGA with City of Portland for Telecommunication Services

Issue:

Shall the City Council authorize the City Manager to renew an Intergovernmental Agreement (IGA) with the City of Portland for telecommunication services?

Background:

The Sherwood Police Department utilizes a records management service that is hosted and maintained by the Portland Police Department. This service is called RegJIN and is utilized by many local Police Departments. In order to utilize this service, Sherwood needs to establish a telecommunication connection between Sherwood and Portland Police Department. Through the City of Portland's Integrated Regional Network Enterprise (IRNE) and Sherwood Broadband, the City can acquire this telecommunications connection. IRNE is a telecommunication services business similar to Sherwood Broadband. This IGA is a renewal of one signed originally back in 2005 that recently expired on February 28, 2016.

Financial Impacts:

There is no direct financial impact with signing this Intergovernmental Agreement. The costs for the actual service will come in the form of a service order and be signed by the City Manager assuming there is an approved IGA. Current costs for this service is roughly \$625 per month and it's expected that won't change significantly with the next service order. Sherwood Broadband does not charge the City for their portion of this connection.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2016-023, authorizing the City Manager to renew an IGA with the City of Portland for telecommunication services.



RESOLUTION 2016-023

**AUTHORIZING THE CITY MANAGER TO RENEW AN IGA WITH CITY OF PORTLAND
FOR TELECOMMUNICATION SERVICES**

WHEREAS, the City of Sherwood requires a telecommunication connection in order to connect to the Portland Police Departments records management system, RegJIN; and

WHEREAS, the City of Portland has created the Integrated Regional Network Enterprise (IRNE) to facilitate the telecommunications needs of public agencies; and

WHEREAS, the City of Portland through IRNE can provide a telecommunication connection that would connect the City of Sherwood to the RegJIN records management system; and

WHEREAS, the City of Sherwood and City of Portland previously executed an Intergovernmental Agreement for IRNE Services, contract C52555 with an effective date of August 13, 2007, and an expiration date of February 28, 2016; and

WHEREAS, the City of Sherwood and City of Portland desire to continue the provision of these IRNE Services; and

WHEREAS, the costs for this service will be detailed in a separate service order and approved by the City Manager after approval of this Intergovernmental Agreement

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

Section 1. That the City Manager is authorized to execute the Intergovernmental Agreement (IGA), attached as Exhibit A, with the City of Portland for telecommunications services.

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

Duly passed by the City Council this 3rd day of May, 2016.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

**INTERGOVERNMENTAL AGREEMENT
FOR IRNE SERVICES**

CITY OF SHERWOOD, OREGON

Contract No. 30005019

This Agreement is made effective on **March 1, 2016** ("Effective Date"), between the **City of Portland**, a municipal corporation of the State of Oregon, and its successors or assigns (hereafter called "City"), and the **City of Sherwood** (hereafter called "Customer"), by and through their duly authorized representatives. This Agreement may refer to the City and Customer individually as a Party, or collectively as the Parties.

Recitals:

WHEREAS, the Integrated Regional Network Enterprise (IRNE) is a City initiative to provide very high bandwidth, high reliability and highly secure telecommunications Services for the City of Portland; and

WHEREAS, the City created IRNE to serve other local jurisdictions, State and Federal agencies, educational institutions and public safety providers in the region; and

WHEREAS, the City and Customer previously executed an Intergovernmental Agreement for IRNE Services, contract C52555 with an effective date of August 13, 2007, and an expiration date of February 28, 2016; and

WHEREAS, the City and Customer desire to continue the City's provision of these IRNE Services; and

WHEREAS, the City through its Bureau of Technology Services was authorized by City Council on May 24, 2000, (Resolution # 35888) to negotiate Intergovernmental Agreements with other local jurisdictions, State and Federal agencies, educational institutions and public safety providers in the region for IRNE Services; and

WHEREAS, this Intergovernmental Agreement is authorized pursuant to Chapter 190.110 and 283.110 of Oregon Revised Statutes and Section 2-105 (a) 4 of the Charter of the City of Portland; and

WHEREAS, City Council authorized the Chief Technology Officer to execute Intergovernmental Agreements for IRNE Services through Ordinance No. 185198 effective March 14, 2012;

NOW THEREFORE, THE PARTIES AGREE:

1. Term and Renewal.

1.1 Unless terminated sooner under the provisions of this Agreement, the term of this Agreement shall be for five years, from **March 1, 2016** ("Effective Date"), to **February 28, 2021**.

1.2 This Agreement may be extended or renewed by written Amendment for additional periods, such periods to be determined at time of extension or renewal, but in no case shall the aggregate of the initial term and renewals exceed ten (10) years. Either Party may request extension or renewal; however, the

request for extension or renewal shall be in writing and provided to the other Party at least ninety (90) calendar days prior to expiration of the term to be extended or renewed.

1.3 Extension or renewal shall be conditioned upon: (1) availability of IRNE facilities; (2) continued offering of the IRNE Services by the City; and (3) the Parties reaching agreement on terms. At least ninety (90) calendar days prior to expiration of the Term of this Agreement, the Parties shall commence negotiations if they desire to continue IRNE Services under mutually acceptable terms and conditions. However, nothing binds or requires the City to continue to supply IRNE Services, or Customer to continue to purchase IRNE Services after expiration or termination of this Agreement.

2. Project Managers.

2.1 The City's Project Manager for this Agreement shall be the Manager of the Communications Division, Bureau of Technology Services. The City's Project Manager may appoint additional project managers.

2.2 Customer's Project Manager shall be Brad Crawford. Customer's Project Manager may appoint additional project managers.

3. Purpose. Customer warrants that the IRNE Services provided under this Agreement are for use by and for Customer for the conduct of its official business. Customer shall not resell, barter or share the IRNE Services to or with any commercial entity.

4. Amendments. The provisions of this Agreement shall not be altered, modified, supplemented or otherwise amended, in any manner whatsoever, except by written mutual agreement signed by authorized representatives of the Parties.

5. Telecommunications Services Order Process.

5.1 The City offers and provides IRNE Services as set forth in the published Catalog of IRNE Services ("Catalog"), a copy of which is posted online at <http://www.portlandonline.com/bts/index.cfm?c=34831> and is incorporated by reference hereto in its entirety. This Catalog is subject to future updates and changes and shall remain dynamic.

5.2 Customer may request any IRNE Service, provided that it is available to Customer's premises, and provided that Customer agrees to pay all construction, installation and recurring charges for the IRNE Services as described in the Order. IRNE Services shall be provided under the specific terms and conditions as detailed and described in this Agreement and the Catalog.

5.3 Interfaces and pricing schedules are described in the published Catalog. Customer shall indicate its requirements for interfaces in their Request for Service(s) ("Request").

5.4 Customer shall submit its written Request to the City Project Manager describing the type of Service requested, the installation date requested, and the interface requested. The City Project Manager shall confirm receipt of the Request in writing within ten (10) business days. The IRNE Project Manager shall subsequently provide a price quotation ("Quotation") including recurring charges, franchise fees, non-recurring charges, installation charges, construction charges, and any other cost, to Customer. The City Project Manager shall also provide an installation date and Service due date to the Customer at this time.

5.5 Once the details of the Request are finalized by both Parties, the City will issue a written Order for Services ("Order") on City letterhead. The Order shall identify the location for Services, dates of Service, Service description, and costs, both recurring and one-time. Customer shall indicate its acceptance by returning the Order, signed by an authorized person, to the City. Work to be performed by the City and Customer to install or operate the IRNE Services shall be as described in the Order. Orders for Services shall be priced and subject to the Catalog version in effect as of the date such Order shall be completed.

5.6 If engineering work and/or construction is required before an Order can be filled for Customer, the City Project Manager shall instead notify Customer in writing within ten (10) business days of receipt of the Request, that the Request cannot be filled without engineering and construction work. In this instance, the City Project Manager shall provide to Customer a written engineering and construction cost estimate. If Customer wishes to proceed with the engineering and construction work, the City shall provide a Quotation that includes the engineering or construction work and costs identified by the City as necessary to provide the Service requested. Once the City Project Manager has received written acceptance of the Quotation for the engineering and construction costs, the City Project Manager shall notify Customer in writing of its ability to provide a due date for Service delivery and issue an Order. Engineering or construction work and costs may be included in the Quotation and Order for Services, or in a separate Quotation or Order.

5.7 If the City is unable to provide the Service to Customer in a timely manner, or the Service delivery date is unacceptable to Customer, Customer may cancel the Request or Order in writing, or the Parties may modify the existing Order to show a mutually agreed Service delivery date.

5.8 The City shall make every effort to meet the Service delivery date to Customer that is quoted for the Order. However, construction delays, difficulty in contracting for labor or materials, permit availability or other construction or engineering issues may occur which are out of the control of the City. If the City expects a delay, it shall promptly notify Customer in writing and revise the Order delivery date. Within ten (10) business days of notice of delay, Customer shall either accept the delay in writing or cancel the Order. Customer agrees that when construction, engineering or other issues that affect Service delivery occur, the City shall not be held responsible for any damages, penalties or liability due to delays in providing the Service.

6. Revisions to Orders and Services.

6.1 The Parties agree that Customer can request changes to an Order by providing the City with requested changes in writing. Where a change can be made, the City will provide Customer with a revised Quotation and send a new Order for Customer's signature. Orders for additional Service and/or changes to existing Service and Attachments (revised equipment lists, construction details/specification,) may be added to or deleted from this Agreement without formal Amendment. Any other changes to this Agreement will be accomplished by Amendment pursuant to Section 4.0 of this Agreement.

6.2 Disconnection of Individual Services. Customer may send a Request to the City for disconnection of an individual Service. Such a Request must be received thirty (30) calendar days advance of the date Customer wants that particular Service disconnected. City will confirm the date to Customer in writing.

7. Orders Not Coterminous. Orders placed under this Agreement are not required to be coterminous with the expiration of this Agreement, rather shall survive the expiration of such until completion. In these cases all provisions of this Agreement shall be considered active and in full force until the applicable Order(s) reach conclusion. In no case shall a new Order be placed by the Customer, or be accepted by the City after the expiration date of this Agreement or subsequent renewal.

8. Rates, Charges and Payment Procedures.

8.1 Services under this Agreement shall become billable as of the first installation date of IRNE Service (as evidenced by the City's records or an Activation Letter sent to Customer by the City after the installation date has occurred and Services have begun, which shall be incorporated into this Agreement by reference).

8.2 IRNE Services, franchise fees, and Universal Services Fees as appropriate, shall be billed to Customer as monthly recurring charges, or as installation, construction, engineering, equipment, or other non-recurring charges. The City shall establish the rates that form the basis of these charges. The City shall publish the rates for IRNE Services annually in the IRNE Catalog.

8.3 The City shall establish rates for IRNE Services that are tied to the term length of this Agreement. The City reserves the right to develop new rates for then existing IRNE Services and for new IRNE Services previously not in the IRNE Catalog at any time, and publish them in the IRNE Catalog. Upon publication by the City, any new Service and new rate shall be available to Customer. Annual rate increases for Services ordered and delivered during the term of this Agreement shall be no greater than the corresponding consumer price index as forecast and published by the City's budget office or by three percent (3%), whichever is higher.

8.4 At the termination of this Agreement, or at any time this Agreement is amended or extended beyond the original Term, the rates for Services ordered and delivered from that time forward shall be updated to reflect the current published rates for Services. In addition, Services ordered and delivered under the original Term, but continued under the new Term shall be billed at the new rate for those Services in effect at the time of the renewal or extension.

8.5 Customer shall pay all charges within forty five (45) calendar days of the date of the City's invoice. Interest shall be charged to late accounts as provided in Portland City Code however, in no case will the interest charged to Customer be in excess of that amount allowed under ORS 293.462. A failure to pay charges when due may also result in termination of IRNE Services as provided by Section 15 of this Agreement.

8.6 In lieu of monthly payments for recurring charges, Customer may prepay the monthly recurring charges annually on a fiscal year basis. The annual payment shall consist of the monthly recurring payment times twelve (12). For the first year, the annual payment shall consist of the monthly recurring charges pro-rated for the remainder of the then-current fiscal year. For the final fiscal year, the payment shall consist of the monthly recurring charges pro-rated for the remaining term of this Agreement.

8.7 In the event Customer disputes any of the charges, Customer shall pay all undisputed charges within the forty five (45) calendar days. Customer shall notify the City in writing of disputed charges immediately when discovered but no later than forty-five (45) calendar days following the date of the City's invoice. The Parties shall meet and resolve the disputed charges in a timely manner. Both Parties agree to investigate any disputed amounts in an expedited fashion in an effort to resolve and settle the dispute prior to seeking any other remedies. Charges not disputed within forty-five (45) calendar days from the date of the City's invoice shall be due and payable and no longer subject to dispute under this section.

8.8 If Customer disputes charges and does not pay such charges by the payment due date, such charges shall be subject to interest charges as provided by Portland City Code (not to be in excess of that amount allowed under ORS 293.462) unless the dispute is resolved in favor of Customer. If the disputed charges have been withheld and the dispute is resolved in favor of the City, Customer shall pay the disputed

amount plus interest charges as provided by Portland City Code (not to be in excess of that amount allowed under ORS 293.462). The disputed amounts shall be paid no later than the second billing period following the resolution of the dispute. If the disputed charges have been withheld by Customer and the dispute is resolved in favor of Customer, the City shall credit the bill of Customer for the amount of the disputed charges and any late charges already paid no later than the second billing period after the resolution of the dispute. If Customer pays the disputed charges and any applicable late charges and the dispute is resolved in favor of the City, no further action shall be required. If Customer has paid the disputed charges and any applicable late charges, the City has credited the payment to Customer's account, and the dispute is resolved in favor of Customer, the City shall credit Customer's bill for the disputed amount and the late payment charges already paid no later than the second bill payment due date after the resolution of the dispute.

8.9 The invoice received by Customer from the City shall contain the details necessary to identify the circuit or Service provided, itemized charges on the circuit or Service and Customer identifier, geographic address and billing interval. Every Service or circuit provided by the City to Customer shall have a discrete identifier on the invoice to facilitate Customer tracking of Service charges.

9. Interfaces.

9.1 At Customer premises the City shall provide a standard network interface for the type of IRNE Services provided, and as described in the Order. The City shall work with Customer to meet IRNE standards for interface, or shall propose alternatives to the standard if there is a legitimate need to do so to protect the integrity of Customer's facilities or IRNE network security. Customer shall be responsible for extending the IRNE Services from the City's interface point to its Service locations. The City may require the installation of City equipment on Customer's premises in order to provide the IRNE Services and network interface. Customer shall be responsible for providing and/or paying for such equipment, and space, environmental controls, power, and other required support for the equipment. Ownership of equipment and facilities shall be as provided in Section 11.

9.2 In the event special construction or equipment is required to provide the IRNE Interfaces to Customer premises, Customer shall be responsible for payment for those items and their installation. These charges shall be quoted to Customer at the time of Order processing as provided in Sections 5 and 6, and paid as non-recurring charges by Customer as provided by Section 8. Ownership of equipment and facilities shall be as provided in Section 11.

10. Management of the IRNE Service.

10.1 An IRNE Network Manager appointed by the City and an IRNE Partner Network Manager appointed by Customer shall manage their discrete operational areas associated with use of the IRNE Services. The IRNE Network Manager shall be responsible for activities relating to providing Customer with access to the IRNE Services and with maintaining the integrity of the IRNE Services. Customer Network Manager shall be responsible for any equipment provided by Customer to use the IRNE Services to transmit and receive information. The IRNE Services shall be managed by both Network Managers to optimize the joint benefit of both Parties to this Agreement. Each Party shall notify the other in writing of the contact information for its Network Manager for this Agreement within five (5) business days of the Effective Date of this Agreement.

10.2 Each Party shall provide the other with a number to contact the other's Network Operations Center (NOC) 24 hours-per-day by telephone or pager. This number shall be used for reporting of troubles and repair management, and other day-to-day network management issues. Use of e-mail for non-critical communication is acceptable and encouraged.

10.3 If either Party changes Network Managers, it shall provide the other Party with prior written notification at least thirty (30) calendar days in advance of the change, if possible. If thirty (30) calendar days' advance notice is not possible, then prior notice shall be given no later than seven (7) calendar days after the Party making the change becomes aware that a change will be made.

10.4 Each Party shall appoint a backup or Alternate Network Manager to act in the absence of the Network Manager. The other Party shall be notified in the same manner as provided by Sections 10.1 and 10.3 of this Agreement.

10.5 The City shall not control or be responsible for the content of information transported over the IRNE by Customer in any way.

11. Ownership of the IRNE. The City shall retain asset ownership and physical control of the IRNE, including without limitation, equipment or facilities installed on Customer's premises for the purpose of providing IRNE Services to Customer.

12. Maintenance and Operations.

12.1 The City is responsible for maintaining the IRNE network and IRNE interfaces during the Term of this Agreement. At the time of installation of IRNE equipment or Services to Customer premises, the IRNE Network Manager shall provide a diagram and listing depicting the IRNE equipment and the IRNE demarcation in Customer's premises. The cost of maintaining the IRNE network and interfaces identified on the diagram and listing as IRNE managed equipment and facilities shall be paid by the City. Customer is responsible for the operations and maintenance, and the cost of operations and maintenance, of its electronic facilities and equipment. Any equipment, interfaces, software or wiring not specifically identified on the IRNE-provided diagram and listing as the responsibility of the City shall be maintained and operated by Customer.

12.2 In the event that equipment or property is damaged as the result of work or obligations under this Agreement, Parties agree to repair or replace their own equipment or property. In the event that damage occurs to one Party's property due to any fault of the other Party or its equipment, such cost for repair, replacement or compensation shall be that of the faulty Party. The non-faulting Party shall provide written documentation to the faulty Party for such reasonable repair, replacement or compensation.

12.3 In the event of any transmission problem, the City and Customer agree to make every reasonable effort to properly troubleshoot their equipment and facilities at the end points to isolate the problem, and to participate in joint testing at any reasonable time requested by the other Party.

12.4 Customer shall attempt to isolate Service problems and determine whether the problems exist on Customer's side of the IRNE network interface before reporting the problems to the IRNE Network Operations Center (NOC).

12.5 If Customer determines that the problem likely resides on the IRNE side of the network interface, Customer shall report the problem to the IRNE NOC. The method of reporting shall be determined by the City and provided to Customer's Network Manager in writing. The City reserves the right to require a specific type of notification, for example a pager, for urgent problems during non-business hours (4:00 pm to 7:30 am on weekdays, plus weekends and holidays). The City may change the notification method at any time and shall give reasonable notification of such changes to Customer.

12.6 If the City determines that the problem likely resides with Customer's equipment or facilities, the IRNE NOC shall report the trouble to Customer's Network Manager or other designated person. Method of reporting shall be determined by Customer and provided to the IRNE Network Manager in writing.

12.7 Parties shall work cooperatively to resolve problems. This may include joint testing, joint visits to shared equipment sites, or other actions that may lead to problem resolution.

13. Site Access. The City shall have reasonable access to its equipment and facilities at Customer's premises for the purposes of performing site surveys, engineering, installation, testing, trouble resolution, upgrades, and other necessary work. The access at Customer's premises shall be in accordance with Customer's building management policies and procedures that the City has been made aware in writing; however Customer shall make every reasonable effort to accommodate City access requirements. The City Project Manager and Customer Project Manager shall define access requirements and procedures in writing in order to facilitate the site access requirements of the City.

14. Early Termination.

14.1 This Agreement may be terminated by mutual consent of the Parties. Termination by mutual consent shall be in written form stating the effective date of Termination. Either Party may terminate this Agreement upon giving written Notice of Termination to the other Party not less than six (6) months prior to the termination date which shall be set forth in the notice.

14.2 Either Party may terminate this Agreement in the event that the other Party fails to comply with all applicable federal, state (specifically Oregon Public Utility Commission) and local laws and regulations. In the event that either Party wishes to terminate under this provision, written Notice to cure shall be given to the other Party at least ninety (90) calendar days in advance to allow time for the Parties to comply with the applicable regulations, statutes or laws. In the event that either Party has failed to comply with the applicable regulations, statutes, or laws by the end of the ninety (90) calendar day notification periods, the non-breaching Party may terminate this Agreement immediately and no additional notice shall be required.

14.3 Except as otherwise provided by this section either Party may terminate this Agreement in the event of a breach of this Agreement by the other Party. Prior to such termination, however, the Party seeking termination shall give the other Party written notice of the breach and of the Party's intent to terminate. If the breaching Party has not entirely cured the breach within thirty (30) calendar days, or, within fifteen (15) calendar days of the Notice, offered an acceptable plan to cure the breach, then the Party giving the notice may terminate this Agreement at any time thereafter by giving a written notice of termination.

15. Indemnification.

15.1 Subject to the conditions and limitations of the Oregon Constitution, Article XI, and the Oregon Tort Claims Act each Party shall indemnify the other Party against liability for damage to life or property arising from the indemnifying Party's own activities under this Agreement, provided that a Party will not be required to indemnify the other Party for any such liability arising out of the wrongful acts of employees or agents of that other Party.

15.2 Notwithstanding the foregoing defense obligations under paragraph 15.1 above, neither Party nor any attorney engaged by either Party shall defend any claim in the name of the other Party or any agency/department/division of such other Party, nor purport to act as legal representative of the other Party or any of its agencies/departments/divisions, without the prior written consent of the legal counsel of such other Party. Each Party may, at anytime at its election assume its own defense and settlement in

the event that it determines that the other Party is prohibited from defending it, or that other Party is not adequately defending its interests, or that an important governmental principle is at issue or that it is in the best interests of the Party to do so. Each Party reserves all rights to pursue any claims it may have against the other if it elects to assume its own defense.

16. Insurance.

16.1 Customer and the City either both acknowledge that they are self-insured entities and shall each be responsible for providing workers compensation insurance as required by law; AND each shall maintain a minimum self insurance of Commercial General Liability and Business Auto Liability in the amount of \$2,000,000 with a \$2,000,000 Aggregate for each, OR maintain commercially purchased insurance at the same levels. If required by the other Party and upon execution of this Agreement and prior to any work being performed hereunder, the Parties shall provide proof of such insurance through a letter of self-insurance, and/or an insurance certificate, listing the Customer or City, their respective employees, management, and officials as additional insured. Further, should the City or Customer subcontract any of the work herein, each will require such subcontractor(s), or affiliates if not covered under the Party's respective self insurance, to obtain and keep in force for the duration of the work, insurance equal to the minimum values indicated herein.

16.2 All insurance certificate(s) shall provide that the insurance shall not terminate or be canceled without thirty (30) calendar days' written notice first being given to the other Party. If the insurance is canceled or terminated prior to the completion of this Agreement, the Party whose insurance has been cancelled or terminated, at the request of the other Party, and/or their respective subcontractors, shall provide a Certificate of Insurance to show proof of a new policy with the same terms and coverage. The Parties and their respective subcontractors shall have continuous, uninterrupted coverage for the duration of this Agreement. The adequacy of the insurance shall be subject to the reasonable approval of the other Party. Failure to maintain insurance as required by this Agreement shall be cause for notice of breach and this Agreement can be terminated as set forth in Section 14.3.

17. Access to Records. The Parties shall maintain all records pertaining to this Agreement according to Oregon State public record laws following termination or expiration of this Agreement. Upon reasonable written notice, each Party shall have access to the books, documents and records of the other Party, which are related to this Agreement, for the purpose of examination, copying, and audit.

18. Compliance with Laws. In connection with each Party's activities under this Agreement, Customer and the City shall comply with all applicable federal, state and local laws and regulations.

19. Venue. This Agreement shall be construed according to the laws of the State of Oregon. Any litigation between the Parties arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Multnomah County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon.

20. Notice. Any notice provided for under this Agreement shall be sufficient if in writing and delivered personally to the following addressee or deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed as follows, or to such other address as the receiving Party hereafter shall specify in writing.

If to Customer:

Brad Crawford, IT Director
City of Sherwood
22560 SW Pine St

Sherwood, OR 97140

If to the City:

Beth Fox, Division Manager of Communications
Bureau of Technology Services
City of Portland
3732 S.E. 99th Avenue
Portland, OR 97266-2505

Copy to:

Technology Contracts
Procurement Services
City of Portland
1120 SW 5th Avenue, Room 750
Portland, OR 97204

21. Severability. If any provision of this Agreement is declared by a court of law to be illegal or in conflict with any law, the validity of the remaining terms, conditions and provisions shall not be affected; and the rights and obligations of the Parties shall be construed and enforced as if this Agreement did not contain the particular provision held to be illegal or invalid.

22. Subcontracting and Assignment. The Parties shall not subcontract or assign any part of this Agreement without the prior written consent of the other Party. Prior notice of at least one hundred and twenty (120) calendar days is required and the Parties shall not be obligated to approve of or otherwise agree with any proposed assignment or subcontracting arrangement. Unapproved subcontracts or assignments shall be void and of no force and effect. In the event an assignment or subcontracting arrangement is approved, the Party assigning or subcontracting shall remain obligated for full performance of its obligation under this Agreement, and the other Party shall incur no obligation other than its obligations under this Agreement. Any approved assignee or subcontractor shall be required to agree to fulfill all the assigned or subcontracted obligations of the assigning or subcontracting Party.

23. Force Majeure. The Parties shall not have breached this Agreement by failure to perform a substantial obligation under this Agreement if the failure to perform arises out of causes beyond their control and without their fault or neglect, including without limitation: fire; flood; epidemic; volcanic eruption; quarantine restrictions; strike; freight embargo; unusually severe weather; riot; acts of God, sovereign or public enemy; or war. In the event delay or default arising from these causes reasonably prevents successful performance of this Agreement, the Parties may terminate this Agreement, without penalty, upon written agreement, or the Parties may make mutually acceptable revisions to this Agreement to allow it to continue as modified.

24. Non-Waiver. The Parties shall not be deemed to have waived any breach of this Agreement by the other Party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.

25. Independent Contractors. The Parties shall each be responsible for any of their own federal, state and local taxes applicable to payments under this Agreement. The Parties, and their employees and subcontractors agree that their employees and subcontractors are not employees of the other Party and that their employees and subcontractors are not eligible for any benefits from the other Party, including without limitation, federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.

26. Non-Appropriations.

26.1 Customer intends to continue this Agreement for its entire term and to satisfy its obligations hereunder. For each succeeding fiscal period: a) Customer agrees to include in its budget request appropriations sufficient to cover its obligations under this Agreement; b) Customer agrees to use all reasonable and lawful means to secure these appropriations; c) Customer agrees it shall not use non-appropriations as a means of terminating this Agreement in order to acquire functionally equivalent products or Services from a third party. Customer reasonably believes that sufficient funds to discharge its obligations can and shall lawfully be appropriated and made available for this purpose.

26.2 The City intends to continue this Agreement for its entire term and to satisfy its obligations hereunder. For each succeeding fiscal period: a) The City agrees to include in its budget request appropriations sufficient to cover its obligations under this Agreement; b) The City agrees to use all reasonable and lawful means to secure these appropriations; c) The City agrees it shall not use non-appropriations as a means of terminating this Agreement. The City reasonably believes that sufficient funds to discharge its obligations can and shall lawfully be appropriated and made available for this purpose.

26.3 In the event that insufficient funds are appropriated to continue payments under this Agreement and either Party has no other funding source lawfully available to it for such purpose, that Party may terminate this Agreement by giving the other Party not less than thirty (30) calendar days' prior written notice without penalty. Upon termination and to the extent of lawfully available funds, the terminating Party shall be obligated to remit all amounts due and all costs reasonably incurred by the other Party through the date of Termination.

27. IRNE Customer Advisory Group.

27.1 Upon execution of this Agreement, Customer may appoint a representative to the IRNE Customer Advisory Group (CAG), who shall represent Customer in all matters referred to the IRNE CAG. Customer shall be entitled to a representative on the IRNE CAG so long as this Agreement is in effect. The IRNE CAG's roles and responsibilities are defined below. The City's Manager of Communications Operations and Engineering shall chair the IRNE CAG.

27.2 Role of the User Board. The role of the IRNE CAG is to review rates for IRNE Services to government and educational institutions. The IRNE CAG may also provide recommendations and advice to the IRNE management and the City Council on Services, expansion, market strategy, grant opportunities, partnerships and other issues relevant to the health of the IRNE and the mutual benefit of User Board Members and the City. The IRNE CAG may also review Service Level Agreements to be offered to IRNE users.

27.3 Limitations. The IRNE CAG may not make recommendations that would jeopardize the ability of the City of Portland to meet its debt or general fund obligations by setting rates for Services lower than the cost to provide those Services. The City may provide the IRNE CAG with a Cost of Service study annually indicating the expenses (capital and ongoing) associated with the IRNE Services provided to members.

27.4 Responsibilities. The IRNE CAG shall meet as required to review the cost of Service study and recommend rates and Services. It may meet more often as necessary to address other issues as required.

28. Entire Agreement. This Agreement consists of this Agreement and any Amendments, Exhibits, Attachments, Quotations, Requests and Orders added from time to time pursuant to Sections 4 and 5, above. There are no other contract documents unless specifically referenced or incorporated in this

Agreement, or added or deleted by written Amendment to this Agreement. This Agreement contains the entire agreement between the Parties and supersedes all prior written or oral discussions or agreements.

29. Electronic Execution. The Parties agree that they may execute this Contract and any Amendments to this Contract by electronic means, including the use of electronic signatures and scanned documents.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the Effective Date.

CITY OF PORTLAND (CITY):

Approved as to form:

Signed: _____
Office of City Attorney

Date: _____

Signed: _____
Chief Technology Officer

Date: _____

CITY OF SHERWOOD (CUSTOMER)

Approved as to form:

Signed: _____

Date: _____

Signed: _____
(Authorized Signature)

By: _____
(Printed name and title)

Date: _____

TO: Sherwood City Council

FROM: Josh Soper, City Attorney

Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Ordinance 2016-007, amending Title 9 of the Municipal Code relating to Public Peace, Morals and Welfare, Chapter 9.52 Prohibiting of Noise

Issue:

Shall the City Council approve amendments to the City's ordinance related to prohibiting of noise?

Background:

On February 2, 2016, Council amended the City's noise ordinance to address a number of immediate concerns, with the understanding that a second set of proposed amendments would be brought back before Council at a subsequent meeting. Staff thereafter conducted a comprehensive review of the noise ordinance, including specific violations, exemptions, and variance provisions, and met with Council in a work session on April 19, 2016, culminating in the attached proposed amendments.

In addition to general language cleanup, key changes include:

- "Day hours" were previously generally defined as between 7:00 am and 10:00 pm on weekdays and between 8:00 am and 7:00 pm on weekends. Based on feedback at the Council work session, the new proposal is 7:00 am to 9:00 pm on weekdays and 8:00 am to 9:00 pm on weekends.
- A number of specific violations and exemptions from the League of Oregon Cities Model Noise Ordinance were added.
- An exemption for certain holiday-related noises was added based on provisions commonly found in neighboring jurisdictions.
- The variance provisions were revamped entirely, eliminating the different categories of variances and streamlining the process. All initial variance decisions will now be made by the City Manager based on specified criteria, with an opportunity for appeal to City Council.

The ordinance classifies first violations as Class C, which is a \$250 fine, and subsequent violations as Class B, which is a \$500 fine. These provisions have not changed from the existing ordinance.

A "track changes" document showing the changes compared to the existing ordinance in redline is also included for your reference.

This is the first reading of this ordinance. If it is approved by City Council at the conclusion of this hearing, this ordinance will be brought back for a second hearing and vote at least six days after today's hearing, as required by the City Charter.

Financial Impacts:

No direct financial impacts are anticipated. Potential indirect impacts include the cost of prosecuting violations of the ordinance.

Recommendation:

Staff respectfully recommends Council discuss and consider adoption of Ordinance 2016-007, amending Title 9 of the Municipal Code relating to Public Peace, Morals and Welfare, Chapter 9.52 Prohibiting of Noise.

EXHIBIT 1

9.52 Prohibiting of Noise

9.52.010 Purpose

This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of Sherwood through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety; or causes public inconvenience, annoyance or alarm to reasonable persons of ordinary sensitivity.

9.52.020 Scope

This Ordinance applies to the control of all sound originating within the jurisdictional limits of the City.

9.52.030 Definitions

As used in this chapter, unless the context requires otherwise:

"Auxiliary equipment" means a mechanical device that is built in or attached to a motor vehicle or trailer, including, but not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, and blowers.

"City" means the City of Sherwood.

"City Manager" means the City Manager of City or the City Manager's designee.

"Commercial" means any use of an office, service establishment, hotel, motel, retail store, park, amusement or recreation facility, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

"Day- hours" are between 7:00 a.m. and ~~10~~9:00 p.m. Monday through Friday and 8:00 a.m. ~~to~~ and 7:00 p.m. Saturday and Sunday.

"Domestic power equipment" means power tools or equipment used for home or building repair, maintenance, alteration or other home manual arts projects, including but not limited to powered hand tools, lawn mowers, and garden equipment.

~~A-g~~"Dynamic braking device" is means a device one used primarily on trucks and busses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without using the wheel brakes.

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

"Emergency Work" means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

"Industrial" means any use of a warehouse, factory, mine, wholesale trade establishment, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

"Motor vehicle" means any land vehicle, which is designed to be self-propelled.

"Night" hours are all hours other than day hours as defined in this ordinance. between 10:00 p.m. and 7:00 a.m. Monday through Friday and 7:00 p.m. and 8:00 a.m. Saturday and Sunday

"Noise sensitive area" includes, but is not limited to, real property normally used ~~means any use of~~ a church, temple, synagogue, day care center, hospital, rest home, retirement home, group care home, school, library, dwelling unit (single family dwelling, duplex, triplex, multifamily dwelling, or mobile home), or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

"Person" means any individual, firm, association, partnership, joint venture, or corporation.

"Plainly audible" means any sound that can be detected by a reasonable person of ordinary sensitivities using his or her unaided hearing faculties.

"Police Chief" means the Police Chief of City or the Police Chief's designee.

"Public right-of-way" means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

"Public space" means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

"Residential area" means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the City's zoning ordinance.

9.52.040 General Prohibition

1. No person shall make, continue, or cause to be made or continued:
 - a. any unreasonably loud or raucous noise; or
 - b. any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the City; or
 - c. any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.
2. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:
 - a. the proximity of the sound to sleeping facilities, whether residential or commercial;
 - b. the land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - c. the time of day or night the sound occurs;
 - d. the duration of the sound; and

- e. whether the sound is recurrent, intermittent, or constant.

9.52.050 Noises Prohibited

The following acts are declared to be per se violations of this Ordinance. This enumeration does not constitute an exclusive list:

1. Dynamic braking devices (Jake Brakes). Using any dynamic braking device on any motor vehicle, except ~~to avoid imminent danger to persons or property in the case of an emergency. A dynamic braking device is one used primarily on trucks and busses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without using the wheel brakes.~~
2. Idling engines on motor vehicles. Operating for more than fifteen (15) consecutive minutes any idling engine in such a manner as to be plainly audible within any dwelling unit ~~between the hours of 10:00 p.m. and 7:00 a.m.~~ during night hours.
3. Motor vehicle repair and testing. Repairing or testing any motor vehicle in such a manner as to be plainly audible within any dwelling unit ~~between the hours of 10:00 p.m. and 7:00 a.m.~~ during night hours.
4. Lawn mowing equipment. Operating lawn-mowing equipment (to include powered landscaping tools/equipment) with a combustion engine ~~between 10:00 p.m. and 7:00 a.m.~~ during night hours.
5. Sound producing, amplifying, or reproducing equipment. Causing or permitting sound produced by a musical instrument, radio, television, phonograph, loudspeaker, bullhorn, or other similar equipment to be plainly audible within any dwelling unit other than the source, or plainly audible at a distance of fifty (50) feet from the source in a commercial area, industrial area, or public space.
6. Domestic power equipment. During night hours, operating domestic power equipment in such a manner as to be plainly audible within any dwelling unit other than the source.
7. Off-highway vehicles. Operating any ~~self-propelling~~ motor vehicle, designed for or capable of travel on or over natural terrain, including but not limited to motorcycles, mini-bikes, motor scooters, and dune buggies, ~~and jeeps,~~ off a public right-of-way in such a manner that the sound level is plainly audible within any dwelling unit outside the boundary of the noise-producing property ~~during day or night hours.~~
8. Auxiliary equipment on motor vehicles. Causing, allowing, permitting, or failing to control the operation of any auxiliary equipment on a motor vehicle or trailer for more than thirty (30) minutes when the sound level produced by such equipment is plainly audible within any dwelling unit outside the boundary of the noise-producing property during night hours. Auxiliary equipment means a mechanical device that is built in or attached to a motor vehicle or trailer, including, but not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, and blowers.
9. Vehicle horns, signaling devices, and similar devices. The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other

vehicle on any right-of-way or in any public space of the City, for more than ten (10) consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.

10. Animals and birds. Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls, or otherwise cares for the animal or bird.

11. Noise sensitive areas. The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of a noise sensitive institution or facility; provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.

12. Construction or repair of buildings. The construction, demolition, alteration, or repair of any building during night hours. In cases of emergency, construction or repair noises are exempt from this provision.

13. Emergency signaling devices. The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (a) and (b), below.

a. Testing of an emergency signaling device shall occur during day hours. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five (5) minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.

a.b. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, in instances other than as provided in subsection (a) above, shall terminate within fifteen (15) minutes of activation, unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this Ordinance.

9.52.060 Exemptions

Sounds caused by the following are exempt from the prohibitions set out in Sections 9.52.040-9.52.050; ~~and these exemptions~~ are in addition to the exemptions specifically set forth in Section 9.52.050:

~~1. Sounds made by work necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.~~

~~2. Sounds made by warning devices to protect persons or property from imminent exposure to danger, provided however that intrusion or fire alarms shall not sound continuously for more than fifteen (15) minutes. Sounds made by the Tualatin Valley fire and rescue district sirens during use and testing.~~

3-1. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work,

including but not limited to Ssounds made by an emergency vehicle, as defined in ORS 801.260, when responding to or from an emergency, ~~or~~ when in pursuit of an actual or suspected violator of the law, and when performing required testing of emergency equipment.

4.2. _____ Sounds made by activities by or ~~on at the~~ direction of the City, the State, or the federal government in maintenance, construction, demolition, or repair of public improvements in public rights-of-way or easements, provided that such activities shall not take place during night hours except when public welfare and convenience renders it impractical to perform the work during day hours.

5.3. _____ Sounds produced pursuant to a specific variance granted by the Oregon environmental quality commission, or under Section 9.52.080 of this chapter.

6.4. _____ Sounds produced by the audience, participants, and sound amplifying equipment at ~~athletic~~ events on public property or private school property and which are sponsored, ~~or~~ sanctioned, or otherwise approved by the City, ~~or~~ the Sherwood School District, or the private school which owns the property where the event occurs.

5. Sounds made by motor vehicle exhaust systems that comply with the provisions of ORS 815.250, but this exemption does not apply to violation of Section 9.52.050(2) of this chapter.

7.6. _____ Sounds made by legal fireworks on the third of July, Fourth of July, and the Friday and Saturday during the weekend closest to the Fourth of July of each year, between the hours of 7 a.m. and 11 p.m., and sounds made between midnight and 12:30 a.m. on January 1st of each year.

~~8. Commercial construction. The day period does not apply to any sounds produced in commercial construction activity.~~

9.52.070 Enforcement responsibility and authority

1. The following individuals shall enforce this chapter: The City Manager or Police Chief will have primary responsibility for the enforcement of the noise regulations contained in this chapter. Nothing in this chapter shall prevent the City Manager or Police Chief from obtaining voluntary compliance by way of warning, notice, or education.
2. Enforcement of this chapter may include seizure of the sound producing equipment.

9.52.080 Variances

~~Generally.~~ Any person who owns, controls, or operates any sound source which does not comply with a provision of this chapter may apply for a variance.

~~a. A Class A variance for an event that does not exceed seventy-two (72) hours in duration; or~~

~~b. A Class B variance for an event or activity or series of related events, or activities that are seventy-two (72) hours or more in duration.~~

- ~~2. The City Manager may file application for a Class C variance for a community event or activity of any duration that does not comply with a provision of this chapter.~~

9.52.090 Variance application

An applicant for a variance shall submit an application in writing to the City Manager that contains the following:

- a. A reference to the provision(s) from which the variance is sought;
- b. The reason(s) ~~or reasons why~~ the variance is necessary;
- c. The type and physical characteristics of the involved sound;
- d. The times when the involved sound will be emitted and the anticipated duration of the sound;
- e. Where the sound will not be generated by a mobile source which moves beyond the boundaries of one block, a site plan sketch which shows the area of sound generation and designatinges whether the uses in the area within four hundred (400) feet of the source of the involved sound are commercial, industrial, or noise sensitive as defined in Section 9.52.030, or a combination thereof;
- f. Any other supporting information related to the variance criteria in Section 9.52.110 or which the City Manager or council may reasonably require to allow evaluation under said criteria consideration of the conditions set forth in Section 9.52.110.
- ~~f.g.~~ An application fee in an amount established by resolution of the City Council.

~~The applicant for a Class A variance shall submit the application to the City Manager. The applicant for a Class B or Class C variance shall submit the application to the city recorder, who shall place the matter on the agenda for the forthcoming council meeting.~~

9.52.100 Public notification for ~~Class B or C~~ variance

1. Within five (5) business days of the submission of an application for a variance, the City Manager may, if the City Manager determines that the requested variance may have a substantial impact on the surrounding areas, require public notification of the request for a variance. If such notification is required, the decision timeline in Section 9.52.110 will not commence until ten (10) business days after the completion of said public notice and provision to the City Manager of the information specified in Subsection 3 of this Section.
2. If such public notice is required by the City Manager, the applicant shall:~~The applicant for a Class B variance or the City for a Class C variance shall:~~
 - a. ~~p~~Post notice along the nearest public road at the boundaries of the property containing the sound source so that the notice is visible from the public road;
 - b. ~~Provide, and publish a copy of the notice in a newspaper of general circulation in the City to the City for publication on the City's website; and~~
 - c. ~~Deliver written notice to the owner or occupant of each property that is located within three-hundred (300) feet of the property line of the property containing the sound source. Notice shall be posted on the property at least seven days before the public hearing, and notice shall be published at least four days before the public hearing.~~

3. Notice under this Section shall ~~state~~include: ~~the date the council will consider the application;~~
- ~~h. The nature and substance~~ of the variance being requested, including the provision(s) of this Ordinance from which the variance is being requested;
 - ~~i. The location, date(s), and time(s) for which~~ of the variance to be considered is being requested;
 - ~~j. The name of the event to which the variance relates, if applicable;~~
 - ~~k. The name and contact information of the applicant;~~
 - ~~l. The name and contact information for the City Manager.~~
 - ~~m. A statement that all interested persons may file written comments on the application with the City Manager and stating a deadline for such comments which is ten (10) business days after the date of the notice.~~
 - ~~g. and that recipients of the notification may file written comments on the application with the city recorder before the council meeting at which the application will be considered.~~
4. Upon completion of provision of the above notice, the applicant shall so notify the City Manager in writing and provide a list of addresses to which notices were delivered, the name of the newspaper in which notice was published, and the date(s) on which the notice was published.

9.52.110 Variance review

1. The City Manager ~~or council~~ may grant a variance, after considering the written application for variance and any written comments submitted ~~by persons specified in~~ pursuant to Section 9.52.100, when it appears that ~~the following conditions exist:~~
- ~~a. There are unnecessary or unreasonable hardships or practical difficulties which can be most effectively relieved by granting the variance;~~
 - ~~b. The public health and safety provisions of the City code, exclusive of this Ordinance, will not be violated if a variance is granted; and;~~
 - ~~c. That granting the variance will not be unreasonably detrimental to the public welfare.~~
- ~~a. —, and;~~

~~That granting the application will not be unreasonably detrimental to the public welfare.~~

2. In making said decision, the City Manager must consider such factors as the potential impacts on businesses and noise sensitive properties within four-hundred (400) feet, the time of day, the day of the week, the proposed type and amount of amplification, and any secondary noise consequences.

9.52.120 Variance decision

1. The City Manager shall grant or deny a ~~Class A~~ variance within ~~three ten (10)~~ business days of receipt of a complete variance application, ~~excluding Saturdays, Sundays, and holidays.~~

~~2. The council shall grant or deny a Class B or Class C variance within thirty (30) days of receipt of the application, and may, on its own motion, hold a public hearing on the application before deciding to grant or deny the variance.~~

~~3.2.~~ The City Manager ~~or council~~ may impose such limitations, conditions, and safeguards as deemed appropriate, so that the spirit of this ~~C~~chapter will be observed, and the public safety and welfare secured. A violation of any such condition or limitation shall constitute a violation of this ~~C~~chapter.

~~4.3.~~ A decision to grant or deny the variance shall be in writing and shall state the reasons for such decision. The ~~council or~~ City Manager shall notify the applicant of the decision and shall make it available to any person who has submitted written comments on the application.

9.52.130 Review Appeal

~~The decision of the council to grant or deny a variance is final. The City Manager shall file his or her written decision with the city recorder, who shall place the matter on the agenda for the forthcoming council meeting. The decision of the City Manager is final on the date of that council meeting, unless the council, on its own motion, decides to reverse or modify the decision of the City Manager or to schedule a public hearing on the application. If a public hearing is held, the council shall grant or deny the variance within thirty (30) days after the hearing, and may impose conditions on the granting of the variances as set forth in Section 9.52.120.~~

- ~~1. The applicant may appeal a variance decision to the City Council by submitting a written request for appeal within ten (10) business days from the date of the City Manager's decision.~~
- ~~2. To file an appeal, the applicant must submit the following information to the City Recorder:~~
 - ~~a. The name of the applicant for the variance;~~
 - ~~b. The claimed reasons the City Manager's decision was in error; and~~
 - ~~c. The appeal fee, as established by resolution of the City Council.~~
- ~~3. Upon receipt of the completed appeal request, the City Recorder shall place the matter on the agenda for a hearing at the next regular City Council meeting which is at least five (5) business days from the date the request is received, and provide written notice of the date of the hearing to the applicant and any individuals who submitted written comments on the application under Section 9.52.100.~~
- ~~4. At the hearing, the City Council shall hear from the applicant, the City Manager, and any other person deemed appropriate by the City Council. Upon conclusion of the hearing, the City Council must decide whether to grant or deny a variance based on the variance criteria in Section 9.52.110. The City Council may impose such limitations, conditions, and safeguards as deemed appropriate, so that the spirit of this Chapter will be observed, and the public safety and welfare secured. A violation of such condition of limitation shall constitute a violation of this Chapter. The City Council's decision shall be final.~~

9.52.140 Penalties

1. Violation of any provision of this chapter constitutes a Class C violation for the first offense. Subsequent violations of this chapter constitute a Class B violation.
2. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.



ORDINANCE 2016-007

AMENDING TITLE 9 OF THE MUNICIPAL CODE RELATING TO PUBLIC PEACE, MORALS AND WELFARE, CHAPTER 9.52 PROHIBITING OF NOISE

WHEREAS, loud and raucous noise degrades the environment of the City to a degree that is harmful to the health, welfare, and safety of its inhabitants and visitors; interferes with the comfortable enjoyment of life and property; interferes with the well-being, tranquility, and privacy of the home; and both causes and aggravates health problems; and

WHEREAS, both the effective control and the elimination of loud and raucous noise are essential to the health and welfare of the City's inhabitants and visitors, and to the conduct of the normal pursuits of life, including recreation, work, and communication; and

WHEREAS, the use of sound amplification equipment creates loud and raucous noise that may, in a particular manner and at a particular time and place, substantially and unreasonably invade the privacy, peace, and freedom of inhabitants of, and visitors to, the City; and

WHEREAS, certain short-term easing of noise restrictions is essential to allow the construction and maintenance of structures, infrastructure, and other elements necessary for the physical and commercial vitality of the City; and

WHEREAS, the obligation to draft regulations that affect speech in a content-neutral fashion is of paramount importance to protect the freedom of expression guaranteed by Article I, section 8, of the Oregon Constitution and the First Amendment of the United States Constitution; and this ordinance enacts narrowly drawn, content-neutral regulations that are to be interpreted as such so as not to infringe upon constitutionally protected rights; and

WHEREAS, the City previously amended its noise ordinance in February of 2016 to address a number of more immediate concerns, and subsequently conducted a comprehensive review of its noise ordinance, including specific violations, exemptions, and variance provisions, culminating in the attached proposed amendments; and

WHEREAS, the City Council conducted the first public hearing on this ordinance on May 3, 2016 and conducted the second public hearing on June 7, 2016; and

WHEREAS, this ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of Sherwood through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety; or causes public inconvenience, annoyance or alarm to reasonable persons of ordinary sensitivity.

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

Section 1. Findings.

After full and due consideration of the information presented, the Council finds that the text of the Sherwood Municipal Code relating to the prohibiting of noise in chapter 9.52 in the Public Peace, Morals and Welfare title shall be amended.

Section 2. Approval.

The proposed amendments for the Municipal Code identified in the attached Exhibit 1, are hereby **APPROVED** and replace the existing chapter 9.52 in its entirety.

Section 3. Manager Authorized

The City Manager is hereby directed and authorized to adopt rules and to take such other actions as may be necessary to implement this ordinance, including necessary updates to the Municipal Code.

Section 4. Effective Date

This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 7th day of June, 2016.

Krisanna Clark, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

| | <u>AYE</u> | <u>NAY</u> |
|-----------|------------|------------|
| Brouse | _____ | _____ |
| Robinson | _____ | _____ |
| Kuiper | _____ | _____ |
| King | _____ | _____ |
| Henderson | _____ | _____ |
| Harris | _____ | _____ |
| Clark | _____ | _____ |

EXHIBIT 1

9.52 Prohibiting of Noise

9.52.010 Purpose

This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of Sherwood through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety; or causes public inconvenience, annoyance or alarm to reasonable persons of ordinary sensitivity.

9.52.020 Scope

This Ordinance applies to the control of all sound originating within the jurisdictional limits of the City.

9.52.030 Definitions

As used in this chapter, unless the context requires otherwise:

"Auxiliary equipment" means a mechanical device that is built in or attached to a motor vehicle or trailer, including, but not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, and blowers.

"City" means the City of Sherwood.

"City Manager" means the City Manager of City or the City Manager's designee.

"Commercial" means any use of an office, service establishment, hotel, motel, retail store, park, amusement or recreation facility, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

"Day hours" are between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday and Sunday.

"Domestic power equipment" means power tools or equipment used for home or building repair, maintenance, alteration or other home manual arts projects, including but not limited to powered hand tools, lawn mowers, and garden equipment.

"Dynamic braking device" means a device used primarily on trucks and busses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without using the wheel brakes.

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

"Emergency Work" means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

"Industrial" means any use of a warehouse, factory, mine, wholesale trade establishment, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

"Motor vehicle" means any land vehicle, which is designed to be self-propelled.

"Night hours" are all hours other than day hours as defined in this ordinance.

"Noise sensitive area" includes, but is not limited to, real property normally used as a church, temple, synagogue, day care center, hospital, rest home, retirement home, group care home, school, library, dwelling unit (single family dwelling, duplex, triplex, multifamily dwelling, or mobile home), or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

"Person" means any individual, firm, association, partnership, joint venture, or corporation.

"Plainly audible" means any sound that can be detected by a reasonable person of ordinary sensitivities using his or her unaided hearing faculties.

"Police Chief" means the Police Chief of City or the Police Chief's designee.

"Public right-of-way" means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

"Public space" means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

"Residential area" means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the City's zoning ordinance.

9.52.040 General Prohibition

1. No person shall make, continue, or cause to be made or continued:
 - a. any unreasonably loud or raucous noise; or
 - b. any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the City; or
 - c. any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.
2. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:
 - a. the proximity of the sound to sleeping facilities, whether residential or commercial;
 - b. the land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - c. the time of day or night the sound occurs;
 - d. the duration of the sound; and
 - e. whether the sound is recurrent, intermittent, or constant.

9.52.050 Noises Prohibited

The following acts are declared to be per se violations of this Ordinance. This enumeration does not constitute an exclusive list:

1. Dynamic braking devices (Jake Brakes). Using any dynamic braking device on any motor vehicle, except in the case of an emergency.
2. Idling engines on motor vehicles. Operating for more than fifteen (15) consecutive minutes any idling engine in such a manner as to be plainly audible within any dwelling unit during night hours.
3. Motor vehicle repair and testing. Repairing or testing any motor vehicle in such a manner as to be plainly audible within any dwelling unit during night hours.
4. Lawn mowing equipment. Operating lawn-mowing equipment (to include powered landscaping tools/equipment) with a combustion engine during night hours.
5. Sound producing, amplifying, or reproducing equipment. Causing or permitting sound produced by a musical instrument, radio, television, phonograph, loudspeaker, bullhorn, or other similar equipment to be plainly audible within any dwelling unit other than the source, or plainly audible at a distance of fifty (50) feet from the source in a commercial area, industrial area, or public space.
6. Domestic power equipment. During night hours, operating domestic power equipment in such a manner as to be plainly audible within any dwelling unit other than the source.
7. Off-highway vehicles. Operating any motor vehicle, designed for or capable of travel on or over natural terrain, including but not limited to motorcycles, mini-bikes, motor scooters, and dune buggies, off a public right-of-way in such a manner that the sound level is plainly audible within any dwelling unit outside the boundary of the noise-producing property.
8. Auxiliary equipment on motor vehicles. Causing, allowing, permitting, or failing to control the operation of any auxiliary equipment on a motor vehicle or trailer for more than thirty (30) minutes when the sound level produced by such equipment is plainly audible within any dwelling unit outside the boundary of the noise-producing property during night hours.
9. Vehicle horns, signaling devices, and similar devices. The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the City, for more than ten (10) consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.
10. Animals and birds. Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls, or otherwise cares for the animal or bird.

11. Noise sensitive areas. The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of a noise sensitive institution or facility; provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.
12. Construction or repair of buildings. The construction, demolition, alteration, or repair of any building during night hours. In cases of emergency, construction or repair noises are exempt from this provision.
13. Emergency signaling devices. The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (a) and (b), below.
 - a. Testing of an emergency signaling device shall occur during day hours. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five (5) minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.
 - b. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, in instances other than as provided in subsection (a) above, shall terminate within fifteen (15) minutes of activation, unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this Ordinance.

9.52.060 Exemptions

Sounds caused by the following are exempt from the prohibitions set out in Sections 9.52.040-9.52.050; these exemptions are in addition to the exemptions specifically set forth in Section 9.52.050:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work, including but not limited to sounds made by an emergency vehicle, as defined in ORS 801.260, when responding to or from an emergency, when in pursuit of an actual or suspected violator of the law, and when performing required testing of emergency equipment.
2. Sounds made by activities by or at the direction of the City, the State, or the federal government in maintenance, construction, demolition, or repair of public improvements in public rights-of-way or easements, provided that such activities shall not take place during night hours except when public welfare and convenience renders it impractical to perform the work during day hours.
3. Sounds produced pursuant to a specific variance granted by the Oregon environmental quality commission, or under [Section 9.52.080](#) of this chapter.
4. Sounds produced by the audience, participants, and sound amplifying equipment at events on public property or private school property which are sponsored, sanctioned, or otherwise approved by the City, the Sherwood School District, or the private school which owns the property where the event occurs.

5. Sounds made by motor vehicle exhaust systems that comply with the provisions of ORS 815.250, but this exemption does not apply to violation of [Section 9.52.050\(2\)](#) of this chapter.
6. Sounds made by legal fireworks on the third of July, Fourth of July, and the Friday and Saturday during the weekend closest to the Fourth of July of each year, between the hours of 7 a.m. and 11 p.m., and sounds made between midnight and 12:30 a.m. on January 1st of each year.

9.52.070 Enforcement responsibility and authority

1. The following individuals shall enforce this chapter: The City Manager or Police Chief will have primary responsibility for the enforcement of the noise regulations contained in this chapter. Nothing in this chapter shall prevent the City Manager or Police Chief from obtaining voluntary compliance by way of warning, notice, or education.
2. Enforcement of this chapter may include seizure of the sound producing equipment.

9.52.080 Variances

Any person who owns, controls, or operates any sound source which does not comply with a provision of this chapter may apply for a variance.

9.52.090 Variance application

An applicant for a variance shall submit an application in writing to the City Manager that contains the following:

- a. A reference to the provision(s) from which the variance is sought;
- b. The reason(s) the variance is necessary;
- c. The type and physical characteristics of the involved sound;
- d. The times when the involved sound will be emitted and the anticipated duration of the sound;
- e. Where the sound will not be generated by a mobile source which moves beyond the boundaries of one block, a site plan sketch which shows the area of sound generation and designating whether the uses in the area within four hundred (400) feet of the source of the involved sound are commercial, industrial, or noise sensitive as defined in [Section 9.52.030](#), or a combination thereof;
- f. Any other supporting information related to the variance criteria in Section 9.52.110 or which the City Manager may reasonably require to allow evaluation under said criteria.
- g. An application fee in an amount established by resolution of the City Council.

9.52.100 Public notification for variance

1. Within five (5) business days of the submission of an application for a variance, the City Manager may, if the City Manager determines that the requested variance may have a substantial impact on the surrounding areas, require public notification of the request for a variance. If such notification is required, the decision timeline in Section 9.52.110 will not commence until ten (10) business days after the completion of said public notice and provision to the City Manager of the information specified in Subsection 3 of this Section.
2. If such public notice is required by the City Manager, the applicant shall:
 - a. Post notice along the nearest public road at the boundaries of the property containing the sound source so that the notice is visible from the public road;
 - b. Provide a copy of the notice to the City for publication on the City's website; and
 - c. Deliver written notice to the owner or occupant of each property that is located within three-hundred (300) feet of the property line of the property containing the sound source.
3. Notice under this Section shall include:
 - h. The nature and substance of the variance being requested, including the provision(s) of this Ordinance from which the variance is being requested;
 - i. The location, date(s), and time(s) for which the variance is being requested;
 - j. The name of the event to which the variance relates, if applicable;
 - k. The name and contact information of the applicant;
 - l. The name and contact information for the City Manager.
 - m. A statement that all interested persons may file written comments on the application with the City Manager and stating a deadline for such comments which is ten (10) business days after the date of the notice.
4. Upon completion of provision of the above notice, the applicant shall so notify the City Manager in writing and provide a list of addresses to which notices were delivered, the name of the newspaper in which notice was published, and the date(s) on which the notice was published.

9.52.110 Variance review

1. The City Manager may grant a variance, after considering the written application for variance and any written comments submitted pursuant to [Section 9.52.100](#), when it appears that:
 - a. There are unnecessary or unreasonable hardships or practical difficulties which can be most effectively relieved by granting the variance;
 - b. The public health and safety provisions of the City code, exclusive of this Ordinance, will not be violated if a variance is granted; and;
 - c. That granting the variance will not be unreasonably detrimental to the public welfare.
2. In making said decision, the City Manager must consider such factors as the potential impacts on businesses and noise sensitive properties within four-hundred (400) feet, the time of day, the day of the week, the proposed type and amount of amplification, and any secondary noise consequences.

9.52.120 Variance decision

1. The City Manager shall grant or deny a variance within ten (10) business days of receipt of a complete variance application.
2. The City Manager may impose such limitations, conditions, and safeguards as deemed appropriate, so that the spirit of this Chapter will be observed, and the public safety and welfare secured. A violation of any such condition or limitation shall constitute a violation of this Chapter.
3. A decision to grant or deny the variance shall be in writing and shall state the reasons for such decision. The City Manager shall notify the applicant of the decision and shall make it available to any person who has submitted written comments on the application.

9.52.130 Appeal

1. The applicant may appeal a variance decision to the City Council by submitting a written request for appeal within ten (10) business days from the date of the City Manager's decision.
2. To file an appeal, the applicant must submit the following information to the City Recorder:
 - a. The name of the applicant for the variance;
 - b. The claimed reasons the City Manager's decision was in error; and
 - c. The appeal fee, as established by resolution of the City Council.
3. Upon receipt of the completed appeal request, the City Recorder shall place the matter on the agenda for a hearing at the next regular City Council meeting which is at least five (5) business days from the date the request is received, and provide written notice of the date of the hearing to the applicant and any individuals who submitted written comments on the application under Section 9.52.100.
4. At the hearing, the City Council shall hear from the applicant, the City Manager, and any other person deemed appropriate by the City Council. Upon conclusion of the hearing, the City Council must decide whether to grant or deny a variance based on the variance criteria in Section 9.52.110. The City Council may impose such limitations, conditions, and safeguards as deemed appropriate, so that the spirit of this Chapter will be observed, and the public safety and welfare secured. A violation of such condition or limitation shall constitute a violation of this Chapter. The City Council's decision shall be final.

9.52.140 Penalties

1. Violation of any provision of this chapter constitutes a Class C violation for the first offense. Subsequent violations of this chapter constitute a Class B violation.
2. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager

Through: Josh Soper, City Attorney

SUBJECT: Resolution 2016-024, Establishing Fees in the City's Fee Schedule for Community Garden Program

Issue:

Shall the City Council establish fees for the Community Garden Program?

Background:

The City is nearing completion of its first city-owned and operated community garden on a vacant parcel of land located between the TVF&R Station 33 Fire Station and the Public Works facility. Phase one of the project of the garden will consist of 37 garden plots (five 4' x 8' raised beds, four 10' x 20' plots, and twenty-eight 20' x 20' plots). Applications to reserve these plots have begun to be received by the City, but we have been unable to charge rental fees since the proposed fees have yet to be approved by City Council.

After extensive research of other community garden programs in developing our new program, City staff is proposing the following fees for our program:

| <u>Plot Size</u> | <u>Fee</u> |
|--|-----------------------------------|
| 4' x 8' (raised bed approximately 3' high) | \$30 (plus \$10 for non-resident) |
| 10' x 20' (raised border) | \$45 (plus \$10 for non-resident) |
| 20' x 20' (raised border) | \$60 (plus \$10 for non-resident) |

The attachment to this staff report provides a summary of fees charged at other community garden programs around our region as a point of comparison for City Council consideration.

New administrative fees can only be established by City Council per Sherwood Municipal Code 2.32.010 and the Council is also required to hold a public hearing before adoption of new fees per Oregon Revised Statutes 294.160.

Financial Impacts:

There are no additional financial impacts as a result of approval of this resolution. Development costs for the first phase of the garden are being funded by grant funds from the Metro Community Enhancement Program.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2016-024, establishing fees in the City's Fee Schedule for the Community Garden Program.

Community Garden Comparison

| | Beaverton | Hillsboro | Lake Oswego | Wilsonville | THPRD |
|--------------------|--|---|--|--|--|
| # of gardens | 3 | 4 | 1 | 1 | 12 (+1 in 2015, +1 in 2016) |
| Type of location | 2 - city owned; 1 church owned | In partnership with Calvary Lutheran, Sonrise and Orenco Presbyterian Churches and the Hillsboro School District. | city owned | city owned | 10 parks; 1 church; 1 Terpenning complex |
| Managed by | Mayor's office | Parks Department | Parks Department | Parks Department | Parks District |
| Cost of plots | Standard Plot 20 x 20 - \$50 Raised Bed 4 x 8 - \$15 (prices going up in 2017) | 20' x 20' - \$60/year 15' x 20' - \$50/year 10' x 20' - \$40/year 4' x 12' (raised bed) - \$30/year | 10x20 \$55 resident/\$69 non-resident; 20x20 \$80 resident/\$100 non-resident | \$22 9x10 in-ground plot / \$25 4x8 raised bed | \$35 for the first plot, \$45 each additional plot, (+\$10 for out of district) |
| Types of plots | in-ground plots / raised beds | in-ground plots / raised beds | in-ground plots / raised beds | in-ground plots / raised beds | in-ground plots / raised beds |
| Size of plots | 22 garden plots and 20 raised beds; 85 garden plots; 15 garden plots and two raised beds (20 x 20; 4 x 8) | 20' x 20' plot; 15' x 20' plot; 10' x 20' plot; 4' x 12' (raised bed) (Raised beds are reserved for the elderly and people with disabilities) | 10x10 plot / 20x20 plot (180 plots) | 9x10 plots / 4x8 raised bed (134 in-ground plots, 21 raised beds) | Less than 10x10; 10x10; 12x12; 15x15; 320 +21 |
| Amenities | water (April 1 thru Oct 31), hoses, compost (delivered once a year), yard debris service; wood chips. | tools & tool shed, water available May thru Oct | wheelbarrows, tools & tool shed, on-site water, two compost areas. | water, a compost area, and is protected by a deer fence. | water April thru mid-Oct; wood chips for paths |
| Hours | Gardening hours are from dawn to dusk. The use of power equipment is restricted to the hours of 8 a.m. to 8 p.m. | Gardening hours are from 6am to 9pm or dusk, whichever comes earlier. The use of power equipment is restricted to the hours of 8am to 8pm | work parties 2nd Sat 10am-noon; open dawn to dusk all other days | | Gardening hours are from dawn to dusk. |
| Organic? | Pesticide-free | Pesticide-free | Pesticide-free | Pesticide-free | Pesticide-free |
| Registration opens | Feb 2 for returning gardeners; March 9 for new gardeners | December | Lottery 12/16 - 12/31 | Thur, March 19, 2015 8:00am | Renew: Oct 1-Jan 15. New: Jan 16-Feb 28. |
| Garden opens | once registered and paid (Feb) | mid-February | May | When soil conditions allow | November |
| Garden closes | end of October/mid-November for winter clean-up | winter gardening encouraged | October | Sun, Nov 22, 2015 | winter gardening available |
| Notes | No smoking. No shared space for composting but gardeners can compost on plot. Raising rates next year | Must be Hillsboro resident. One plot per household. Everyone is expected to EITHER attend two work parties (spring kick-off and fall clean-up) OR attend one work party and serve on a crew. No automatic watering systems allowed. You must be present when watering. Irrigation timers to regulate watering are not permitted. Various methods of irrigation, such as soaker hoses, can be used as long as you are present. | Tools and tool shed provided by farm. Community Garden Volunteer Hours- Plot holders are required to spend a minimum of 4 hrs/yr on farm projects. No dogs allowed. Classes available (for a fee). Burried watering systems allowed. | Gardeners provide own tools. Registrations must be done in person. One plot reservation is allowed per person. After April 10th, if plots still remain, gardeners may sign up for additional plots. No dogs allowed. No smoking. No loud music. No sprinklers allowed - all watering must be done by hand. Compost area, deer fence. | The gardener provides ALL of his/her own equipment (hoses, sprinklers, tools, etc.). Other than small rototillers, motorized vehicles and equipment are not allowed in the garden. No pets. Gardeners are responsible for disposing of their garden waste. THPRD provides green waste stations for gardeners' use only; they are emptied once per month. Some are ADA accessible approx 30" and 2x6. |



RESOLUTION 2016-024

ESTABLISHING FEES IN THE CITY'S FEE SCHEDULE FOR THE COMMUNITY GARDEN PROGRAM

WHEREAS, the City of Sherwood is nearing completion of the first city-owned and operated community garden; and

WHEREAS, the City has developed program guidelines and plot rental requirements for the Community Garden Program, including proposed fees for rental of different size plots; and

WHEREAS, the Sherwood Municipal Code 2.32.010 authorizes certain administrative fees and changes to be established by Resolution of the City Council; and

WHEREAS, Oregon Revised Statutes 294.160 requires that the governing body of a city, county or other unit of local government shall provide an opportunity for interested persons to comment on the enactment of any ordinance or resolution prescribing a new fee or a fee increase or an increase in the rate or other manner in which the amount of a fee is determined or calculated; and

WHEREAS, the City Council has held a public hearing to receive testimony on the proposed fees for the Community Garden Program and needs to establish fees in the City's Fee Schedule;

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

Section 1. After full and due consideration of the evidence presented, the City Council finds that the text of the Sherwood Fee Schedule should be amended to add fees for the various size community garden plots as outlined in Attachment A.

Section 2. The proposed amendment to the Fee Schedule is hereby approved.

Section 3. The City Manager is hereby directed and authorized to take such action as may be necessary to document this amendment, including necessary updates to the Fee Schedule.

Section 4. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 3rd day of May, 2016.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Attachment A
Proposed Fees for the Community Garden Program

| <u>Plot Size</u> | <u>Fee</u> |
|--|-----------------------------------|
| 4' x 8' (raised bed approximately 3' high) | \$30 (plus \$10 for non-resident) |
| 10' x 20' (raised border) | \$45 (plus \$10 for non-resident) |
| 20' x 20' (raised border) | \$60 (plus \$10 for non-resident) |

TO: Sherwood City Council

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

SUBJECT: Ordinance 2016-008, Amendment to Chapter 16.31 (Industrial Uses) of the Sherwood Zoning and Community Development Code

Issue:

Shall the City Council adopt amendments to the Sherwood Zoning and Community Development Code related to industrial uses?

Background:

The City of Sherwood adopted a concept plan and implementing code language for the Tonquin Employment Area (TEA) in October 2010. The intent at the time was to make the types of uses we wanted most, permitted outright and other uses that would complement the vision permitted conditionally upon demonstrating that they were compatible with the desired uses and intent. In August 2012 the City updated the industrial use code sections as part of a larger code clean-up project and in the translation process of merging three chapters with slightly different use categories into one, there were very few uses allowed outright or conditionally in the TEA area.

This was brought to the City's attention by multiple property owners and brokers as they were trying to sell and develop properties in the TEA. The City staff and Planning Commission identified this as an opportunity to not only address the problem in the TEA but also to better categorize uses in all industrial zones to regulate the types of uses that would not be compatible with the community (for example, those that are attractive nuisances or emit noxious odors) while being open to new products and processes. After obtaining feedback from industrial property owners, representatives from the development community and Sherwood residents, draft amendments were developed.

The Planning Commission held a public hearing on April 12, 2016 and voted to forward a recommendation of approval to the City Council.

Financial Impacts:

It is likely that there will be a minimal cost associated with making the Code updates available online and providing informational materials to the public. It is anticipated that adoption of the proposed amendments will provide more certainty and clarity for developers currently looking at the Tonquin Employment Area and help spur annexation and development of the area. Development of the area, inside city limits, will increase tax revenues and provide additional jobs which will benefit the local economy.

Recommendation:

Staff respectfully recommends City Council approval of Ordinance 2016-008, Amendment to Chapter 16.31 (Industrial Uses) of the Sherwood Zoning and Community Development Code at a first reading on May 3rd with an anticipated second reading on June 7, 2016.

Attachments:

1 – Planning Commission recommendation with 9 exhibits

PLANNING COMMISSION RECOMMENDATION:**File No: PA 16-04 Industrial Uses Code Amendment**

On Tuesday April 12, 2016 the Sherwood Planning Commission conducted a public hearing on the following proposal. The Commission considered the proposed draft changes, staff report analysis and public input. The Planning Commission deliberated and voted to forward a recommendation of approval to the City Council. The recommendation forwarded to the Council includes changes made by the Commission based on staff and public input.


Jean Simson, Planning Commission Chair

Proposal: The City proposes to amend the Development Code to update Chapter 16.31 regarding the allowed uses on all industrially zoned properties. The overall goal is to provide more clarity and certainty for potential developers regarding the uses that will be allowed while continuing to protect the community from undesirable uses.

I. BACKGROUND

- A. Applicant: This is a City initiated text amendment.
- B. Location: The proposed amendment is to the text of the development code and, applies citywide.
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is scheduled to consider the matter on April 12, 2016. At the close of their hearing, they will forward a recommendation to the City Council who will consider the proposal, and make the final decision whether to approve, modify, or deny the proposed language. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the April 12, 2016 Planning Commission hearing on the proposed amendment was published in *The Times* on March 17, 2016 and April 7, 2016, and published in the April edition of *The Gazette*. Notice was also posted in five public locations around town and on the web site on March 18, 2016. In addition, a separate notice was sent to all Industrial properties in town consistent with the provisions of ORS 227.186 on March 18, 2016. Finally, notice was sent via email to interested parties who signed up for additional notification.

DLCD notice was mailed on February 19, 2016.

- 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). Comp plan policies Chapter 4, H (Economic Development) and K (Industrial Planning Designations). In addition, because the changes are to industrial uses, Metro Title 4 standards are applicable.
- F. Background:

The City of Sherwood adopted a concept plan and implementing code language for the Tonquin Employment Area (TEA) in October 2010. The intent at the time was to make the types of uses we wanted most, permitted outright and other uses that would complement the vision permitted conditionally upon demonstrating that they were compatible with the desired uses and intent. In August 2012 the City updated the industrial use code sections as part of a larger code clean-up project and in the translation process of merging 3 chapters with slightly different use categories into 1, there were very few uses allowed outright or conditionally in the TEA area. This was brought to the City's attention by multiple property owners and brokers as they were trying to sell and develop properties in the TEA. The City staff and Planning Commission identified this as an opportunity to not only address the problem in the TEA but also to better categorize uses in all industrial zones to regulate the types of uses that would not be compatible with the community (for example, those that are attractive nuisances or emit noxious odors) while being open to new products and processes. After obtaining feedback from industrial property owners, representatives from the development community and Sherwood residents, the planning staff drafted the proposed amendments. A summary of the amendments are included in Attachment 1 to this staff report. The proposed changes with track changes shown are in Attachment 2 and a clean copy of the proposed changes are included as Attachment 3.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

DLCD notice was sent on February 19, 2016. The City has not received any comments to date on the proposed amendments.

Metro was provided notice and indicated that they would like to see analysis in the staff report that identifies how much of the LI, GI, and EI land overlaps with Title 4 land. Some of the permitted uses might raise concerns about increases in daily traffic, but it would depend on whether they're in Title 4 areas or not.

Staff response: Compliance with Title 4 is discussed in Section III of this staff report.

Public:

Notice was initially sent to all industrial property owners informing them of work sessions on the topic. An interested parties list was developed and a project web page developed. Notice of the public hearing was mailed to all industrial property owners, emailed to interested parties, posted on the web site, posted in 5 locations around the City and published in The Times and The Gazette.

The following comments have been received as of the date of the initial staff report:

Pride Disposal submitted a letter dated March 21, 2016 (Attachment 4). Their letter stated "Pride Recycling Company operates a solid waste transfer and recycling station at 13910 SW Tualatin-Sherwood Road. The new amendments to the Sherwood Development Code, specifically regarding a facility as ours needs to be clarified. In one section the siting of a solid waste transfer station is a conditional permit; another section refers to General purpose solid waste landfills, incinerators and other *solid waste facilities* as not being allowed. A solid waste transfer station is a solid waste facility, and therefore the intent is unclear. It is my hope that this can be easily corrected."

Staff response: The proposed changes did not make changes to these existing categories. That said, it is clear that there is an inconsistency and, as currently written makes it unclear. It is proposed that "not otherwise permitted in this code" be added to the end of "General purpose solid waste landfills, incinerators and other solid waste

facilities” to make it clear that the other use category “solid waste transfer stations” is allowed. The Commission accepted this change and this is reflected in the recommendation.

Rhys Conrad, representing the Orr Family, submitted a letter dated April 4, 2016 (Attachment 5). Their letter is generally supportive of the proposed amendments but propose that there be no cap on the amount of standalone warehousing that is permitted without a conditional use permit. If a cap is necessary, they recommend it be increased to 150,000 square feet rather than 100,000 as currently proposed. The Commission discussed this and the testimony received and voted to change the size limit to 150,000 square feet.

Additional written testimony and public comments were provided from the following people to the Planning Commission at their April 12, 2016 meeting:

- David Kraska, Willamette Water Supply, submitted April 6, 2016 letter
- David Stiller, submitted April 12, 2016 email and provided verbal testimony
- Bill Bach, Trammell Crow Company, provided April 12, 2016 letter and provided verbal testimony
- Tim Voorhies, provided February 22, 2016 email and verbal testimony
- Erhardt Steinborn, provided verbal testimony
- Stu Peterson, Macadam Forbes, provided verbal testimony

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.A and C

16.80.030.A - 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.

There is a clear need for clarification of the industrial use categories in the EI zone to open up the permissible uses to those that are realistic and in line with the vision of the Tonquin Employment Area plan. Feedback received through the public outreach process also demonstrates a need for the additional clarification and modifications made with the proposed amendments.

Applicable Comprehensive Plan Policies

Chapter 4, H. ECONOMIC DEVELOPMENT POLICIES AND STRATEGIES

Policy 5 - The City will seek to diversify and expand commercial and industrial development in order to provide nearby job opportunities, and expand the tax base.

Economic Development Strategy - Policy 1 - Support existing businesses and recruit additional businesses that provide local family-wage jobs. Replace any employment land rezoned for other uses with other employment land.

Strategy 1.3: Support and build upon manufacturing and other industries likely to produce family-wage jobs.

Chapter 4, K. INDUSTRIAL PLANNING DESIGNATIONS

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

The proposed amendments are consistent with the applicable criteria by providing for uses that expand and provide family wage jobs. In addition, by distinguishing uses based on impacts off site and providing for specific uses that are deemed incompatible in all zones, the changes respect the intent outlined in the comprehensive plan for the LI, GI and EI zones. In addition, the modifications made that affect the EI zone allow for uses that provide jobs, limit commercial and uses incompatible with the long term vision for the area. These changes also help set the stage for development of the area.

Applicable Regional (Metro) Standards

Metro Functional Plan - 3.07.430 Protection of Industrial Areas

A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

- 1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and**
- 2. Training facilities whose primary purpose is to provide training to meet industrial needs.**

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the RTP. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.

Sherwood updated its code in 2012 to fully comply with Title 4 and the proposed changes do not change the uses that are otherwise limited by the Title 4 requirements. Sherwood's industrial land is primarily identified on the Metro Title 4 maps as "Industrial Area" with some of the light industrial areas identified as "employment areas". The proposed amendments do not modify the uses already restricted by the Title 4 requirements. In instances where a new category was added that had the potential of allowing more uses that might cater to daily customers or allow for commercial uses, clarifications or footnotes were added. Attachment 3 provides a detailed summary of each change and an explanation of the change. This summary also notes where the change was made to clarify/confirm Title 4 compliance.

Consistency with Statewide Planning Goals

The process for developing and identifying the proposed changes has been made consistent with Goal 1, citizen involvement. There are no known Statewide Planning Goals that directly apply to the proposed amendments, however, it could be argued that the changes will provide more economic development opportunities and have been developed based on specific and valid feedback from the development community. If these changes were not made there is a very good chance that the TEA would remain undeveloped for years to come because the existing permissible uses are very limited and incompatible with the market realities. Therefore, the amendments are supportive of Goal 9.

FINDING: As discussed above in the analysis, there is a need for the proposed amendments in order to clarify the Sherwood Zoning and Community Development Code. The proposed 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 and do not affect the functional classification of any street. Rather, the proposed amendments are provided to clarify existing language within the existing development code. The proposed amendments 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 recommends the Council approve of PA 16-04.

- V. EXHIBITS**
1. Proposed development code changes – Clean format
 2. Proposed development code changes – Track changes format
 3. Summary of proposed changes
 4. March 21, 2016 letter from Mike Leicher of Pride Disposal
 5. April 4, 2016 letter from Rhys Conrad of Macadam Forbes
 6. April 6, 2016 letter from David Kraska, Willamette Water Supply
 7. April 12, 2016 email from David Stiller
 8. April 12, 2016 letter from Bill Bach, Trammell Crow Company
 9. February 22, 2016 email from Tim Voorhies

16.10.020 Definitions

ADD the following:

Small-scale energy facilities - a facility, such as a solar panel, that produces energy but that is generally not visible from neighboring properties, with the exception of facilities attached to a building that do not exceed the height limits of the underlying zone and do not exceed the building height by more than 25%. For example, solar panels on the roof of a 24-foot-tall home could not exceed 6 feet in height.

Large-scale facilities - a facility that produces energy and exceeds the thresholds of a 'small-scale energy facility'".

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS^[19]

Sections:

Footnotes:

--- (19) ---

Editor's note—Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation.

16.31.010 - Purpose

- A. Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

- B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.
- C. General Industrial (GI) - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

| Uses | LI | GI | EI ¹ |
|--|----|----|-----------------|
| RESIDENTIAL | | | |
| • Single Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family | P | P | P |
| CIVIC | | | |
| • Hospitals | C | N | N |
| • Police and fire stations and other emergency services | C | C | C |
| • Vehicle testing stations | C | C | C |
| • Postal services - Public | C | C | C |

| Uses | LI | GI | EI ¹ |
|---|----|----|-----------------|
| • Postal substations when located entirely within and incidental to a use permitted outright | C | C | C |
| • Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards | P | P | P |
| • Small-scale power generation facilities | P | P | P |
| • Large-scale power generation facilities | C | P | C |
| • Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements | C | C | C |
| COMMERCIAL | | | |
| • Commercial Trade Schools, commercial educational services and training facilities | P | P | C |
| Entertainment/recreation | | | |
| • Country clubs, sports and racquet clubs and other similar clubs | C | C | C |
| • Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3} | C | C | C |
| Motor Vehicle related | | | |
| • Motorized vehicle and sport craft repairs and service | C | C | N |
| • Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally | P | P | P |
| • Automotive, boat, trailer and recreational vehicle storage | C | C | C ⁴ |
| • Vehicle fueling stations or car wash facilities ⁵ | C | C | C |
| • Junkyards and salvage yards | N | N | N |

| Uses | LI | GI | EI ¹ |
|--|----------------|----------------|-----------------|
| <ul style="list-style-type: none"> Manufactured home sales and display area | N | N | N |
| Office and Professional Support services | | | |
| <ul style="list-style-type: none"> Business and professional offices³ | P | P | P |
| <ul style="list-style-type: none"> Business support services such as duplicating, photocopying, mailing services, fax and computer facilities³ | P | P | P |
| <ul style="list-style-type: none"> Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building | P | P | P |
| Childcare | | | |
| <ul style="list-style-type: none"> Day cares, preschools, and kindergartens, when clearly secondary to a permitted use | P | P | P |
| <ul style="list-style-type: none"> Day cares, preschools, and kindergartens as a stand-alone use³ | C | C | C |
| General Retail - sales oriented | | | |
| <ul style="list-style-type: none"> Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business³ | P | P | P |
| <ul style="list-style-type: none"> Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage | P ⁶ | P ⁶ | N |
| <ul style="list-style-type: none"> Tool and equipment repair, rental and sales, including truck rental⁷ | P | P | P |
| <ul style="list-style-type: none"> Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries) | P | P | N |
| <ul style="list-style-type: none"> Wholesale building material sales and service | C | P | N |
| <ul style="list-style-type: none"> Retail building material sales and lumber yards³ | C | P | N |
| Personal Services | | | |
| <ul style="list-style-type: none"> Health clubs and studios less than 5,000 square feet in size | P | P | P |

| Uses | LI | GI | EI ¹ |
|---|----|----|-----------------|
| <ul style="list-style-type: none"> Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services⁸ | C | C | C |
| <ul style="list-style-type: none"> Public or commercial parking (non- accessory) | N | N | N |
| <ul style="list-style-type: none"> Veterinarian offices and animal hospitals | C | C | C |
| <ul style="list-style-type: none"> Animal boarding/Kennels and pet daycare facilities with outdoor recreation areas⁸ | C | C | C |
| Eating and Drinking establishments: | | | |
| <ul style="list-style-type: none"> Restaurants, taverns, and lounges without drive-thru³ | C | C | C |
| <ul style="list-style-type: none"> Restaurants with drive-thru services | N | N | N |
| <ul style="list-style-type: none"> On-site cafeteria that is secondary to, and serving employees of, a permitted use | P | P | P |
| INDUSTRIAL | | | |
| <ul style="list-style-type: none"> Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code, | P | P | P |
| <ul style="list-style-type: none"> Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations. | C | P | C |
| <ul style="list-style-type: none"> Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals | N | C | N |
| <ul style="list-style-type: none"> Distribution, warehousing and storage associated with a permitted use operating on the same site | P | P | P |

| Uses | LI | GI | EI ¹ |
|---|----|----|-----------------|
| Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building ⁹ | P | P | P |
| Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building ⁹ | N | P | C |
| • Mini-warehousing or self-storage | N | P | N |
| • Medical or dental laboratories, including biomedical compounding | P | P | P |
| • Laboratories (not medical or dental) | P | P | P |
| • Research and development and associated manufacturing | P | P | P |
| • Contractors' storage and equipment yards, | C | P | C ⁴ |
| Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses ¹⁰ | P | P | P |
| • Industrial laundry, dry cleaning, dyeing, or rug cleaning plants | C | P | N |
| • Sawmills | C | C | N |
| • Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants | N | C | N |
| • Solid waste transfer stations | N | C | N |
| The following Uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City | | | |
| • Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community | N | N | N |

| Uses | LI | GI | EI ¹ |
|---|----|----|-----------------|
| • Pulp and paper mills | N | N | N |
| • Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products | N | N | N |
| • Metal rolling and extraction mills, forge plants, smelters and blast furnaces | N | N | N |
| • Meat, fish, poultry and tannery processing | N | N | N |
| • General purpose solid waste landfills, incinerators, and other solid waste facilities not otherwise permitted in this code | N | N | N |
| WIRELESS COMMUNICATION FACILITIES | | | |
| • Radio, television, and similar communication stations, including associated transmitters | C | C | C |
| • Wireless communication towers ¹¹ and transmitters | C | C | C |
| • Wireless communication facilities on City-owned property | C | C | C |
| • Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure | P | P | P |
| OTHER | | | |
| Agricultural uses including but not limited to: | | | |
| • Farm equipment sales and rentals | N | N | N |
| • Farming and horticulture | P | P | P |
| • Raising of animals other than household pets | N | N | N |
| • Truck and bus yards | N | P | N |

¹ See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.

²If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

³ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁴ On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted

⁵ Limited to Cardlock, wholesale or facilities incidental to and solely serving an associated permitted or conditional use- no public retail fuel sales.

⁶ See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

⁷Sales and rental area Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

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⁸ Animal boarding/kennels and pet daycare facilities entirely within an enclosed building are considered "other personal service."

⁹ For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations

¹⁰ These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

¹¹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

(Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 - Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84 (Variances and Adjustments).

B. Development Standards

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

| Development Standards by Zone | LI | GI | EI |
|---|-----------|-----------|----------------------|
| Lot area- Industrial Uses: | 10,000 SF | 20,000 SF | 3 acres ⁹ |
| Lot area- Commercial Uses (subject to Section 16.31.050): | 10,000 SF | 20,000 SF | 10,000 SF |
| Lot width at front property line: | 100 feet | | |
| Lot width at building line: | 100 feet | | |
| Front Yard Setback ¹¹ | 20 feet | None | 20 feet |
| Side Yard Setback ¹⁰ | None | None | None |
| Rear Yard Setback ¹¹ | None | None | None |
| Corner lot street side ¹¹ | 20 feet | None | 20 feet |
| Height ¹¹ | 50 feet | | |

⁹ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.

¹⁰ When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial Zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

¹¹ Structures located within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

16.31.040 - Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and

- b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five (5) acres in size. A "development project" includes all improvements proposed through a site plan application.
 - 2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.
- B. Land Division Restrictions
- 1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.
 - 2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a Planned Unit Development approved by the city so long as the resulting division yields at least one (1) lot or parcel of at least 50 acres in size.
 - 3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.050 - Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.
- C. Commercial development may not be located within three hundred (300) feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.060 - Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.070 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.10.020 Definitions

ADD the following:

Small-scale energy facilities - a facility, such as a solar panel, that produces energy but that is generally not visible from neighboring properties, with the exception of facilities attached to a building that do not exceed the height limits of the underlying zone and do not exceed the building height by more than 25%. For example, solar panels on the roof of a 24-foot-tall home could not exceed 6 feet in height.

Large-scale facilities - a facility that produces energy and exceeds the thresholds of a 'small-scale energy facility'".

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS^[19]

Sections:

Footnotes:

--- (19) ---

Editor's note—Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation.

16.31.010 - Purpose

- A. Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

- B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.
- C. General Industrial (GI) - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

| Uses | LI | GI | EI ¹ |
|--|----|----|-----------------|
| RESIDENTIAL | | | |
| • Single Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family | P | P | P |
| CIVIC | | | |
| • Hospitals | C | N | N |
| • Police and fire stations and other emergency services | C | C | C |
| • Vehicle testing stations | C | C | C |
| • Postal services - Public | C | C | C |

| Uses | LI | GI | EI ¹ |
|---|----|----|-----------------|
| • Postal substations when located entirely within and incidental to a use permitted outright | C | C | C |
| • Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards | P | P | P |
| • Small-scale power generation facilities | P | P | P |
| • Large-scale power generation facilities | C | P | C |
| • Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements | C | C | C |
| COMMERCIAL | | | |
| • Commercial Trade Schools, commercial educational services and training facilities | P | P | C |
| Entertainment/recreation | | | |
| • Country clubs, sports and racquet clubs and other similar clubs | C | C | C |
| • Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3} | C | C | C |
| Motor Vehicle related | | | |
| • Motorized vehicle and sport craft repairs and service | C | C | N |
| • Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally | P | P | P |
| • Automotive, boat, trailer and recreational vehicle storage | C | C | NC ⁴ |
| • Vehicle fueling stations or car wash facilities ⁴⁻⁵ | C | C | C |
| • Junkyards and salvage yards | N | N | N |

| Uses | LI | GI | EI ¹ |
|--|------------------------|------------------------|-----------------|
| <ul style="list-style-type: none"> Manufacture^{sd} home sales and display area | N | N | N |
| Office and Professional Support services | | | |
| <ul style="list-style-type: none"> Business and professional offices⁵³ | P | P | P |
| <ul style="list-style-type: none"> Business support services such as duplicating, photocopying, mailing services, fax and computer facilities³⁶ | P | P | <u>PC</u> |
| <ul style="list-style-type: none"> Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building | <u>CP</u> | <u>CP</u> | <u>CP</u> |
| Childcare | | | |
| <ul style="list-style-type: none"> Day cares, preschools, and kindergartens, when clearly secondary to a permitted use | P | P | P |
| <ul style="list-style-type: none"> Day cares, preschools, and kindergartens as a stand-alone use³⁶ | C | C | C |
| General Retail - sales oriented | | | |
| <ul style="list-style-type: none"> Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business⁷³ | P | P | P |
| <ul style="list-style-type: none"> Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage | <u>P640</u> | <u>P640</u> | N |
| <ul style="list-style-type: none"> Tool and equipment <u>repair</u>, rental and sales, including truck rental⁷ | P | P | P |
| <ul style="list-style-type: none"> Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries) | P | P | N |
| <ul style="list-style-type: none"> Wholesale building material sales and service | C | P | N |
| <ul style="list-style-type: none"> Retail building material sales and lumber yards³⁷ | C | P | N |
| Personal Services | | | |

| Uses | LI | GI | EI ¹ |
|---|----------|----------|-----------------------|
| • Health clubs and studios less than 5,000 square feet in size | P | P | P |
| • Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services ⁸ | C | C | C |
| • Public or commercial parking (non- accessory) | N | N | N |
| • Veterinarian offices and animal hospitals | C | C | C |
| • Animal boarding/Kennels and pet daycare facilities with outdoor recreation areas ⁸ | C | C | C |
| Eating and Drinking establishments: | | | |
| • Restaurants, taverns, and lounges without drive-thru ^{3,7} | C | C | C |
| • Restaurants with drive-thru services | N | N | N |
| • On-site cafeteria that is secondary to, and serving employees of, a permitted use | <u>P</u> | <u>P</u> | <u>P</u> |
| INDUSTRIAL | | | |
| • Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building Food products provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials | P | P | N <u>P</u> |
| • Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations. | <u>C</u> | <u>P</u> | <u>C</u> |

| Uses | LI | GI | EI ¹ |
|--|--------------|--------------|------------------------------------|
| <ul style="list-style-type: none"> • <u>Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of</u> Aacids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals | N | C | N |
| <ul style="list-style-type: none"> • Distribution, warehousing and storage associated with a permitted use <u>operating on the same site</u> | P | P | P |
| <u>Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building⁹</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building⁹</u> | <u>N</u> | <u>P</u> | <u>C</u> |
| • Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use | P | P | P |
| <ul style="list-style-type: none"> • mMini-warehousing or self-storage | N | P | N |
| <ul style="list-style-type: none"> • Medical or dental laboratories, <u>including biomedical compounding</u> | P | P | P |
| <ul style="list-style-type: none"> • Laboratories (not medical or dental) | P | P | P |
| <ul style="list-style-type: none"> • Research and development and associated manufacturing | P | P | P |
| <ul style="list-style-type: none"> • Contractors' storage and equipment yards, building maintenance services, and similar uses | C | P | N <u>C</u> ⁴ |
| <u>Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses¹⁰</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <ul style="list-style-type: none"> • <u>Industrial</u>Llaundry, dry cleaning, dyeing, or rug cleaning plants | C | P | N |
| <ul style="list-style-type: none"> • Sawmills | C | C | N |
| <ul style="list-style-type: none"> • <u>Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants</u> | <u>N</u> | <u>C</u> | <u>N</u> |

| Uses | LI | GI | EI ¹ |
|--|-------------------|-------------------|-------------------|
| • Solid waste transfer stations | N | C | N |
| Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products: | | | |
| • Pharmaceuticals in facilities up to 50,000 square feet building size | P | P | P |
| • Pharmaceuticals in facilities larger than 50,000 square feet building size | N | C | N |
| • Building components, furniture, fixtures, signs | P | P | N |
| • Non-motorized recreational vehicles and equipment | P | P | N |
| • Manufactured homes, farm equipment, and greenhouses | N | P | N |
| • Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone | P | P | N |
| • Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products | P | P | P |
| • Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community | N | N | N |
| The following Uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City | | | |
| • Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community | N | N | N |
| • Pulp and paper mills | N | N | N |
| • Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products | N | N | N |

| Uses | LI | GI | EI ¹ |
|---|--------------|--------------|-----------------|
| • Metal rolling and extraction mills, forge plants, smelters and blast furnaces | N | N | N |
| • Meat, fish, poultry and tannery processing | N | N | N |
| • Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants | N | C | N |
| • Solid waste transfer stations | N | C | N |
| • General purpose solid waste landfills, incinerators, and other solid waste facilities not otherwise permitted in this code | N | N | N |
| • Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration | N | C | N |
| WIRELESS COMMUNICATION FACILITIES | | | |
| • Radio, television, and similar communication stations, including associated transmitters | C | C | C |
| • Wireless communication towers ¹¹⁹ and transmitters | C | C | C |
| • Wireless communication facilities on City-owned property | C | C | C |
| • Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure | P | P | P |
| OTHER | | | |
| Agricultural uses including but not limited to: | | | |
| • Farm equipment sales and rentals | N | N | N |
| • Farming and horticulture | P | P | P |
| • Raising of animals other than household pets | N | N | N |

| Uses | LI | GI | EI ¹ |
|-----------------------|----|----|-----------------|
| • Truck and bus yards | N | P | N |

¹ See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.

²If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

³ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁴ On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted

⁴⁵ Limited to Cardlock, ~~or~~ wholesale or facilities incidental to and solely serving an associated permitted or conditional use- no public retail fuel sales.

⁶⁴⁹ See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

⁵⁷Sales and rental area Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

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~~⁷ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.~~

⁸ Animal boarding/kennels and pet daycare facilities entirely within an enclosed building are considered "other personal service."

⁹ For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations

¹⁰ These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

⁹¹¹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

~~⁴⁹ See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.~~

(Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 - Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84 (Variances and Adjustments).

B. Development Standards

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

| Development Standards by Zone | EI | LI | GI | <u>EI</u> |
|---|---------------------------------|-----------|-----------|-----------------------------|
| Lot area- Industrial Uses: | 3 acres ⁹ | 10,000 SF | 20,000 SF | <u>3 acres</u> ⁹ |
| Lot area- Commercial Uses (subject to Section 16.31.050): | 10,000 SF | 10,000 SF | 20,000 SF | <u>10,000 SF</u> |
| Lot width at front property line: | 100 feet | | | |
| Lot width at building line: | 100 feet | | | |
| Front Yard Setback ¹¹ | 20 feet | 20 feet | None | <u>20 feet</u> |
| Side Yard Setback ¹⁰ | None | None | None | <u>None</u> |
| Rear Yard Setback ¹¹ | None | None | None | <u>None</u> |
| Corner lot street side ¹¹ | 20 feet | 20 feet | None | <u>20 feet</u> |
| Height ¹¹ | 50 feet | | | |

⁹ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.

¹⁰ When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial Zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

¹¹ Structures located within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

16.31.040 - Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five (5) acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.
2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a Planned Unit Development approved by the city so long as the resulting division yields at least one (1) lot or parcel of at least 50 acres in size.
3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.050 - Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.
- C. Commercial development may not be located within three hundred (300) feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.060 - Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.070 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

| Summary of draft Industrial Use changes – 4-18-16 | | |
|---|--|--|
| | Change | Explanation |
| 1 | <p>Added: Small-scale energy facilities - a facility, such as a solar panel, that produces energy but that is generally not visible from neighboring properties, with the exception of facilities attached to a building that do not exceed the height limits of the underlying zone and do not exceed the building height by more than 25%. For example, solar panels on the roof of a 24-foot-tall home could not exceed 6 feet in height.</p> <p>Large-scale facilities - a facility that produces energy and exceeds the thresholds of a ‘small-scale energy facility’”.</p> | These are referred to in the existing code but have no definition. These were added in 2012 when the code was updated and the proposed definitions were discussed with the Commission and Staff, however it appears the definition was inadvertently not included in the amendments at the time. |
| 2 | Added: “single” in from of dwelling unit | To clarify that you could not have more than one dwelling unit |
| 3 | <p>Changed “Automotive, boat, trailer and recreational vehicle storage” from not permitted to conditional with restrictions in the EI zone</p> <p>Added: restriction note that this use was conditional “On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted”</p> | Helps to address concerns raised by property owner with property almost entirely constrained by overhead powerline easements. |
| 4 | <p>Changed footnote on “vehicle fueling stations or car wash facilities” to reflect renumbering</p> <p>Added: Modified the footnote to the “vehicle fueling stations or car wash facilities” to allow for facilities incidental to and solely serving an associated permitted or conditional use</p> | This is to take into account industrial uses that might have fueling facilities for their fleet or equipment. This was based on comments from Enterprise Holdings. Remains consistent with Title 4 by continuing to limit to prohibit public sales |
| 4.1 | Capitalized Junkyards | Scriveners error/consistency |
| 4.2 | Changed “manufactures” to “manufactured” | Scriveners error |
| 5 | Changed footnote on Business and Professional offices to reflect renumbering | Reflects renumbering |
| 6 | <p>Changed: “Business support services such as duplicating, photocopying, mailing services, fax and computer facilities” from Conditional in the EI to Permitted in the EI</p> <p>Changed footnote on “Business support services...” to reflect renumbering</p> | Unnecessary to have that added layer of discretion in the EI zone |
| 7 | Changed: “Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building” from Conditional in all industrial zones to Permitted | Unnecessary to have that added layer of discretion for something that is “essential to and customarily associated with” a permitted use |
| 8 | Changed footnote on “daycares, preschools...” to reflect renumbering | Reflects renumbering |
| 9 | Changed footnote on “incidental retail sales...” to reflect renumbering | Reflects renumbering |

| | | |
|----|--|--|
| 10 | Changed footnote on “medical marijuana dispensary...” to reflect renumbering | Reflects renumbering |
| 11 | Added “repair” to tool and equipment rental and sales... | To clarify that tool repair would also be allowed. Footnote 7 was also modified to add “sales and rental areas” to make is clear that those types of uses are still limited per Metro title 4 requirements but industrial repair types of uses would be permitted. |
| 12 | Changed footnote on “retail building material sales and lumberyards” to reflect renumbering Changed “lumberyard” to “lumber yard” | Reflects renumbering |
| 13 | Added: “pet” under animal boarding/kennels and daycare facilities... | Clarification that it was a pet daycare and not a child daycare |
| 14 | Changed footnote on “Restaurants, taverns, and lounges without drive-thru” to reflect renumbering” | Reflects renumbering |
| 15 | Add: On-site cafeteria that is secondary to, and serving employees of, a permitted use | To make it clear that a cafeteria on-site and serving the employees of a business does not require a conditional use. Because it is serving employees and secondary to a permitted use, it is consistent with Metro Title 4 requirements. |
| 16 | Add: Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code | This provides general categories and allows for differentiation by zone when considering what it looks like from the outside and potential adverse impacts. Removed many of the specific categories in the original section. Differentiated from other categories primarily in how they are viewed off site” |
| 17 | Add: Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations. | Allows for industrial uses with some off site impacts (noise, odor, etc) provided they comply with other standards such as DEQ regulations. By stating “not otherwise prohibited” it allows restriction of specific uses not desired |
| 18 | Added” Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of” in front of “acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals” | To clarify this is different from the more general category. The reason for this is because of the chemicals used. It is not appropriate in the LI zone due to the proximity to residential and commercial and is not consistent with the vision for the Tonquin Employment Area, therefore this distinction retains it is prohibited in the LI and EI and conditional in the GI |

| | | |
|----|--|--|
| 19 | Added: :”operating on the same site” in front of Distribution, warehousing and storage associated with a permitted use | Clarifies that a permitted use (such a manufacturing: may also have distribution and warehousing associated with it without the size limitations for a standalone use |
| 20 | Add: Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building ⁹ Added footnote For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations | Responds to specific feedback from owners within the TEA area to allow some distribution and warehousing while providing some level of protection of the area for jobs. This category (up to 150,000 square feet) is permitted in all zones Footnote clarifies that this only applies to standalone facilities. |
| 21 | Add: Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building Added footnote For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations | Responds to specific feedback from owners within the TEA area to allow some distribution and warehousing while providing some level of protection of the area for jobs. This category (greater than 150,000 square feet) makes it possible for larger facilities in the TEA area provided the applicant demonstrates compliance with conditional use criteria, including demonstrating a need. Footnote clarifies that this only applies to standalone facilities. |
| 22 | Deleted: Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use Capitalized “Mini-warehousing” | Unnecessary with the other changes being made Scriveners error/consistency |
| 23 | Changed: Medical or dental laboratories to add “including biomedical compounding | Later on (#32) we propose to delete “Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration”. Currently medical labs are permitted but biomedical compounding is only permitted conditionally in the GI zone. It is not clear how or why this is different from a medical lab. According to the FDA website, “In general, compounding is a practice in which a licensed pharmacist, a licensed physician, or, in the case of an outsourcing facility, a person under the supervision of a licensed pharmacist, combines, mixes, or alters ingredients of a drug to create a medication tailored to the needs of an individual patient.” |
| 24 | Changed: “Contractors’ storage and equipment yards, building maintenance services, and similar uses” to remove “building maintenance services and similar uses” | Allows us to respond to property owner/develop desire for building maintenance type uses while restricting contractors |

| | | |
|----|---|---|
| | Added: restriction note that this use was conditional “On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted” | storage to only lots with constrained land. This helps to address concerns raised by property owner with property almost entirely constrained by overhead powerline easements |
| 25 | <p>Added: Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses</p> <p>Added: footnote “These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.”</p> | Responds to comments from owners and developers to allow uses that are customarily associated with industrial areas. Footnote provides clarification of use to differentiate it from a commercial use to address Metro Title 4 requirements |
| 26 | Added: “Industrial” in front of “laundry, dry cleaning, dyeing, or rug cleaning plants” | To clarify this is different from a personal service. This is more consistent with Title 4 requirements than the current code which does not provide this clarity. One reason for this distinction and maintaining existing use restrictions is that there are more chemicals and impacts associated with a large scale industrial facility which could be incompatible with LI adjacent to residential and commercial areas and is inconsistent with the vision for the EI zone. |
| 27 | Deleted “Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:” | Replaced with more general as described above in #16 and #17 |
| 28 | <p>Deleted</p> <ul style="list-style-type: none"> • Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials • Pharmaceuticals in facilities up to 50,000 square feet building size • Pharmaceuticals in facilities larger than 50,000 square feet building size • Building components, furniture, fixtures, signs • Non-motorized recreational vehicles and equipment • Manufactured homes, farm equipment, and greenhouses • Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone | These uses were very specific and otherwise covered by #16 and #17 described above |

| | | |
|------|---|--|
| | <ul style="list-style-type: none"> Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products | |
| 29 | Moved “Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community” to new subheading and Changed to read “ <u>Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of</u> Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community” to new subheading | Moved new subheading capturing the prohibited uses in all industrial zones |
| 30 | Added: “The following Uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City” | To provide for a subheading of all prohibited uses across all industrial zones |
| 31 | Moved: “Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants” and “Solid waste transfer stations” | Housekeeping move to separate out from prohibited uses. These are conditionally permitted in the GI zone. |
| 31.2 | Added “not otherwise permitted in this code” at the end of “General purpose landfills, incinerator and other solid waste facilities | In response to specific comments from Pride disposal regarding concern that their use, which is a solid waste transfer facility, would be considered and “other solid waste facility” and be prohibited. This is a clarification because “solid waste transfer facility” is conditionally permitted. |
| 32 | Deleted “Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration” | See explanation above under #23 |
| 33 | Reordered table under 16.31.030.B | Housekeeping. Put columns in the same order as the use classifications |



March 21, 2016

Sherwood Planning Department
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Pride Recycling Company operates a solid waste transfer and recycling station at 13910 SW Tualatin-Sherwood Road. The new amendments to the Sherwood Development Code, specifically regarding a facility as ours needs to be clarified. In one section the siting of a solid waste transfer station is a conditional permit; another section which refers to General purpose solid waste landfills, incinerators, and other *solid waste facilities* as not being allowed. A solid waste transfer station is a solid waste facility, and therefore the intent is unclear. It is my hope that this can easily be corrected.

Thank you.

Mike Lechner
Pride Recycling Company



April 4, 2016

Planning Commission
City of Sherwood

RE: Allowed Uses on Industrial Properties

Dear Planning Commissioners:

As you know, we represent Orr Family Farm, LLC. Orr Family Farm, at 96 acres, is the largest single property owner in the City of Sherwood. Its property is located in the Tonquin Employment Area, directly abutting Tualatin-Sherwood Road and the future extension of S.W. 124th Avenue. We have been working closely with staff over the past six months or so as part of the City's review of allowed uses in its industrial code. That collaboration has been very productive and we believe that the proposed code amendments that are currently before you go a long way to ensure the success of the Tonquin Employment Area. There is still one area of disagreement, however, and that is with respect to standalone warehousing in the Employment Industrial ("EI") zone, which is the zoning designation for the Orr Family Farm's property. The current proposal is to allow standalone warehouses in the EI zone as a permitted use, but only up to 100,000 square feet. Any proposed warehouse over 100,000 square feet would be a conditional use in the EI zone. We would prefer that standalone warehousing be a permitted use in the EI with no cap, but if there is a cap, we would ask that it be raised to 150,000 square feet.

As we have discussed throughout this process, standalone warehousing is a critical component of the overall industrial employment system. Warehouses provide services and support for the region's most significant employers, which is particularly evident in the Sherwood/ Tualatin Industrial market. One example is the 100,000sf industrial building currently occupied by Lamm Research as storage space. Another more recent example is Oregon Wine Storage who operates a 145,000 square foot standalone warehouse that serves the surrounding vineyards and wineries. In both instances, these facilities are providing a secondary need to the primary business/industry.

If the fear is that, without a square-footage cap, a huge regional distribution center will locate in the EI zone, that is extremely unlikely. Sherwood is not close enough to the region's freight movement infrastructure, e.g., the Portland Airport and major transportation systems, to attract such a use. Therefore, the market for standalone warehouses in the Sherwood/Tualatin

Exhibit 5

70090785.1

industrial market is self-limiting, but it is still critical. Warehousing supports just the kinds of businesses that the City hopes to attract to the Tonquin Employment Area, and not allowing sufficient warehouse capacity would be detrimental to vitality of that area.

It is critical to consider the complexity of our client's property when discussing this issue. Zoning, while critical, is one component to developing a property. Through evaluation of high-level planning analysis of the Orr Family Farm property, there will be significant costs related to infrastructure, natural resource mitigation, and grading to create areas that are flat enough to accommodate industrial buildings. These site constraints require significant time and money to overcome. The proposed square-footage cap at 100,000sf is another constraint that will cause further delay in the development of the subject property. Allowing additional square-footage at the current limits through a conditional use process is not a satisfactory alternative as there is so much uncertainty related to the approval criteria and process for conditional uses.

We appreciate staff's willingness to include standalone warehousing as a permitted use, and acknowledging its importance in the EI zone. We appreciate the opportunity to continue to participate in this important code update process.

Sincerely,

Stu Peterson, SIOR
Principal

Rhys Konrad, LEED AP
Broker

Willamette Water Supply

Our Reliable Water

received 4/7/16

April 6, 2016

Ms. Julia Hajduk
Community Development Director
City of Sherwood
City Hall
22560 SW Pine Street
Sherwood, OR 97140

Dear Ms. Hajduk:

We are pleased to offer the following comments regarding the Tonquin Employment Area Plan.

The Tonquin Employment Area represents one of the largest reserves of industrial land within the Portland metropolitan area's Urban Growth Boundary. Its development as a future jobs center is vital to the region and of particular importance to the City of Sherwood. An expansion of the City's industrial land base will help support the cost of public services, which are currently almost completely supported by taxes and fees paid by Sherwood's residential property owners. The jobs created will also provide new employment opportunities for Sherwood residents who, today, often travel many miles to their workplaces.

We encourage the City to maintain as much flexibility as possible as it sets standards and implements its development plans through code adoption and ultimate annexation. This will allow Sherwood to take advantage of any unforeseen economic development opportunities. In particular, it is important that code amendments allow for the development of public industrial infrastructure that, in addition to providing services to the public, may itself open the door to expanded opportunities for development.

One example of highly desirable public infrastructure might be the siting of a water treatment plant. Such a facility could offer large volumes of potable water to water intensive industries, such as food processors and semiconductor fabricators. An abundant supply of high quality water could also be a significant attractor to highly desirable growth industries, such as clean energy and biotechnology companies.

We appreciate the work you are doing to ensure the thoughtful development of the Tonquin Employment Area. This will assure that Sherwood and the region's economy benefit from the development of this valuable land resource.

Sincerely,



David Kraska, P.E.
Program Director

DK/fb

Exhibit 6

Julia Hajduk

From: David Stiller <smt.sft.stiller@gmail.com>
Sent: Tuesday, April 12, 2016 11:02 AM
To: Julia Hajduk
Subject: Stiller Property

Julia,

Thanks for returning my call. Below is what I attempted to send to Kirsrtten on April 8th, including spelling her name wrong.

Kristin,

Thanks for the information. I have recently arrived home from an extended vacation and am struggling to catch up on happenings while I was away.

My biggest concern for our property is if zoning or permitted usage would keep us from developing the rock. It was a quarry and we still maintain a DOGAMI permit. Not sure if this could result in a 'Measure 37 claim for us or not.

Dave Stiller

Please let me know if receive this.



April 12, 2016

Planning Commission
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

RE: Proposed Changes to Industrial Uses Code

Dear Chair and Members of the Planning Commission:

Thank you for this opportunity to comment on the proposed update to the City code regulating industrial development in Sherwood. As you may know, Trammell Crow Company is an active developer of industrial and commercial properties in Oregon, and we have recently completed two projects in Tualatin that might be similar to the types of projects that could be developed in Sherwood. While we generally support the proposed changes, there are two areas of concern: 1) the restriction on stand-alone warehouse to 100,000 square feet, and 2) the wording of the noise and odor restrictions as proposed.

Our project at SW 115th and Tualatin-Sherwood Road has one building of 196,000 square feet and two smaller buildings. Our other project is at SW 118th and SW Myslony off SW Herman Road, and consists of one 145,000 square foot building and three smaller buildings ranging in size from 37,000 to 65,000 square feet. Both projects were built prior to having tenants in hand and were sized based on the projected market. Both projects are now fully occupied, and at least one of the tenants, Wineshipping (wineshipping.com) required more than Sherwood's proposed allowance of 100,000 square feet of stand-alone warehousing. This company directly supports the wineries of Oregon, many of which are within a half hour drive of Sherwood. They now occupy 145,000 square feet of mainly warehouse space. We would expect to see tenants of this type in the Sherwood market, with requirements of 200,000 square feet or so. Sherwood's proposed code changes would prevent us from building space that might attract these users and other important supply chain industries.

Other developers have recently built warehouses in Tualatin that are larger than the 100,000 square feet proposed for Sherwood, and one of them, PacTrust, built a 164,000 square foot facility for McLane Foods, a major supplier to groceries and foodservice industries. This project would not have been possible in Sherwood with the size limitations as proposed. PacTrust is now proceeding with a 200,000 square foot warehouse on Tualatin-Sherwood Road at 115th at its Koch Corporate Center.

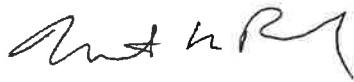
Although we would prefer no limit in the size of stand-alone warehouse in the EI zone, we suggest that if there is to be a limitation that it is set at no less than 200,000 square feet.

The other concern is that the proposed language that there is "no exterior odor, noise" (16.32.020 Table – Industrial) creates a standard that cannot be met and creates the opportunity for subjective interpretations. The City has existing noise and nuisance ordinances (Chapters 9.52 and 9.44) that are specific and enforceable. We suggest that the language "provided that there is no exterior odor, noise or unscreened storage and not otherwise regulated elsewhere in the code" be replaced with "provided that there is no unscreened storage and provided that noise, odor and other off-site impacts are compliant with local, state and federal regulations".

Exhibit 8

Again, we appreciate the opportunity to comment on the changes. It is impressive to see the progress that Sherwood has made to address the overall issues, and with our proposed changes, Sherwood's industrial land should be competitive from a regulatory perspective. There are transportation and topographical constraints on properties in the Tonquin area that developers will have to address, but this will go a long way towards making the property attractive to industries that will provide jobs in Sherwood.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Bach", with a stylized, cursive script.

Bill Bach
Business Development Manager

Tim Voorhies

From: Tim Voorhies
Sent: Monday, February 22, 2016 11:15 AM
To: 'hajdukj@sherwoodoregon.gov'
Subject: something that would help the city
Attachments: sherwood.pdf

Julia,
I think this would work out well and you could get rid of all of the conditional and most of the others stuff in there and it would be very simple
If you buy a house with in 1000' of industrial you have to sigh it.
This would stop most if not all of the citizens complaining

PS I sort of plagiarized that from Washington County.

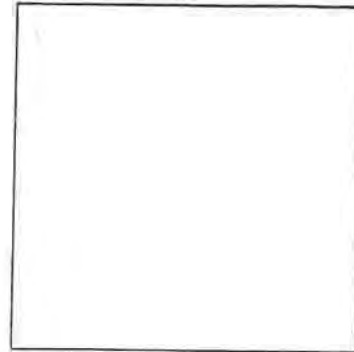
Thank you

Tim Voorhies
Steel Tek Industries Inc.
03-625-5507

**WAIVING RIGHT OF REMONSTRANCE AGAINST
CUSTOMARILY (commonly) ACCEPTED
INDUSTRIAL PRACTICES**

This Agreement and Waiver is entered into this _____ day of _____, 20____. This Agreement and Waiver is for the benefit of the parties hereto and Sherwood, Oregon. The undersigned, being the legal owner(s) of real property hereinafter described, do hereby agree as follows:

This Agreement and Waiver shall be construed as a consent to those customarily (commonly) accepted industrial practices within the vicinity of the hereinafter described property to the extent that the industrial practice is allowed by City, County, and State Laws, including any applicable dimensional and use requirements.



FOR OFFICE USE ONLY

This Agreement and Waiver is in consideration of: _____ in the _____ District and is required by the Community Development Ordinance of Sherwood, Oregon to Land Use.

The property subject to this Waiver of Remonstrance is described as Map # _____ Tax Lot # _____ and is more particularly described as (metes and bounds):

This Agreement and Waiver shall in no way limit, restrict, or pre-empt the authority of City of Sherwood to exercise any of its governmental authority as regards the subject site.

It is hereby intended that this Agreement and Waiver shall be binding on ourselves and all subsequent owners of the hereinabove described property as well as any of the aforesaid's heirs, successors, assignees or purchasers of the hereinabove described property and shall run with the title of said property.

The Agreement and Waiver shall immediately be recorded in the Deed Records of Washington County of the above-described property and shall not be removed until this waiver is no longer required by the City of Sherwood zoning laws.

SIGNED AND DATED this _____ day of _____, 20____.

PRINT NAME: _____

SIGNATURE: _____

STATE OF OREGON)

County of Washington)ss.

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said City, County and State, personally appeared the within named _____, known to me to be the identical individual(s) described in and who executed this instrument and acknowledged to me that the same was executed freely and voluntarily with full knowledge of the facts and circumstances regarding the issuance of:

Notary Public for Oregon

My commission expires: _____

Please return to the following address:

Name: _____

Address: _____

I would like to thank the city for trying to simplify the industrial code definitions.

However, the city should fight for the rights of all citizens.

What I have heard time and time again is how it will affect the citizens of the neighboring residential properties.

I can understand this if the city changed the zoning from non-industrial to industrial after the residential was built but not in the case of an industrial property there before any residential.

The industrial right should supersede over the residential rights if the industrial land was there before the residential was developed. Especially if the city allowed residential to go in next to industrial.

I know the city does not like issues but, in my opinion, the city does not stand up and do what is correct and just which has lead to what we have now.

I heard of a few examples of this from the past where residential came after the industrial was there. And the residents knew they were moving in next to industrial zones but started to complain when they had no right to. And the city crumbled and harassed the industrial property.

(Bonds Automotive)

So the city responds in writing in all of what can and cannot be done on industrial sites. Takes away rights and gives the city a way out to side with the residence not the industrial.

This brings me back to when I built my house in the country.

It was very simple. I had to sign a release that I would not complain about my neighbors noise, smell, or looks. They said this ensures the right of the existing landowners and stops all of the headaches of the county.

So my proposition is to have residents moving in next to or near an industrial property sign a similar waiver (Attachment 1) to avoid unnecessary headaches and to protect the rights of all citizens.



ORDINANCE 2016-008

AMENDMENT TO CHAPTER 16.31 (INDUSTRIAL USES) OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE

WHEREAS, a need was identified to address use classifications in the Employment Industrial (EI) zone to help facilitate development in the Tonquin Employment Area; and

WHEREAS, as part of addressing the use classifications in the EI zone, all industrial zones were evaluated; and

WHEREAS, after reviewing other jurisdiction's codes, Oregon model code, and obtaining feedback from industrial property owners, business owners, potential developers and the Sherwood community it was determined that changes were appropriate, and

WHEREAS, the focus of the changes was to better categorize uses to allow more general categories of allowed uses to be open to new products and processes while restricting or prohibiting specific uses that were not compatible in the community; and

WHEREAS, draft changes were developed and reviewed, discussed and modified over the course of two Planning Commission work sessions and one Planning Commission public hearing; 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 April 12, 2016; and

WHEREAS, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed Zoning and Community Development Code modifications; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in Attachment 1 of the City Council Staff Report; and

WHEREAS, the attached Exhibit A reflects the code amendments; and

WHEREAS, the City Council held public hearings on May 3, 2016 and June 7, 2016 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 proposed amendments, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearings, the Council adopts the findings of fact contained in the Planning Commission recommendation finding that the text of the Sherwood Zoning and Community Development Code shall be amended as documented in Exhibit A.

Section 2. Approval. The proposed amendments for Plan Amendment (PA) 16-04 identified in Exhibit A is hereby **APPROVED**.

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 DLCD 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 approved by 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 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 7th day of June 2016.

Krisanna Clark, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

| | <u>AYE</u> | <u>NAY</u> |
|-----------|------------|------------|
| Brouse | _____ | _____ |
| Robinson | _____ | _____ |
| Kuiper | _____ | _____ |
| King | _____ | _____ |
| Henderson | _____ | _____ |
| Harris | _____ | _____ |
| Clark | _____ | _____ |

16.10.020 Definitions

ADD the following:

Small-scale energy facilities - a facility, such as a solar panel, that produces energy but that is generally not visible from neighboring properties, with the exception of facilities attached to a building that do not exceed the height limits of the underlying zone and do not exceed the building height by more than 25%. For example, solar panels on the roof of a 24-foot-tall home could not exceed 6 feet in height.

Large-scale facilities - a facility that produces energy and exceeds the thresholds of a 'small-scale energy facility'.

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS^[19]

Sections:

Footnotes:

--- (19) ---

Editor's note—Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation.

16.31.010 - Purpose

- A. Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

- B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.
- C. General Industrial (GI) - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

| Uses | LI | GI | EI ¹ |
|--|----|----|-----------------|
| RESIDENTIAL | | | |
| • Single Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family | P | P | P |
| CIVIC | | | |
| • Hospitals | C | N | N |
| • Police and fire stations and other emergency services | C | C | C |
| • Vehicle testing stations | C | C | C |
| • Postal services - Public | C | C | C |

| Uses | LI | GI | EI ¹ |
|---|----|----|-----------------|
| • Postal substations when located entirely within and incidental to a use permitted outright | C | C | C |
| • Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards | P | P | P |
| • Small-scale power generation facilities | P | P | P |
| • Large-scale power generation facilities | C | P | C |
| • Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements | C | C | C |
| COMMERCIAL | | | |
| • Commercial Trade Schools, commercial educational services and training facilities | P | P | C |
| Entertainment/recreation | | | |
| • Country clubs, sports and racquet clubs and other similar clubs | C | C | C |
| • Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3} | C | C | C |
| Motor Vehicle related | | | |
| • Motorized vehicle and sport craft repairs and service | C | C | N |
| • Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally | P | P | P |
| • Automotive, boat, trailer and recreational vehicle storage | C | C | C ⁴ |
| • Vehicle fueling stations or car wash facilities ⁵ | C | C | C |
| • Junkyards and salvage yards | N | N | N |

| Uses | LI | GI | EI ¹ |
|--|----------------|----------------|-----------------|
| • Manufactured home sales and display area | N | N | N |
| Office and Professional Support services | | | |
| • Business and professional offices ³ | P | P | P |
| • Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ³ | P | P | P |
| • Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building | P | P | P |
| Childcare | | | |
| • Day cares, preschools, and kindergartens, when clearly secondary to a permitted use | P | P | P |
| • Day cares, preschools, and kindergartens as a stand-alone use ³ | C | C | C |
| General Retail - sales oriented | | | |
| • Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business ³ | P | P | P |
| • Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage | P ⁶ | P ⁶ | N |
| • Tool and equipment repair, rental and sales, including truck rental ⁷ | P | P | P |
| • Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries) | P | P | N |
| • Wholesale building material sales and service | C | P | N |
| • Retail building material sales and lumber yards ³ | C | P | N |
| Personal Services | | | |
| • Health clubs and studios less than 5,000 square feet in size | P | P | P |

| Uses | LI | GI | EI ¹ |
|---|----|----|-----------------|
| <ul style="list-style-type: none"> Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services⁸ | C | C | C |
| <ul style="list-style-type: none"> Public or commercial parking (non- accessory) | N | N | N |
| <ul style="list-style-type: none"> Veterinarian offices and animal hospitals | C | C | C |
| <ul style="list-style-type: none"> Animal boarding/Kennels and pet daycare facilities with outdoor recreation areas⁸ | C | C | C |
| Eating and Drinking establishments: | | | |
| <ul style="list-style-type: none"> Restaurants, taverns, and lounges without drive-thru³ | C | C | C |
| <ul style="list-style-type: none"> Restaurants with drive-thru services | N | N | N |
| <ul style="list-style-type: none"> On-site cafeteria that is secondary to, and serving employees of, a permitted use | P | P | P |
| INDUSTRIAL | | | |
| <ul style="list-style-type: none"> Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code, | P | P | P |
| <ul style="list-style-type: none"> Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations. | C | P | C |
| <ul style="list-style-type: none"> Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals | N | C | N |
| <ul style="list-style-type: none"> Distribution, warehousing and storage associated with a permitted use operating on the same site | P | P | P |

| Uses | LI | GI | EI ¹ |
|---|----|----|-----------------|
| Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building ⁹ | P | P | P |
| Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building ⁹ | N | P | C |
| • Mini-warehousing or self-storage | N | P | N |
| • Medical or dental laboratories, including biomedical compounding | P | P | P |
| • Laboratories (not medical or dental) | P | P | P |
| • Research and development and associated manufacturing | P | P | P |
| • Contractors' storage and equipment yards, | C | P | C ⁴ |
| Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses ¹⁰ | P | P | P |
| • Industrial laundry, dry cleaning, dyeing, or rug cleaning plants | C | P | N |
| • Sawmills | C | C | N |
| • Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants | N | C | N |
| • Solid waste transfer stations | N | C | N |
| The following Uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City | | | |
| • Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community | N | N | N |

| Uses | LI | GI | EI ¹ |
|---|----|----|-----------------|
| • Pulp and paper mills | N | N | N |
| • Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products | N | N | N |
| • Metal rolling and extraction mills, forge plants, smelters and blast furnaces | N | N | N |
| • Meat, fish, poultry and tannery processing | N | N | N |
| • General purpose solid waste landfills, incinerators, and other solid waste facilities not otherwise permitted in this code | N | N | N |
| WIRELESS COMMUNICATION FACILITIES | | | |
| • Radio, television, and similar communication stations, including associated transmitters | C | C | C |
| • Wireless communication towers ¹¹ and transmitters | C | C | C |
| • Wireless communication facilities on City-owned property | C | C | C |
| • Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure | P | P | P |
| OTHER | | | |
| Agricultural uses including but not limited to: | | | |
| • Farm equipment sales and rentals | N | N | N |
| • Farming and horticulture | P | P | P |
| • Raising of animals other than household pets | N | N | N |
| • Truck and bus yards | N | P | N |

¹ See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.

²If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

³ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁴ On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted

⁵ Limited to Cardlock, wholesale or facilities incidental to and solely serving an associated permitted or conditional use- no public retail fuel sales.

⁶ See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

⁷Sales and rental area Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

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⁸ Animal boarding/kennels and pet daycare facilities entirely within an enclosed building are considered "other personal service."

⁹ For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations

¹⁰ These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

¹¹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

(Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 - Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84 (Variances and Adjustments).

B. Development Standards

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

| Development Standards by Zone | LI | GI | EI |
|---|-----------|-----------|----------------------|
| Lot area- Industrial Uses: | 10,000 SF | 20,000 SF | 3 acres ⁹ |
| Lot area- Commercial Uses (subject to Section 16.31.050): | 10,000 SF | 20,000 SF | 10,000 SF |
| Lot width at front property line: | 100 feet | | |
| Lot width at building line: | 100 feet | | |
| Front Yard Setback ¹¹ | 20 feet | None | 20 feet |
| Side Yard Setback ¹⁰ | None | None | None |
| Rear Yard Setback ¹¹ | None | None | None |
| Corner lot street side ¹¹ | 20 feet | None | 20 feet |
| Height ¹¹ | 50 feet | | |

⁹ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.

¹⁰ When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial Zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

¹¹ Structures located within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

16.31.040 - Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and

- b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five (5) acres in size. A "development project" includes all improvements proposed through a site plan application.
 - 2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.
- B. Land Division Restrictions
- 1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.
 - 2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a Planned Unit Development approved by the city so long as the resulting division yields at least one (1) lot or parcel of at least 50 acres in size.
 - 3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.050 - Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.
- C. Commercial development may not be located within three hundred (300) feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.060 - Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.070 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

Agenda Item: Public Hearing, *First Reading (Emergency)*

TO: Sherwood City Council

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

SUBJECT: Ordinance 2016-009, Repealing Title 1 General Provisions, Chapter 1.08 Initiative and Referendum; and Amending Title 2 Administration and Personnel, Chapter 2.04 Elections of the Municipal Code; Declaring Emergency

Issue:

Shall the City Council approve a set of housekeeping amendments to the City's ordinances related to elections?

Background:

This ordinance would enact several important housekeeping changes to the City's code relating to elections.

In preparation for the November 2016 elections, and in response to inquiries regarding the schedule for candidates filing for election for city offices, the City Recorder and City Attorney reviewed state law and city code provisions and discovered two important inconsistencies:

1. State law provides that the first date a candidate could file for election is June 1, 2016. However, SMC 2.04.023 provides that candidates could begin filing on January 1, 2016.
2. State law provides that the last day a candidate could file for election is August 30, 2016. SMC 2.04.023 provides a deadline of August 25, 2016.

To make administration of city elections simpler, and to ensure the process is as transparent as possible for candidates, staff recommends remedying the above inconsistencies by removing the City's code language purporting to establish a different schedule from state law, and instead simply deferring to state law.

Additionally, while reviewing this issue, the City Attorney was advised that the City's previous attorney had drafted amendments to address a handful of other housekeeping issues with the City's elections code provisions in 2012, but those amendments were ultimately never brought before City Council for adoption. The City Attorney has reviewed the 2012 draft and concurs with the recommendations. Accordingly, this ordinance also incorporates those changes, which are as follows:

1. City Council in 2005 adopted SMC Chapter 2.04, which deals comprehensively with the issue of local elections. However, previously, in 1998, Council had adopted SMC Chapter

1.08, which is duplicative with portions of, and in some instances contradicts, provisions in SMC 2.04. SMC 1.08 is no longer needed and staff recommends its repeal.

2. SMC Sections 2.04.041 and 2.04.045 currently require preparation of an explanatory statement relating to an initiative or referendum at the same time as the preparation of the ballot title, but by state law, explanatory statements for those matters need not be prepared until those matters have qualified for the ballot and an election has been called by Council. Staff recommends amendments to the code to provide for the proper sequence of events.

Finally, the City Charter typically requires that ordinances be adopted after two hearings at least six days apart, and provides that ordinances take effect thirty days after final approval. Based on Council's anticipated meeting schedule, that schedule would not allow for final approval until June 7, 2016, with an effective date of July 7, 2016, which is well into the candidate filing and initiative and referendum periods for the November 2016 election. Staff therefore recommends adopting this ordinance on an emergency basis for the purpose of providing clarity to candidates and potential petitioners in relation to the November 2016 elections. Doing so requires unanimous approval by all seven councilors and will result in the ordinance taking effect immediately.

A "track changes" document showing the changes compared to the existing ordinance in redline is attached for reference.

Financial Impacts:

No direct financial impacts are anticipated.

Recommendation:

Staff respectfully recommends City Council adopt Ordinance 2016-009, Repealing Title 1 General Provisions, Chapter 1.08 Initiative and Referendum; and Amending Title 2 Administration and Personnel, Chapter 2.04 Elections of the Municipal Code; Declaring Emergency.

EXHIBIT 1

Title 2 - ADMINISTRATION AND PERSONNEL Chapter 2.04 - ELECTIONS

Article II. - Candidates

2.04.023 - Filing.

- A. A nomination petition or declaration of candidacy must be filed with the recorder.
- B. The recorder will date and time stamp immediately upon filing a nominating petition, declaration of candidacy, withdrawal or other document required to be filed.
- C. A nomination petition or declaration of candidacy ~~will be filed not sooner than the first day of January of the election year and not later than seventy-five (75) days before the election date.~~ must be filed in accordance with the schedule established by state law.

Article IV. - Initiative and Referendum

2.04.041 - Ballot title—Appeal.

- A. Prior to the end of the fifth business day after a prospective initiative petition is filed and meets all legal requirements, the recorder will review the text of the proposed initiative to determine if it complies with the single subject requirement and if it proposes city legislation.
- B. If the proposed text does not meet the requirements of subsection A of this section, the recorder will notify the chief petitioner by certified mail, return receipt requested, that the prospective petition does not meet the single subject or city legislation requirement.
- C. Any elector dissatisfied with the recorder's determination may file a petition for review in circuit court. The petition for review must be filed not later than the seventh business day after the written determination by the recorder.
- D. If the proposed initiative meets the requirements of subsection A of this section or a referendum petition is certified for circulation, the recorder will send two copies of the prospective petition to the city attorney. The city attorney has five (5) business days after receipt to prepare a ballot title for the proposed measure ~~and an explanatory statement for the voter's pamphlet. The ballot title must~~ conforming to the requirements of state law. After preparing the ballot title, the city attorney will return one copy of the prospective petition and ballot title to the recorder and one copy to one of the chief petitioners.
 - 1. ~~The explanatory statement must consist of an impartial, simple and understandable statement of not more than five hundred (500) words explaining the measure and its effect.~~
 - 2. ~~After preparing the ballot title and explanatory statement, the city attorney will return one copy of the prospective petition, ballot title and explanatory statement to the recorder and one copy to one of the chief petitioners.~~
- E. After receiving a ballot title ~~and explanatory statement~~ from the city attorney, the recorder must publish in a newspaper of general circulation in the city a notice of receipt of the ballot title. The notice must state that a city elector may file a petition for review of the ballot title not later than the date referred to in subsection F of this section.
- F. After receiving the prospective petition, and ballot title ~~and explanatory statement~~ from the city attorney, the recorder must write the date of receipt on it. Within seven (7) business days after that date, any city elector may petition in circuit court to challenge the ballot title prepared by the city attorney. After the seven-day period, or following ~~the~~ final adjudication of any legal review by the circuit court, the recorder must certify the ballot title as prepared by the city attorney or as prescribed by the court to one of the chief petitioners.
- G. Any city elector filing a petition of review with the circuit court must file a copy of the challenge with the recorder not later than the end of the business day next following the date the petition is filed with the circuit court. This requirement does not invalidate a petition that is timely filed with the circuit court.

H. The procedures in subsections A through G of this section also apply to referendum measures. However, the completion of these procedures is not a prerequisite to the circulation of petitions for referendum measures under Section 2.04.042~~-of this chapter~~. Ballot titles need not be stated on petitions circulated to propose referendum measures.

2.04.045 - Withdrawal, adoption, preparation of explanatory statement and ~~or~~ election.

A. The chief petitioners may withdraw a verified petition at any time before council action to adopt the proposed legislation or submit it to the electors. Any withdrawal must be either by written declaration or oral declaration made at a council meeting and entered in the minutes of that meeting.

B. Unless a petition is withdrawn, after receiving a certification from the recorder that a petition has sufficient signatures to require the proposed city legislation to be submitted to the electors under Section 2.04.043(F)~~-of this chapter~~, the council may either adopt the proposed legislation by ordinance, or call an election to submit the legislation to the electors. The council may also call an election to submit matters to the electors upon referral under Section 2.04.044 of this chapter.

C. The council shall submit an explanatory statement consisting of an impartial, simple, and understandable statement of no more than five hundred (500) words explaining the measure and its effect(s) for any initiative or referendum by petition or any referral by council. The city attorney shall prepare a draft for consideration by the council of any explanatory statement required by this subsection.

CD. The council must call the election on the next election date available under state law that is not sooner than the ninetieth (90th) day after the date of the recorder's certificate of sufficient signatures. For a council referral, the election on the referendum of city legislation may be held on the next election date available under state law.



ORDINANCE 2016-009

**REPEALING TITLE 1 GENERAL PROVISIONS, CHAPTER 1.08 INITIATIVE AND REFERENDUM;
AND AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.04 ELECTIONS OF
THE MUNICIPAL CODE; DECLARING EMERGENCY**

WHEREAS, the City of Sherwood in 2005 adopted a set of regulations for conduct of municipal elections which are found in Sherwood Municipal Code (SMC) Chapter 2.04; and

WHEREAS, the provisions found in SMC Chapter 1.08, which was adopted in 1998, are at odds with some of the provisions of SMC Chapter 2.04, and as a result of the adoption of SMC 2.04, are no longer necessary; and

WHEREAS, SMC Section 2.04.023 sets forth a schedule for candidate filings for city office which contradicts provisions of state law on the subject; and

WHEREAS, the City Attorney also believes it appropriate and advisable to amend SMC Sections 2.04.041 and 2.04.045 relating to the preparation of any explanatory statement for initiated and referred matters to better reflect the fact that explanatory statements for those matters need not be prepared until an election has been called by the Council; and

WHEREAS, for the purpose of providing clarity to candidates and potential petitioners in relation to the November 2016 elections, it is in the public interest to declare an emergency and provide that this ordinance is effective immediately upon its passage;

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

Section 1. Findings.

After full and due consideration of the information presented, the Council finds that:

- A. SMC Chapter 1.08 should be repealed in its entirety; and
- B. The text of the Sherwood Municipal Code relating to elections in Chapter 2.04 in the Administration and Personnel title should be amended.

Section 2. Approval.

The repeal of SMC Chapter 1.08 in its entirety, and the proposed amendments to Sections 2.04.023, 2.04.041, and 2.04.045 of the Municipal Code identified in the attached Exhibit 1, are hereby

APPROVED, and the language set forth under each enumerated section in Exhibit 1 hereby replaces the current language found in each enumerated section in its entirety.

Section 3. Manager Authorized

The City Manager is hereby directed and authorized to adopt rules and to take such other actions as may be necessary to implement this ordinance, including necessary updates to the Municipal Code.

Section 4. Emergency

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect on the date of its passage.

Duly passed by the City Council this 3rd day of May, 2016.

| | |
|-----------------------|-------|
| _____ | _____ |
| Krisanna Clark, Mayor | Date |

Attest:

Sylvia Murphy, MMC, City Recorder

| | | |
|-----------|------------|------------|
| | <u>AYE</u> | <u>NAY</u> |
| Brouse | _____ | _____ |
| Robinson | _____ | _____ |
| Kuiper | _____ | _____ |
| King | _____ | _____ |
| Henderson | _____ | _____ |
| Harris | _____ | _____ |
| Clark | _____ | _____ |

EXHIBIT 1

Title 2 - ADMINISTRATION AND PERSONNEL Chapter 2.04 - ELECTIONS

Article II. - Candidates

2.04.023 - Filing.

- A. A nomination petition or declaration of candidacy must be filed with the recorder.
- B. The recorder will date and time stamp immediately upon filing a nominating petition, declaration of candidacy, withdrawal or other document required to be filed.
- C. A nomination petition or declaration of candidacy must be filed in accordance with the schedule established by state law.

Article IV. - Initiative and Referendum

2.04.041 - Ballot title—Appeal.

- A. Prior to the end of the fifth business day after a prospective initiative petition is filed and meets all legal requirements, the recorder will review the text of the proposed initiative to determine if it complies with the single subject requirement and if it proposes city legislation.
- B. If the proposed text does not meet the requirements of subsection A of this section, the recorder will notify the chief petitioner by certified mail, return receipt requested, that the prospective petition does not meet the single subject or city legislation requirement.
- C. Any elector dissatisfied with the recorder's determination may file a petition for review in circuit court. The petition for review must be filed not later than the seventh business day after the written determination by the recorder.
- D. If the proposed initiative meets the requirements of subsection A of this section or a referendum petition is certified for circulation, the recorder will send two copies of the prospective petition to the city attorney. The city attorney has five (5) business days after receipt to prepare a ballot title for the proposed measure conforming to the requirements of state law. After preparing the ballot title, the city attorney will return one copy of the prospective petition and ballot title to the recorder and one copy to one of the chief petitioners.
- E. After receiving a ballot title from the city attorney, the recorder must publish in a newspaper of general circulation in the city a notice of receipt of the ballot title. The notice must state that a city elector may file a petition for review of the ballot title not later than the date referred to in subsection F of this section.
- F. After receiving the prospective petition and ballot title from the city attorney, the recorder must write the date of receipt on it. Within seven (7) business days after that date, any city elector may petition in circuit court to challenge the ballot title prepared by the city attorney. After the seven-day period, or following final adjudication of any review by the circuit court, the recorder must certify the ballot title as prepared by the city attorney or as prescribed by the court to one of the chief petitioners.
- G. Any city elector filing a petition of review with the circuit court must file a copy of the challenge with the recorder not later than the end of the business day next following the date the petition is filed with the circuit court. This requirement does not invalidate a petition that is timely filed with the circuit court.
- H. The procedures in subsections A through G of this section also apply to referendum measures. However, the completion of these procedures is not a prerequisite to the circulation of petitions for referendum measures under Section 2.04.042. Ballot titles need not be stated on petitions circulated to propose referendum measures.

2.04.045 - Withdrawal, adoption, preparation of explanatory statement and election.

A. The chief petitioners may withdraw a verified petition at any time before council action to adopt the proposed legislation or submit it to the electors. Any withdrawal must be either by written declaration or oral declaration made at a council meeting and entered in the minutes of that meeting.

B. Unless a petition is withdrawn, after receiving a certification from the recorder that a petition has sufficient signatures to require the proposed city legislation to be submitted to the electors under Section 2.04.043(F), the council may either adopt the proposed legislation by ordinance, or call an election to submit the legislation to the electors. The council may also call an election to submit matters to the electors upon referral under Section 2.04.044 of this chapter.

C. The council shall submit an explanatory statement consisting of an impartial, simple, and understandable statement of no more than five hundred (500) words explaining the measure and its effect(s) for any initiative or referendum by petition or any referral by council. The city attorney shall prepare a draft for consideration by the council of any explanatory statement required by this subsection.

D. The council must call the election on the next election date available under state law that is not sooner than the ninetieth (90th) day after the date of the recorder's certificate of sufficient signatures. For a council referral, the election on the referendum of city legislation may be held on the next election date available under state law.

Community Development Department – Monthly update

April 8, 2016

The City of Sherwood Community Development Division consists of three departments which, provides quality current and long range planning, building and engineering services to support the infrastructure, livability, well-being and economic development of the community. The following is a summary of the key projects or tasks each department routinely does for the community and an update on current projects or status.

Planning:

Current Planning- Projects in Review

- Claus Property Rezone (22211 SW Pacific Highway) – Proposal to rezone 2.66 acres of a 5.86 acre site from General Commercial to Medium Density Residential Low. On Hold at Applicant's request
- Mandel Partition (21340 SW Elwert Road) – Proposal to divide approximately 24 acres into 3 parcels of land. 86 individual lots. On February 23, 2016, the Planning Commission approved a subdivision of those same 24 acres into 86 individual lots. The purpose of the partition is to accommodate future development in phases. The partition application is currently in review.
- Parkway Court Zone Change (corner of SW Parkway Ct and Meinecke Parkway) – Proposal to rezone approximately 1 acre from General Commercial to Medium Density Residential Low. On hold at Applicant's request
- Old Town Parking Lot code amendment (Old Town Overlay) Proposal to allow stand-alone parking in residential zones with the Old Town Overlay District as a conditional use, when the parking fronts an Arterial or Collector Street. Planning Commission hearing scheduled for 4/12/16
- Dependable Springs – (2S129A002000 – Near the intersection of SW Olds Place and SW Arrow Street) Proposal for a 8,250 square foot industrial manufacturing building for the manufacturing of industrial springs. In review.
- Zenport Industrial – (15104 SW Oregon Street) Proposal to construct an approximately 9,800 square foot flex industrial building and associated site improvements. In review
- Community Gardens – (2S132AB01400) Proposal by the City to construct community garden beds in a vacant lot near the Public Works Building. Approved by Planning Commission March 29, 2016
- Sherwood Plaza Apartments – (16380 SW Langer Drive) Proposal by Mercury Development to construct 82-apartment units. In review.
- FEMA Floodplain Amendments – (Applies Citywide – See more detailed description below) These will be proposed amendments to the development regulations to ensure that the City regulations are current as they pertain to recent updated floodplain map amendments. Currently staff is auditing the development code to understand the scope and magnitude of proposed amendments.
- Industrial Uses (PA 16-04) – This is a project to review and amend the allowed uses within the Industrial Districts to ensure that they are flexible and up to date. Planning Commission hearing scheduled for 4/12/15.

For approved projects or more detail, check out “projects” under “more resources” on the website at <http://www.sherwoodoregon.gov/projects>, or contact Brad Kilby at (503)625-4206.

Long Range Planning

- **SW Corridor Plan** – The primary focus lately has been on evaluating High Capacity Transit choices from Portland to Tualatin. The Steering Committee is expected to make a decision on line terminus and narrow alignments options in Central Barbur, Tigard and Tualatin in January. A mode decision (light rail or bus rapid transit) is anticipated in May. The recommendation from the staff is to selection light

rail as the mode. The recommendation also includes removing a direct tunnel connection to PCC Sylvania campus to but continue to study alternative ways to serve the campus with better transit service. A final preferred package to move into the next stage in project development is anticipated in June 2016.

- **Tri-Met Local Service** - Tri-met has added into their budget the addition of a new line between Sherwood and Tualatin. The new line, line 97, will begin operating June 1, 2016. A "first ride" event and celebration is being planned by Tri-Met, in coordination with Sherwood and Tualatin for May 31st. More details to come as they are developed.
- **Cedar Creek Trail (Regional Flexible Fund grant)** – The engineering design work continues on the Oregon St-99W segment with the wetland delineation and the geotechnical work progressing, as well as the refinement of the trail design. Consultant and staff updated Parks Board on March 7th with discussion on trail materials. In December, the Parks Board endorsed studying a preferred alignment for the segment north of 99W to Roy Rogers. The survey crew has completed their field work, and the Consultant team has begun their analysis of the preferred alignment. It is anticipated that the LTAC and TAC meetings will be held in May to review the results. Staff received a \$68 K Metro Nature in the Neighborhood Grant for Trails for wayfinding and signage on March 29, 2016.
- **Washington County Transportation Study** – No new information for this report. Staff is continuing to actively monitor and participate in the study to evaluate the long-term transportation strategies and investments needed to sustain the county's economic health and quality of life in the coming decades. The study results will provide a better understanding of long-term transportation needs, tradeoffs between alternative transportation investments, and inform future choices and decisions.
- **Tannery Site Assessment (EPA grant funded)** – The City is doing an environmental site assessment on a portion of the former Frontier Leather Tannery site to help the City identify issues, risks and costs associated with acquiring the property from Washington County and potentially developing it. Field work to collect soil samples was completed in November and samples were sent to the lab for analysis. The consultant has reviewed the results and submitted a draft report for staff review. Additional field work is expected to occur in the Spring of 2016 followed by the second planned public meeting to discuss the preliminary assessment findings.
- **City of Sherwood Comprehensive Plan Update** – Staff is beginning to gear up for a multi-year effort to update the City's Comprehensive Plan. The last major update of the plan was in 1991 when the City's population was under 4,000 people. Council approved a resolution September 15, 2015 supporting the project and authorizing staff to seek state funding for the effort. Staff is continuing to work on finding potential sources of funding for elements of the comprehensive plan update to offset general fund costs. Staff will be identifying how to break the project up into phases that will allow the project to move forward in a timely manner. The comprehensive plan update project is expected to take 2-3 years to fully complete due to the extensive community outreach and engagement required.
- **Tualatin-Sherwood Road widening project** – Staff met with County staff and representatives for the owners of the Haggen property (MGP) on October 16th. County staff reiterated that there is no option on the table that includes the light staying. County staff did express a willingness to continue exploring maintaining a left in, however they were skeptical that it would be able to work. The representative indicated they would speak to their client. The County had a meeting with representatives from MGP on 12/8. The meeting went generally well but the County made it clear that the signal remaining was not an option. The property owners continue to express concerns. The County indicated that they are willing to continue discussions to address concerns with the understanding that the light was going to be removed. The County is moving forward on the right of way process and is expected to be addressing the land use process issues in the next few months.
- **Industrial Uses** – In response to feedback from a number of brokers looking at potential development in the Tonquin Employment Area, we realized that we need to evaluate the industrial uses allowed in the Industrial Employment Zone. At this time, there are a very limited number and type of uses allowed in this zone, making it very difficult to market. Julia and Tom presented the issue to the Planning Commission and received support on the importance of taking on this project. Because the planning work program is already full with existing projects underway, Julia will be leading this project and has identified a very quick timeline. The hope is to have revised code language in place by June

2016. The focus will be on opening up the uses to allow more of what we want while ensuring the types of uses that would be incompatible continue to be prohibited. A survey to all industrial property owners was sent out and a public worksession held on January. The Commission had another worksession on January 26th and is scheduled to have a 2nd worksession on February 9th. We are scheduled to hold a public hearing with the Commission on April 12th and tentatively with the Council on May 3rd.

- **Recreational Marijuana Facilities** - Staff initiated the discussion with Planning Commission and the Police Advisory Board. Currently, staff is planning to host a second public work session with the Planning Commission and Police Advisory Board to discuss the survey results from the on-line survey that ran from 3/1-3/31.
- **Code updates to reflect FEMA map changes** – FEMA map updates have been on-hold due to changes and appeals since 2007 but we have recently received word that they are expecting to send a “Letter of Final Map Determination” within the next month. Once the letter is received, the city has only 6 months to update the development code to formally adopt the new maps as well as making any amendments needed to be in compliance. Failure to complete the update process within the 6 month period will automatically kick any Sherwood residents with flood insurance out of the flood insurance program. Unfortunately because this has been drug out for so long, we had not anticipated doing this project and will have to figure out how to fit this into the workload.

Other

- Street Tree Permits - 2 permits issued in 2016.
- Pre-application Conferences- Below is a list of pre-application meetings held. If an application is submitted they will be taken off the list. In addition, if additional activity occurs (that staff knows of) this will be reported in this section as well.
 - Proposal to construct a 66,000 square foot flexible industrial building on Galbreath Drive, just west of the intersection with Cipole Road.
 - Sentinel storage expansion – proposal to do a two lot partition on the property fronting Langer Farms Parkway south of Century drive and do an expansion of the existing facility on 5.89 acres on the southern portion of the site.
 - Proposal for approximately 18-20 single family homes on Pacific Highway just west of SW Meinecke Road.
 - Sherwood Elks Lodge (22770 SW Elwert Road) held a meeting on June 8, 2015 to discuss various development options.
 - Sherwood Patel Hotel (21930/21970 SW Alexander Lane near the corner of SW Meinecke Pkwy and 99W) Proposal for a hotel with approximately 80 rooms and associated parking. Meeting was held on September 14, 2015. Engineering is providing Traffic Impact Study (TIS) requirements and information on required infrastructure.
 - Semi-Truck Repair Shop on Lot 5, on SW Olds Place (north of Tualatin Sherwood Rd. near SW Olds/Arrow) Applicant proposes to construct a 6,175 square foot semi-truck repair workshop in the Sherwood Commercial Center on a vacant lot in the light industrial zone. Vehicle and truck repair requires a conditional use permit in this zone.
 - Mixed use development including senior housing and retail on the Pfeiffer/Providence properties located at the Northwest intersection of SW Edy Road and SW Highway 99W

Engineering:

Capital (City or URA) projects

- **Columbia Street Water Quality Facility Phase 2** - Project main construction has been completed. The project is now constructing the mitigation portion with an improvement of a pedestrian crossing of a downstream corridor. This mitigation portion of the project replaces an undersized culvert with a larger culvert. Construction bid opening occurred 02/04/16. Low bid appears to be within estimated range for project costs. Final bid results will be posted on the City’s project webpage. Craig Christensen is the project manager for the City.

- **Tonquin Employment Area Sanitary Sewer upgrade**—Project is generally complete, however there were some issues in one segment when the pipe bursting was done causing a “belly” in the pipe. The City is working to remedy pipe bursting issue. Additionally, the contractor defaulted on their contract and the City is trying to negotiate a resolution with the bonding company. The City Attorney is leading the negotiations efforts. Craig Christensen is the project manager.
- **Stormwater Master Plan Update and rate study**—Master plan update is in process. MSA contracted with to perform MP update. Project schedule spans two fiscal years (FY14/15 and Fy15/16). The modeling process is complete, and a full CIP project listing has been developed and estimated design/construction costs generated for use in SDC rate analysis. Received project listing and are in the process of reviewing the information. Expect to respond to submitted information by 03/11/16. Once project listing is preliminarily approved, SDC rate study portion of project will commence. Bob Galati is the project manager
- **Sanitary Sewer Master Plan Update and rate study** – Master plan update is in process. MSA contracted with to perform MP update. Project schedule spans two fiscal years (FY14/15 and Fy15/16). The modeling process is complete, and a full CIP project listing has been developed and estimated design/construction costs generated for use in SDC rate analysis. Received project listing and are in the process of reviewing the information. Expect to respond to submitted information by 03/11/16. Once project listing is preliminarily approved, SDC rate study portion of project will commence. Bob Galati is the project manager
- **Woodhaven Park Phase 2 (Design)** – Planning has approved the project. It is finishing design and will go out for bid in the near future. Project consists of development of planning approval process documents for park development, and full bid set containing design plans, specifications, and cost estimates. Kristen Switzer is project manager, with Bob Galati providing support and coordination with civil engineering firm (HHPR) performing design and planning approval, and project budget oversight.
- **Downtown Parking Lot Development** – Project consists of constructing public parking lot of City owned lots located on north side of 1st Street between Pine and Oak Streets. The project will require Land Use application and approval. Project scheduled to be complete by June 2016, however, it is anticipated that the project design and construction will be completed within the current Fiscal Year 15/16. Survey for the project has been completed and engineering design for land use action is underway. . Currently contracting with HHPR to provide planning services for Old Town Overlay zone text amendment to allow a stand along public parking lot in a residential zone under a Conditional Use Permit application process. Text Amendment application was submitted on 2/8/16. Bob Galati is the project manager.
- **Downtown Streetscapes Monument Removal** – Project consists of removing concrete pylons located at the intersections of 1st Street with Pine, Washington and Main Streets. The first phase of the project is a feasibility study to determine the requirements and impacts associated with removal. The second phase will include design and construction of the pylon removal and replacement structures (if any). The first phase has been budgeted in the current Fiscal Year 15/16, phase 2 will be discussed further upon the completion of Phase1. RFP for consultant services has been discussed. RFP was issued for public notice in the DJC on Tuesday, November 2nd. The City received two qualified engineering firm submittals. Review and grading of the submittals has been completed and negotiation of final scope of work and associated fee is **complete. The consultant contract is being routed for City signatures.** Jason Waters is the project manager.
- **Transportation SDC and Rate Study** – Project consists of performing an SDC and Rate study associated with the projects identified in the TSP and refined in the TSP Construction Cost Refinement Project. It is anticipated that this project will be completed within the current Fiscal Year 15/16. Consultant, FCS Group is in process. Currently working on refining project list to establish construction cost basis and working through policy discussion issues. Bob Galati is the project manager.
- **Langer Farms Parkway Pedestrian Crossing** – DKS was contracted to perform an analysis and provide a recommendation on whether a pedestrian crossing on Langer Farms Parkway between the Parkway Village site and the Target site was warranted and whether a safe crossing could be provided if

warranted. The report has been prepared confirming it is warranted and recommendations made. Funding options are being identified and may require supplemental budget item approval action. DKS has submitted a Scope of Work and Fee proposal for performing design on the pedestrian crossing project. Proposal is being reviewed and if acceptable a Resolution will be forwarded to the City Council to authorize the City Manager to enter into a professional services contract. The contract authorization was approved at the April 5th City Council meeting. Notice to proceed with design will occur as soon as signatures on the contract are completed. Construction is anticipated to occur early in the upcoming fiscal year. Bob Galati is the project manager.

- **Oregon Street -Tonquin Road Intersection Feasibility Study** – DKS has been contracted with to conduct feasibility analysis on possible interim solutions for the intersection of Oregon Street and Tonquin Road. The intent is to develop 2 to 3 options analysis for providing a technical solution to the traffic congestion and turning safety issues that would have a functional lifespan of 5 to 10 years. The intent is to provide an interim solution to the intersection in lieu of a full build out design which could not be funded at this time. The intermediate solution would cost significantly less and allow time to raise the capital funds in order to construct the full build out condition solution.

Private Development:

- Cedar Creek PUD – D.R. Horton development of multi-family residential units on lot adjacent to Cedar Creek Condos and bounded by Cedar Brook Way street extension. Design review and approval completed. Construction of public improvements completed. Construction of buildings in process. Craig Christensen is project manager.
- Roshun Village Development – Project public improvements have been completed. On-site building construction is underway. Craig Christensen is project manager.
- Mandel property development submittal review, comment and discussion with developers engineering firm is resolving several technical issues related to the proposed development. Final approval of changes pending submittal of Design Variation Requests. Planning approval for the subdivision received. Department waiting for plan submittals for review and approval process.
- Several private development meetings on potential development sites within the City have taken place. Discussions of transportation requirements and SDC impacts/fees estimates have been performed. Ongoing communications regarding these developments are looking positive.

Other:

- Right of Way permits: 21 ROW permits issued from 01/01/16 to date. \$2302 revenue generated from permits. 3 permits under review, 8 permits are currently active. 9 permits have been completed and closed.
 - The engineering department is working closely with the DR Horton developers on Cedar Brook/Meinecke to facilitate their ability to construct necessary water line and other infrastructure improvements in Meinecke; however partial closures will be necessary. The City is requiring significant coordination with the School District and emergency service providers, advance notice to property owners and public notice via our traditional methods. After coordination and additional input from the School District, the construction schedule has been modified by breaking it up into two different phases. A shorter, 3 day closure of the westbound lane (off 99W onto Meinecke) will occur late October and will avoid closure during the morning drop off period. A longer closure will be needed to install a water line in the street but will be scheduled once the Cedar Brook extension is complete to Meinecke (which will allow for a shorter detour option) and for a period when school is not in session. More information on the longer closure will be provided as that time approaches.
- Addressing: 2 new addresses issued the month of March. Updating addressing map for US Postal Service.
- Erosion control inspections: Staff has 2 active/open erosion control permits which require inspections weekly and monthly reports to Clean Water Services. 2 inactive sites requiring bi-weekly inspections.

27 active SFR and/or ground disturbing activity permits issued by Building Department. 6 inactively SFR and/or ground disturbing activity permits on file.

- Traffic Control Management Planning: In response to numerous requests from residents CDD staff is in the process of developing guidance policy draft for future traffic calming requests. This will be an on-going discussion and no formal action will be taken until conversations with Council are held.
- Kruger/Elwert Intersection Improvements – The County will begin design of the intersection improvement (which includes a roundabout on the City owned property). An IGA with Washington County has been signed by City Manager. The 30% design level work by County has begun. It is anticipated that a 30% design will be complete within 1 year and then will be put on standby until 2018. If development is planned prior to 2018 which necessitates its construction sooner, the County will be able to move up the timeline. Initial conference call meeting regarding design parameters held on 02/04/16. Discussion on traffic density and freight vehicle types used for design. Further discussion pending analysis of existing traffic data. Date for public presentation of initial design plan discussed. Will refine once schematic plans developed. Bob Galati is coordinating with WACO on this project.
- CWS MS4 NPDES – Clean Water Services (CWS) has completed their audit and are in process of updating their Municipal Separate Storm Sewer Systems (MS4) Nation Pollution Discharge Elimination System (NPDES) permit which will include new EPA requirements that City's will need to incorporate into engineering and development standards. The impacts to the City of Sherwood's engineering and development standards appear to be relatively small as the City's stormwater facilities and natural drainage ways are in good condition. One item that will impact the City and development within the City is the hydro-modification requirement (detention on-site to mitigate stream corridor impacts such as erosion). This item is currently being discussed in depth by CWS with EPA as other municipalities within the CWS service area may be impacted to a larger extent which would result in jurisdictions like Sherwood to mitigate more than actually necessary.

CWS has submitted a draft of the permit to EPA for initial review and discussion. It is anticipated that CWS will be obtaining their permit within the next 6-months. Implementation of the conditions of the Phase I Permit will occur over an estimated 5-year timeline, with full implementation occurring in year 5.

Building:

Permits issued and under construction

- New DR Horton sub-division (Cedar Brook). 20 house foundations poured.
- Sherwood industrial Park-New Building #3-14944 SW Century Dr- Finish work
- Sherwood industrial Park-New Building #4-15028 SW Century Dr- Finish work
- JB Insulation Office Addition-14175 SW Galbreath-Waiting for final inspection
- Old Spaghetti Factory – 21192 SW Langer Farms- Grand opening scheduled for April 16th
- Roshun Village Apartments BLD C- -17167 SW Terrapin Dr. Framing
- 30 Single Family Homes Issued and/or in construction
- 9 Structural Residential Additions/Remodels/Misc.
- Multiple plumbing/mechanical/misc. permits issued
- Roshun Village Apartments BLD B 17175 SW Terrapin Dr. -Framing
- Roshun Village BLD A- 17193 SW Terrapin Dr Framing
- Baja Fresh Mexican Grill T/I-16002 SW Tual/Sher Rd- Completed
- Darryl's Ice Cream T/I (Production, not retail)-14889 SW Tual/Sher Rd. – Completed
- 100 Fold commercial T/I-Caretakers Quarters-14145 SW Galbreath Dr.- Finish work
- City Attorney's Office Addition-Framing
- Mason Restaurant T/I (was Damimio's) 16057 SW Railroad St.- Scheduled to open April 1st
- Phoenix Children's Academy T/I- Framing
- St. Paul Church school remodel-17500 SW Cedarview way-Finish work
- NW BBQ T/I-21655 SW Pacific Hwy-Framing

Permits in review

- 28 Single Family Home in review, 2 other ready to issue.
- Screen Magic-(screen printing)-21655 SW Pacific Hwy (The abandoned tractor rental bld)
- Endurance Products Warehouse- 13990 SW GalbreathDr.
- Remodel Starbucks in Target-21365 SW Baler Way

Sherwood Public Library
Monthly Management Report
February 2016



Submitted by: Adrienne Doman Calkins, Library Manager

Contents:

- 1) Statistics
- 2) Programs & Activities
- 3) Service Stories

Statistics

| Monthly Circulation | Last month | This month | This month last year | % Change from same month last year | % Change from last month |
|-------------------------------------|------------|---------------|----------------------|------------------------------------|--------------------------|
| Total check outs (includes digital) | 30,605 | 29,828 | 28,832 | 3% | -2.5% |
| Physical check outs & renewals | 28,647 | 28,062 | 27,446 | 2% | -2.0% |
| Self-checkouts only | 8,525 | 7,621 | 7,299 | 4% | -10.6% |
| % @ self-check | 30% | 27% | 27% | 2% | -8.7% |
| Digital checkouts (Library2Go) | 1,330 | 1,124 | 1,114 | 1% | -15.5% |
| Digital checkouts (Cloud Library) | 628 | 642 | 272 | 136% | 2.2% |
| Total digital checkouts | 1,958 | 1,766 | 1,386 | 27% | -9.8% |
| % of total checkouts | 6.4% | 5.9% | 4.8% | 23% | -7% |
| Check ins | 19,473 | 19,943 | 28,832 | -31% | 2.4% |
| Service Area population | 22,485 | 22,485 | 22,172 | 1% | 0.0% |
| Checkouts per capita | 1.4 | 1.3 | 1.3 | 2% | -2.5% |
| Checkouts per card holder | 2.5 | 2.8 | 2.7 | 4% | 9.2% |

Total checkouts, including digital, have increased 3% compared to last February.

Physical checkouts have increased 2% compared to last February and total digital checkouts have increased 27%.

| Monthly Patrons | Last month | This month | This month last year | % Change from same month last year | % Change from last month |
|--------------------------------|------------|---------------|----------------------|------------------------------------|--------------------------|
| New library cards | 123 | 94 | 71 | 32% | -31% |
| Total registered users | 12,077 | 12,203 | 10,855 | 12% | 1% |
| Active this month | 2,870 | 2,888 | 2,766 | 4% | 1% |
| % of patrons active this month | 24% | 24% | 25% | -7% | 0% |

NOTE: Database purge and patron activity algorithm update February, 2015..

| Collection Development | Last month | This month | This month last year | % Change from last year | % of budget available | % of ordering window for FY left |
|--|------------|---------------|----------------------|-------------------------|-----------------------|----------------------------------|
| Count of items added | 684 | 659 | 599 | 10% | 32% | 27% |
| Count of items withdrawn (including periodicals) | 710 | 969 | 793 | 22% | | |
| Total collection size | 47,977 | 48,045 | | | | |



***Approximately 72% of the collection is in and available** at any given point--the rest is checked out, in transit, or otherwise unavailable. As we approach the end of the ordering window, a large percentage of funds are in reserve for the annual periodical subscription renewals, which happens in spring.*

| Volunteers | February hours | Equivalent FTE | # of volunteers |
|-------------------------------------|----------------|----------------|-----------------|
| Checkin (returns) | 90.5 | 0.52 | 15 |
| Checkin (tasket processing & holds) | 55.5 | 0.32 | 7 |
| Requests to fill | 30.45 | 0.18 | 6 |
| Homework Helper | 21.75 | 0.13 | 3 |
| Shelving | 12.5 | 0.07 | 3 |
| Clerical/office asst | 11.25 | 0.06 | 1 |
| Youth Services Assistant | 10.25 | 0.06 | 5 |
| Community Event | 5.75 | 0.03 | 3 |
| Teen LAB | 5 | 0.03 | 4 |
| Bulletin Board | 4 | 0.023 | 1 |
| Publicity Courier | 1.5 | 0.01 | 1 |
| Adopt-a-shelf | 1 | 0.006 | 1 |
| Grand Total | 249.45 | 1.44 | 43 |
| Last month | 239.60 | 1.38 | 42 |
| % change | 4% | 4% | 2% |
| This month last year | 168.5 | 0.97 | |
| % change from last year | 42% | 43% | |



***Volunteer hours have increased 42%** since last February, giving us an additional 0.5 FTE in help.*

| Visits last month | This month | % Change from last month | Visits this month last year | % Change from last year | Open hours this month | Open days | Visits per hour | Visits per day | Avg physical checkouts & renewals per hour |
|-------------------|---------------|--------------------------|-----------------------------|-------------------------|-----------------------|-----------|-----------------|----------------|--|
| 20,849 | 20,680 | -0.8% | 18,956 | 9% | 250 | 29 | 83 | 713 | 112 |

Visits are up 9% compared to last February, with an average of 83 visits per hours. On average, Sunday open hours are our busiest with 121 visits per hour.

| Visits per hour (annual average) | Sundays | Mondays | Tuesdays | Wednesdays | Thursdays | Fridays | Saturdays |
|----------------------------------|---------|---------|----------|------------|-----------|---------|-----------|
| Calendar year 2015 | 121 | 69 | 86 | 76 | 74 | 75 | 86 |

| Social media | Last month | This month | % change |
|-----------------------------------|------------|------------|----------|
| Facebook | 673 | 692 | 3% |
| Twitter | 199 | 209 | 5% |
| Instagram | 130 | 142 | 8% |
| NOTE: social media started 5/2014 | | | |



Programs & Activities

| Programs & outreach | Nov-15 | Dec-15 | Jan-16 | Feb-16 |
|--|--------|--------|--------|--------|
| # of Adult Programs | 8 | 3 | 6 | 8 |
| # of Teen Programs | 4 | 9 | 22 | 23 |
| # of Youth Programs | 31 | 45 | 39 | 45 |
| <i>School-aged</i> | 18 | 25 | 32 | 31 |
| <i>Storytimes</i> | 19 | 26 | 17 | 20 |
| # of Programs for All Ages | 1 | 4 | 4 | 2 |
| TOTAL # of Programs | 44 | 56 | 53 | 58 |
| Program participation | 1,211 | 1,954 | 1,243 | 1,282 |
| Program participation per FTE | 120 | 194 | 123 | 127 |
| Program participation per capita | 0.05 | 0.09 | 0.06 | 0.06 |
| <i>Program participation: adult programs</i> | 164 | 46 | 136 | 101 |
| <i>Program participation: teen programs</i> | 45 | 52 | 130 | 90 |
| <i>Program participation: youth programs</i> | 921 | 1,380 | 857 | 1,103 |
| <i>Program participation: all age programs</i> | 108 | 507 | 229 | 141 |
| <i>Program participation: school-aged</i> | 345 | 725 | 441 | 311 |
| <i>Program participation: storytimes</i> | 715 | 849 | 771 | 870 |

All Ages

- Oscar Movie Contest (passive program)—36 participants
- Space Pod (passive program)—105 participants

Youth & Family Programs:

- Junior Green Team—13 participants
- Ultimate Building Academy—35 participants
- Paperback Pals—7 participants
- Read to the dogs—6 participants (2 sessions)
- Squish, Mush & Play—25 participants
- Storytimes
 - Saturday Family Storytime – 23 participants
 - Toddler Storytimes, Tuesdays & Wednesdays: 527 participants (8 storytimes)
 - Preschool Storytimes, Tuesdays & Wednesdays: 236 participants (7 storytimes)
 - Baby Time: 84 participants (4 storytimes)

Youth & Teen:

- Homework Help—10 participants (17 sessions)

Adult & Teen Ages Programs:

- Artist Trading Card Workshop with Susan Kent—23 participants
- No Time Book Club—4 participants
- Oscar Movie Night (2 sessions)—0 participants. Note: Friday 6 p.m. might not be a good time.
- Mind in the Making #2— 22 participants
- DIY Craftshop: Pennant Banners — 15 participants
- Talent-SLAM!— 23 participants
- Fiction Friends— 9 participants
- Teen Scene!— 4 participants
- Teen suggestion board (passive program)—23 participants
- TeenLAB (2 sessions)— 8 participants

Outreach:

- OBOB Battle @ Archer Glen—137 participants (2 sessions)
- Helping Hands flyer distribution (Liz Myers)

Other Activities:

- RFP for directed LED lighting in the stacks
- Recruiting for a new Library Advisory Board member.
- Beginning steps for Shelf-Ready pre-processing through Ingram.



For three weeks, the cardboard space pod inhabited the Children's Area of the library...It was a wonderful tool for building narrative skills...[and] imaginative play in young children. —Jaime Thoreson, Youth Services Librarian

- Displays: Black History Month, Harper Lee RIP, Super Bowl, Oscars, Mardis Gras, "I don't remember the name of the book, but it was red."
- Site for KGW to film a commercial for a credit union educational grant
- Washington County Cooperative Library Services Meeting attendance:
 - Art of the Story (Jenny Swanson)
 - WCCLS Users Group (Jenny)
 - WCCLS Executive Board (Adrienne)
 - Adult Services (Pinn Crawford)
 - WCCLS Policy Group (Adrienne)
 - Youth Services (Jaime Thoreson)
 - CATS (Cataloging) (Mary)
- Other meetings (abbreviated):
 - Library Advisory Board (Adrienne & Crystal)
 - Budget Kick-off & Projections Meetings (Adrienne)
 - All Library Staff meeting (All)
 - Records Management meetings/demonstrations (Adrienne)
 - City Council (Adrienne)
 - Oregon Cultural Trust Conversations with Funders (Adrienne)
 - Main Street meeting (Adrienne)
 - Information Services (Adrienne, Jenny, Pinn, Crystal, Jaime)
 - Early Learning Team Meeting (Jaime)
- Staff trainings:
 - New volunteer
 - Hillsboro Arts & Cultural Coalition Grant Writing Workshop (Crystal)

Service Stories

A high schooler who designed and presented a Superhero Honeybee program at the Library last summer is in line to win a prestigious scholarship because of her ongoing work in the science of honeybees. – *Submitted by Jaime Thoreson, Youth Services Librarian.*

A woman who doesn't have internet at home and speaks English as a second language studied for her food handler's license on a library computer. – *Submitted by Adrienne Doman Calkins.*

A mom was in the Children's Area after storytime and her kids were playing in the space pod. She said, "I love this Library! There are always so many fun things to do." – *Submitted by Heather Eldred, Library Assistant.*

Respectfully submitted,



Sherwood Public Library

Monthly Management Report

March 2016



Submitted by: Adrienne Doman Calkins, Library Manager

Contents:

- 1) Statistics
- 2) Programs & Activities
- 3) Service Stories

Statistics

| Monthly Circulation | Last month | This month | This month last year | % Change from same month last year | % Change from last month |
|-------------------------------------|------------|---------------|----------------------|------------------------------------|--------------------------|
| Total check outs (includes digital) | 29,828 | 32,087 | 31,727 | 1% | 7.6% |
| Physical check outs & renewals | 28,062 | 30,157 | 30,177 | 0% | 7.5% |
| Self-checkouts only | 7,621 | 8,312 | 7,625 | 9% | 9.1% |
| % @ self-check | 27% | 28% | 25% | 9% | 1.5% |
| Digital checkouts (Library2Go) | 1,124 | 1,189 | 1,240 | -4% | 5.8% |
| Digital checkouts (Cloud Library) | 642 | 741 | 310 | 139% | 15.4% |
| Total digital checkouts | 1,766 | 1,930 | 1,550 | 25% | 9.3% |
| % of total checkouts | 5.9% | 6.0% | 4.9% | 23% | 2% |
| Check ins | 19,943 | 21,717 | 22,061 | -2% | 8.9% |
| Service Area population | 22,485 | 22,485 | 22,172 | 1% | 0.0% |
| Checkouts per capita | 1.3 | 1.4 | 1.4 | 0% | 7.6% |
| Checkouts per card holder | 2.8 | 3.0 | 2.9 | 2% | 6.6% |

The number of library patrons actively using their cards increased 23% compared to last March. That's nearly 600 more people using their public library.

| Monthly Patrons | Last month | This month | This month last year | % Change from same month last year | % Change from last month |
|--------------------------------|------------|---------------|----------------------|------------------------------------|--------------------------|
| New library cards | 94 | 98 | 99 | -1% | 4% |
| Total registered users | 12,203 | 10,873 | 10,954 | -1% | 1% |
| Active this month | 2,888 | 2,997 | 2,433 | 23% | 4% |
| % of patrons active this month | 24% | 28% | 22% | 24% | 3% |

NOTE: Annual database purge March 6, 2016. Pre-purge total was 12,203. Purged 1,398 Sherwood accounts inactive for 3 years.

| Collection Development | Last month | This month | This month last year | % Change from last year | % of budget available | % of ordering window for FY left |
|--|------------|---------------|----------------------|-------------------------|-----------------------|----------------------------------|
| Count of items added | 659 | 314 | 400 | -22% | 27% | 18% |
| Count of items withdrawn (including periodicals) | 969 | 735 | 793 | -7% | | |
| Total collection size | 48,045 | 47,840 | | | | |



Librarians continue a major project to evaluate the condition, accuracy, relevance and interest level in the library collection to freshen it up and make room for new material. In addition to the 1.6 million items available countywide, WCCLS currently has over 16,000 e-books available through Library2Go and Cloud Library.

| Volunteers | March hours | Equivalent FTE | # of volunteers |
|-------------------------------------|---------------|----------------|-----------------|
| Checkin (returns) | 88.5 | 0.51 | 16 |
| Checkin (tasket processing & holds) | 66.75 | 0.39 | 8 |
| Requests to fill | 30 | 0.17 | 5 |
| Homework Helper | 26.75 | 0.15 | 3 |
| Shelving | 13 | 0.08 | 3 |
| Community Event | 6.75 | 0.04 | 3 |
| Clerical/office asst | 11.5 | 0.07 | 1 |
| Teen LAB | 10.5 | 0.06 | 5 |
| Youth Services Assistant | 12 | 0.07 | 4 |
| Publicity Courier | 1 | 0.01 | 1 |
| Bulletin Board | 0.5 | 0.003 | 1 |
| Grand Total | 267.25 | 1.54 | 46 |
| Last month | 249.45 | 1.44 | 43 |
| % change | 7% | 7% | 7% |
| This month last year | 189.5 | 1.09 | |
| % change from last year | 32% | 32% | |



Volunteer hours have increased 32% since last March—primarily in Homework Help, Community Events, and assisting at programs.

| Visits last month | This month | % Change from last month | Visits this month last year | % Change from last year | Open hours this month | Open days | Visits per hour | Visits per day | Avg physical checkouts & renewals per hour |
|-------------------|---------------|--------------------------|-----------------------------|-------------------------|-----------------------|-----------|-----------------|----------------|--|
| 20,680 | 21,781 | 5.3% | 21,301 | 2% | 270 | 31 | 81 | 703 | 112 |

We had nearly 22,000 visits in March—an average of nearly 1 visit per capita for our service area.

Programs & Activities

| Programs & outreach | Dec-15 | Jan-16 | Feb-16 | Mar-16 |
|--|--------|--------|--------|--------|
| # of Adult Programs | 3 | 6 | 8 | 7 |
| # of Teen Programs | 9 | 22 | 24 | 29 |
| # of Youth Programs | 45 | 39 | 45 | 55 |
| <i>School-aged</i> | 25 | 32 | 31 | 41 |
| <i>Storytimes</i> | 26 | 17 | 20 | 26 |
| # of Programs for All Ages | 4 | 4 | 2 | 3 |
| TOTAL # of Programs | 56 | 53 | 58 | 70 |
| Program participation | 1,954 | 1,243 | 1,282 | 1,680 |
| Program participation per FTE | 194 | 123 | 127 | 159 |
| Program participation per capita | 0.09 | 0.06 | 0.06 | 0.07 |
| <i>Program participation: adult programs</i> | 46 | 136 | 101 | 120 |
| <i>Program participation: teen programs</i> | 52 | 130 | 94 | 141 |
| <i>Program participation: youth programs</i> | 1,380 | 857 | 1,103 | 1,441 |
| <i>Program participation: all age programs</i> | 507 | 229 | 141 | 172 |
| <i>Program participation: school-aged</i> | 725 | 441 | 311 | 592 |
| <i>Program participation: storytimes</i> | 849 | 771 | 870 | 1,117 |

All Ages

- Movie Matinee: Song of the Sea (part of our St. Patrick's Day celebration)—19 participants
- 3rd Annual Six Word Story Contest—143 entries
- St. Patrick's Day coloring sheets—10 participants

Youth & Family Programs:

- Junior Green Team—14 participants
- Ultimate Builders Academy—26 participants
- Paperback Pals—8 participants
- Read to the dogs—4 participants (2 sessions)
- Peeps Olympics—12 participants

- Cat in the Hat Hat Hunt (passive program)—176 participants
- Storytimes
 - Saturday Family Storytime – 15 participants
 - Toddler Storytimes, Tuesdays & Wednesdays: 623 participants (10 storytimes)
 - Preschool Storytimes, Tuesdays & Wednesdays: 381 participants (10 storytimes)
 - Baby Time: 98 participants (5 storytimes)

Youth & Teen:

- Homework Help—18 participants (19 sessions)
- Spring Break Wii-U / Just Dance Party – 21 participants

Adult & Teen Ages Programs:

- Estate Planning Workshop—17 participants
- Mind in the Making #3— 22 participants
- Irish Tales with Ken Iverson—15 participants
- Master Gardener Class: Starting Your Vegetable Garden—11 participants
- DIY Craftshop: Embroider Hoop Art — 25 participants
- Poetry SLAM!—9 participants
- Every Child Ready to Read—21 participants
- Fiction Friends— 9 participants
- Teen Scene!— 4 participants
- TeenLAB (2 sessions)— 9 participants
- Paperbots Teen Tech Week—17 participants
- Comic Book Workshop—10 participants

Outreach:

- Database training @ St. Francis—19 participants
- Helping Hands flyer distribution (Liz Myers)
- Hot Cocoa Storytime @ Symposium Coffee—24 participants

Other Activities:

- RFP for directed LED lighting in the stacks
- Interview for a new Library Advisory Board member.
- Displays: Women’s History Month, Vegetable Gardening, St. Patrick’s Day, It’s Easy Being Green, Washington County Community Development Week
- Tour: Phoenix Academy Preschool
- Washington County Cooperative Library Services Meeting attendance:
 - Art of the Story (Jenny Swanson)
 - Publicity Committee (Jenny)
 - Adult Summer Reading (Crystal Garcia)
 - Adult Services (Pinn Crawford)

- Edge Assessment Overview (Pinn & Adrienne)
- Policy Group (Adrienne)
- Youth Services (Jaime Thoreson)
- CATS (Cataloging) (Mary Madland)
- Other meetings (abbreviated):
 - Friends of the Library (Adrienne)
 - Cultural Coalition of Washington County Grant Celebration (Crystal)
 - Onboarding new Friends board member (Adrienne)
 - All Library Staff meeting (All)
 - Records Management meetings (Adrienne)
 - City Council (Adrienne)
 - Main Street meeting (Adrienne)
 - Information Services (Adrienne, Jenny, Pinn, Crystal, Jaime)
 - Tech Services Department (Mary, et al)
- Staff trainings:
 - New volunteer
 - Key Club volunteer training
 - New staff introduction to WCCLS & SPL “Big Picture” topics (Adrienne)
 - Health Reference Training (Pinn & Crystal)
 - Youth Mental Health First Aid (Jaime)
 - Train-the-Trainer Workshop (Jenny, Jaime, Pinn, Crystal—Adrienne coordinated)

Friends of Sherwood Public Library have gifted \$5000 toward library programming this year, in addition to support for staff meetings and trainings.

Service Stories

One of our young teens who is homeschooled joined TeenLAB and has come out of his shell to connect with others his age and even design programs for younger kids. — *Submitted by Jaime Thoreson, Youth Services Librarian.*

A Senior library patron shared how much she has enjoyed the DIY Craftshop programs. She’s made several friends who join her at the craftshops and had several outings planned with them. Her comment card read: “So much fun and great way to meet new people. Making new friends”. — *Submitted by Jenny Swanson, Public Services Supervising Librarian*

In the News

Kids enjoy 'Peep Olympics' at Sherwood Library during spring break
Created on Wednesday, 23 March 2016 11:26 | Written by [Mark Miller](#)

It's spring break this week, and local libraries have been hosting even more activities and programs than usual geared toward vacationing children and teenagers.

It's also Easter this coming Sunday, and stores are filled with holiday-themed candy and other products.

Those two facts — along with the fact that 2016 is an Olympic year — combined at the [Sherwood Public Library](#) on Tuesday, as kids on spring break put yellow marshmallow Peeps through their paces with a series of events in the “Peep Olympics.”

“During this time, a lot of libraries have done Peep dioramas,” said youth services librarian Jaime Thoreson. “If you look online, they’re really elaborate, and I wanted to have a program for elementary kids, and I just didn’t know if that would be a doable kind of program. So I thought, ‘OK. It’s an Olympic year. I know that it’s fun to play with food. So how about we have a program where you just play with the Peeps, and they do the Olympic course?’”



The young participants affixed numbers on their Peeps — just like real athletes — and did crafts in the library community room.

For a “slalom” course down a sheet of posterboard propped against a table, kids taped together and colored paper boats for the Peeps to ride in. For another event, they built “towers” out of dry spaghetti and marshmallows, trying to build them to support the weight of their Peeps.

Melissa Lawson brought her kids Ryley, 8, and Connor, 5, who attend [Middleton Elementary School](#), to the library for the Peep Olympics.

“We look for good family fun that we know will be appropriate and entertaining, and ... it’s actually somewhat educational at the same time,” Lawson said.

Thoreson credited TeenLAB, Sherwood’s youth library advisory board, with helping brainstorm what to do with the activity.

“We came up with a lot of different ideas,” said 12-year-old Chris Martin, a TeenLAB member who was helping out with the program Tuesday.

Since the Peep Olympics were geared toward elementary-age children, Chris explained, the organizers had to be mindful of their needs.

“We want them to have fun, and so most of the activities are pretty basic, rather than more complex stuff — that’s for teens,” he said.

<http://www.pamplinmedia.com/ttt/89-news/298976-176070-kids-enjoy-peep-olympics-at-sherwood-library-during-spring-break>

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Adam C. Collins". The signature is written in a cursive, flowing style.