



CITY COUNCIL MEETING PACKET

FOR

Tuesday, October 5, 2021

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

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting

Pursuant to House Bill 4212 (2020), this meeting
will be conducted electronically and will be live streamed at
<https://www.youtube.com/user/CityofSherwood>



6:00 PM WORK SESSION

1. **Input Session Sherwood Al Fresco Outdoor Dining Program**
(Kristen Switzer, City Manager Pro Tem)
2. **Solid Waste Rate Updates**
(Craig Sheldon, Public Works Director)
3. **Chicken Code Discussion**
(Julia Hajduk, Community Development Director)

7:00 PM REGULAR SESSION

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**

- A. **Approval of September 21, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- B. **Resolution 2021-089 Authorizing City Manager or City Manager Pro Tem to sign a Professional Services Contract with KPFF Consulting Engineers for design of the Hwy99W Pedestrian Overcrossing** (Bob Galati, City Engineer)

6. CITIZEN COMMENTS

Pursuant to House Bill 4212 (2020), citizen comments and testimony for public hearings must be submitted in writing to CityRecorder@Sherwoodoregon.gov. To be included in the record for this meeting, the email must clearly state either (1) that it is intended as a citizen comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended, and in either case must be received at least 24 hours in advance of the scheduled meeting time. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

7. PRESENTATIONS

- A. **Recognition of Eagle Scout Award Recipients** (Mayor Mays)
- B. **Proclamation Declaring October as Domestic Violence Awareness Month** (Mayor Mays)
- C. **Washington County Update on the MSTIP Process**
(Julia Hajduk, Community Development Director)

AGENDA

SHERWOOD CITY COUNCIL October 5, 2021

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting

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will be conducted electronically and will be
live streamed at
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8. PUBLIC HEARINGS

- A. Ordinance 2021-009, Adding a new Chapter 5.34 to the Sherwood Municipal Code regarding non-residential leases (*First Reading*) (Josh Soper, City Attorney)

9. CITY MANAGER REPORT

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to 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. If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or MurphyS@sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.



SHERWOOD CITY COUNCIL MEETING MINUTES

22560 SW Pine St., Sherwood, Or

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at <https://www.youtube.com/user/CityofSherwood>

September 21, 2021

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 6:00 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, Renee Brouse, and Russell Griffin.
3. **STAFF PRESENT:** City Manager Pro Tem Kristen Switzer, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Finance Director David Bodway, Police Chief Jeff Groth, HR Manager Christina Jones, Planning Manager Erika Palmer, Senior Planner Joy Chang, Civil Engineer Jason Waters, and City Recorder Sylvia Murphy.
4. **TOPICS**

A. Oregon Street Design Update

Civil Engineer Jason Waters presented the Oregon Street Improvements webpage (see record, Exhibit A) and recapped that the City had hired Kittleson and Associates to complete the design plans and that the project will, "improve, modernize, and widen SW Oregon Street between SW Langer Farms Parkway and the roundabout at SW Murdock Road" as well as provide retroactive storm treatment for the entire upstream basin towards Snyder Park. He reported that the project design was currently at 60% and provided an overview of the deliverables to date. He reported that another work session would be held in January 2022 to discuss a right-of-way resolution. He stated that construction was partially funded and the 60% engineer's opinion of probable cost for budgeting purposes was \$6 million for a fully loaded CIP construction phase budget. Mr. Waters presented the "Project Manager's 60% Design Summary" document (see record, Exhibit B) and addressed Goal 1 of "Complete or incorporate a large-scale regional storm retrofit project" and explained that the project would provide stormwater treatment for the road widening projects and the upstream residential areas. He stated they were exploring partnerships with CWS so the City could take care of the nearby developable lands. He addressed Goal 2 of "Keep project costs low to offset rise/uncertainty in construction costs" and explained that one of their recommendations provided in the traffic report was to not provide a center turn median along the unconstrained and undeveloped frontage which ran east/west. He explained that that was recommended because there were constrained areas along the railroad tracks and wetlands up to the east end, which would add additional costs and the traffic study stated that left turn lanes were not warranted into the industrial lands. He provided an overview of Goals 3-8 on

page 1-2 of Exhibit B. Councilor Garland asked if the sidewalk along Oregon Street would extend all the way out to the roundabout and connect to Murdock? Mr. Water's replied that was correct. Councilor Garland asked if there were any concerns regarding not putting in a center turn lane when the future Public Works facility was constructed along Oregon Street? Civil Engineer Waters replied that they would complete an overview of off street pull outs at that location, but he felt that there was enough room for large trucks to access the future Public Works facility. He added that reviewing large vehicle accessibility would be explored more fully through the Business Oregon grant and a future Council work session. Mayor Mays confirmed that the project would not be advancing to 80% or 90% at this point? Community Development Director Julia Hajduk replied that was correct and added that at this point in the project they were refining, reviewing, and compiling feedback over the next several months. She stated that no decisions about the project would be made at this meeting.

B. Residential Design Standards

Senior Planner Joy Chang presented the "Residential Design and New Housing Choices" PowerPoint presentation (see record, Exhibit C) and stated that the intent of the Residential Design Standards was to have homes that looked high-quality and retained the overall small-town feel of Sherwood. She reported that in order to assist in reviewing the design standards, staff had drafted two residential design checklists for Council to consider. She stated that the two checklist options had been emailed to Council prior to the meeting (see record, Exhibit D). She explained that both checklists had three required standards of: Entry Location and Orientation, Garages and Off-Street Parking Areas, and Windows or Entrance Doors (15%). She stated in the original Residential Design Standards checklist there were five additional elements that were required including three items from Element 4A (Porches, Entries, and other Offsets, Roof Elements, and Window Elements) and two additional items from element 4B (Building materials and other elements) for a total of eight design elements. In the Second Option, there would be the three required standards and five additional elements from a list that consisted of: porches, entries and other offsets, roof element, window element, garage element, and building materials for a total of eight design elements. She explained that the menu of options in the Second Option checklist provided for more flexibility in regard to the developer being able to choose design elements. Ms. Chang reported that the Planning Commission preferred the original Residential Design Checklist and reported that the Planning Commission had asked for Council input regarding considering one or two elements from the subcategories instead of requiring one element from each subcategory in order to create more flexibility. She stated that the main difference between the two checklist options was that the second option allowed for lots of flexibility where the development community could pick from a menu list of the five options in addition to the original three that were required. She addressed Example 1, 2, and 3 on page 7-9 of the presentation and explained that the homes shown in the presentation were homes that had been developed and gone through the building permitting process in 2016 and 2017. Councilor Scott asked how the example home shown on page 9 of the presentation met the 60% standard? Ms. Chang replied that the lot width itself was 50 and the elevations of the garage width is 30. Councilor Scott commented that he thought the calculation was based on the width of the building not the width of the lot. Ms. Chang reread the standard and confirmed she had misread the standard and that Councilor Scott was correct, and the example shown on page 9 did not meet the garage standard. She provided an overview of the Secondary Elevations—Sides standards on page 11 of the presentation and reported that the Planning Commission had settled on requiring 10% standard for window and door openings for secondary elevations and included trim and shutters. She stated that further discussion was needed from Council to determine if there would be additional design elements that would be required for secondary elevations. She provided an overview of the Secondary Elevations—Rear standards on page 12 of the presentation and reported that the Planning Commission had settled on a 10% standard. Council President

Rosener asked how it was determined whether the side of a house was viewable by the public right-of-way? Ms. Chang replied that it was considered viewable if the house was adjacent to a public right-of-way and commented that public access ways were also included in that determination. Council President Rosener asked if that applied to a house located in a cul-de-sac? Ms. Chang replied that it would. Councilor Scott interjected that he did not think it would apply to houses in a cul-de-sac because the lot line would not abut the public right-of-way. He continued that the discussion at the Planning Commission level had been how it would only apply if a road, sidewalk, trail, or accessway ran along a lot line, and it would not apply to a cul-de-sac scenario. Ms. Chang stated that it would depend on how the cul-de-sac was laid out. Councilor Scott commented that it depended on how the code was written instead and added that the Planning Commission could discuss the issue further. Ms. Chang commented that the Residential Design Standards would go before the Planning Commission before their hearing on October 12th. Senior Planner Chang asked for questions or discussion from Council. Councilor Griffin commented he liked the 15% window coverage on the front and commented on the differences between the visual appeal of the front of the house on page 8 compared to the back of the house. Mayor Mays commented that he supported the Planning Commission's support of the original checklist and that he also liked the 15% front, 15% in the rear if it was a double frontage lot, and 10% on the side if it was along a public right-of-way. Councilor Scott clarified that the recommendation was 10% in the back if it was facing, not 15%. Ms. Chang replied that was correct and added that it would be considered a secondary elevation so it would be 10% for both the side and the rear. Councilor Griffin commented he liked the original Planning Commission recommendation. Councilor Brouse commented she liked the opportunity to build in flexibility and was in favor of the second checklist. Councilor Young commented she was in favor of the original checklist. Councilor Griffin asked what the Planning Commission's thoughts were on the second checklist? Senior Planner Chang replied that the Planning Commission suggested that to try and add more flexibility, and to help address what the development community was asking for, was to instead only ask for one from A, B, or C, or two from A, B, or C that they could choose from and then the remaining 3-4 elements could come from any of the choices instead of asking one from each of the subgroups. Community Development Director Hajduk clarified that the second checklist was created through the course of the conversation with the Planning Commission. Councilor Scott interjected that his recollection was that the second checklist came from staff, not the Planning Commission after which the Planning Commission discussed both checklists. Ms. Chang explained that at a previous discussion with the Planning Commission, they had asked if it was possible to base the elements on percentages and staff had determined that some of the elements could not be calculated in percentages. She added that public feedback had been received that indicated a desire for more flexibility to the standards, so staff had created the second checklist option to provide that flexibility. Mayor Mays asked how to legislate against "cookie cutter" homes in new developments? Senior Planner Chang replied that Sherwood had a standard for housing variety for new developments. She added that the Residential Design Standards would be implemented at the time that developers submitted their building permits, so with every building permit there would be a checklist attached to it. She commented that there would be different standards for townhomes and cottage clusters. She recapped that she had heard that the majority of Council preferred the original checklist as recommended by the Planning Commission. Council President Rosener, Councilor Garland, and Councilor Scott stated they were in favor of the original checklist. Councilor Griffin commented he liked the original checklist because it would help create housing variety. Council President Rosener asked that it be made clear that design details need to be visible from the street and clearly define what design details were. Senior Planner Chang asked Council if Sherwood should require additional design elements added to the secondary elevations? Mayor Mays asked Ms. Chang her opinion on the question. She replied that since it was a secondary element, and there was already a 10% window, door, trim and shutter, she did not feel that additional requirements were necessary for the side or rear. Councilor Scott commented that he wanted to see either trim or shutters added to the requirements since it was likely that

developers would be adding those elements to get to the 10%. Councilor Griffin asked if Ms. Chang thought 5% would be more appropriate? Ms. Chang replied that staff had originally recommended 5% but the Planning Commission had moved forward with 10%. Councilor Scott put forward the idea that the percentage could be lowered to 7.5% if shutters, or trim, or a bay window be required elements. Mayor Mays commented he liked Councilor Scott's idea of requiring shutters or trim as a secondary element and having that count towards the 10% total glazing. Councilor Young commented she liked that idea.

Senior Planner Chang addressed Development Standard Landscaping – Minimum and recapped that Council had requested that the Planning Commission further evaluate this standard and the Planning Commission recommended minimum landscaping standards for the front yard only, instead of total lot area. She provided front yard examples on pages 16-17 of the presentation. Mayor Mays asked what percentage the Planning Commission was recommending? Ms. Chang replied that the Planning Commission did not have a percentage, but they suggested that only the front yard be considered. Ms. Chang asked for feedback from Council on what was considered "landscaping materials." She explained that as the code was currently written, native evergreen or deciduous trees and shrubs, evergreen ground cover, perennial plantings, were considered landscaping materials but bark, rock, and concrete pavers were not cited in the code. She outlined the potential standards as: provide one percentage requirement e.g., 40%, provide a range of percentages e.g., 40-50%, or not provide a percentage, but require everything excluding x, y, z. Councilor Scott commented that he was happy to see standard option 3 and that he felt that it should be limited to the driveway and walkways and everything else had to be greenscape. Mayor Mays commented he liked the idea of only regulating the front and then having the Planning Commission further refine it and that he felt that the third option was reasonable. Council President Rosener interjected that swales should be included in the exclusions. Councilor Scott commented that the standards would only apply to new developments or significant remodels. Councilor Young asked if there was any fear that people would make their pedestrian pathways much wider or take up more of their front yard since they were excluded? Mayor Mays commented that that could be solved with code language and clear definitions and asked that it be delineated in the code that concrete pavers and rock were not greenscape. Senior Planner Chang asked if river rock would be considered landscaping? Councilor Scott commented that he felt that bark and river rock were landscaping and that someone extending their driveway with pavers was a different story. Councilors Garland and Young commented that they both felt that bark and river rock counted as landscaping. Community Development Director Hajduk summarized that Council wished to make it clear that things you could park a car on would not be considered landscaping materials.

Senior Planner Chang addressed Development Standard Garage – Functionality and stated that the Sherwood Building Official had identified that minimum or maximum garage sizes are not in the building code themselves, but designers used common construction standards when planning the size of garages. She provided garage dimension examples on pages 21-23 of the presentation. Mayor Mays asked what the Planning Commission's thoughts were. Ms. Chang replied that the Planning Commission was fine with those dimensions and there had not been any changes suggested by the Planning Commission. Community Development Director Hajduk clarified that she recalled that the Planning Commission had seen a range of dimensions, but staff had removed the range to just state the minimum. She gave the example that a two car garage originally had a width range of 18-20 feet, and staff had edited it to simply say a minimum width of 18 feet instead. She clarified that the table shown on page 24 of the presentation had the same information the Planning Commission had reviewed, only without the ranges. Ms. Chang addressed a previous Council comment that garages had to function as a parking space and explained that the sentence of, "The vehicle parking area(s) shall be functional. Furnaces, stairs, etc. shall not be located within the garage designated parking areas," had been added to provide clarity to the code. Councilor Scott

commented that the garage dimension minimums seemed okay to him. Council President Rosener asked that “parking area” be clearly defined.

Senior Planner Chang addressed Process Adjustments and Variances and recapped that Council had asked the Planning Commission to consider allowing Adjustments but not to allow for Variances. She reported that the Planning Commission had completed their review and recommended allowing for both types of modifications but possibly lowering the percentage and change instead of not allowing Variances. She explained that 10% of the standard was typical for Adjustments, and the Planning Commission was recommending changing it to allow for 5% instead. For Variances, up to 20% was typical and the Planning Commission was recommending only allowing 10%. Ms. Chang voiced that staff was also asking Council to consider impacts to irregular shaped lots or environmental constraints sites as those were typically the ones that Adjustments and Variances were requested for. Mayor Mays stated he still preferred to not alter key things like side yards and rear yards. Councilor Young asked if Adjustments and Variances were on a case-by-case basis and were approved by staff? Senior Planner Chang replied that yes, typically Class B Variances were reviewed by staff. She added that a Class A Variance was above the 20% threshold and the Planning Commission would review those requests. Councilor Scott stated that a Class B Variance would require a public notice and the Adjustment does not. Ms. Chang replied that was correct. Mayor Mays recommended he would support following the Planning Commission’s recommendation but not making the rear yard or interior side yard eligible. He clarified that he was supportive of exterior side yard Variances. Council President Rosener asked how rear yards were measured when lot lines were not parallel to the house? Ms. Chang explained that there was a definition of how to measure an irregular lot. Community Development Director Hajduk explained that if it was a triangle there was a line that was 10 feet long and that became the rear lot line and then you measured your rear setback from that. Councilor Scott added that line had to be parallel to the front yard. Councilor Griffin commented he supported the Planning Commission’s recommendation to bring the percentages down and that he was not in favor of adjusting side yards. Councilor Griffin asked if this would ever apply to all the lots in a development or only the last lot to be developed? Councilor Scott clarified that there could be a request that asks for a Variance on every lot. Councilor Young asked how often did they predict people would request for Adjustments and Variances? Ms. Hajduk replied that the City already allowed Adjustments and Variances and that the City did not typically get many requests. She clarified that the question was whether or not the City should continue to allow for them with the design standards and with the incoming infill, and that the concern was that more requests would come in over time because of the possibility of more infill. Council President Rosener commented that that was his view on it as well and due to the effects of HB 2001, he expected to see much more infill and it was important to preserve the character of the neighborhoods. Councilor Scott stated that his suggestion was that Council cut the percentages in half and make side yard adjustments not eligible. Councilors Griffin and Young stated they liked that suggestion. Mayor Mays stated he would like to exclude rear side yards as well. Councilor Scott commented he was fine with leaving the flexibility on rear. Council President Rosener and Councilor Griffin stated their agreement with Councilor Scott. Council President Rosener added that he would remove the reference to irregular lots since the 10 foot parallel line calculation Ms. Hajduk had described addressed that. Councilor Scott added that another alternative could be to make it a higher level variance that requires a public hearing. Council President Rosener stated that once the rules were in place the property value would be based on the number of lots with those rules and it would already be built in, so he was not worried about it. Councilor Scott commented that if it gets to the point where parcels are not developed because of the rules, then Council can decide to relax the rules in the future, and he would rather relax the rules down the line than end up with bad results because the rules were not strong enough to start with. Councilor Griffin commented that the City of Tualatin’s Residential Design Standards stated that their rear glazing requirement on a single family home was 12% and 10% if

the house had a residential wall design element above the minimum. Their side corner lot facing the public street was 8%, or 6% if it had a wall design element. Senior Planner Chang recapped Council's feedback as: reducing Adjustments to 5%, reducing Class B Variance to 10%, and not allowing any Adjustments or Variance to side yards. Council agreed that that was their feedback.

Ms. Chang addressed Council's other previous feedback of adding the use of the word "family" to related housing type descriptions as well as adding a Council call up review option. She explained that new language had been added to define "family" as, "Any number of individuals living together regardless of familial or non-familial relationship." She stated that City Attorney Soper had helped draft the definition. Council stated their approval of the definition. Senior Planner Chang provided an overview of the proposed code amendment to add the Council review option on page 31 of the presentation and stated that City Attorney Soper had drafted the language. She recapped the three items that needed further input from Council as: Roadway Width to allow for off-site parking, Onsite Swales, and review what can be done in a Residential PUD. Mayor Mays asked why the PUD element could not be a part of the Residential Design Standards update? Ms. Chang explained that PUDs had a process that required architectural pattern books and had their own particular design elements that were tied to them and when a building permit came in with a PUD, they were subject to those elements that were approved based on the architectural pattern book. Community Development Director Hajduk clarified that what they were referring to was the setbacks and lot sizes for the Residential PUD, and what needed to be done was for staff to draft something for the Planning Commission to review that compiled Council's feedback. Councilor Scott stated he did not want to do that because he felt it would slow the process down and he wished to get the Residential Design Standards passed as soon as possible so they could go into effect as soon as possible. Mayor Mays asked Community Development Director Hajduk how doing so would pause the process? Ms. Hajduk replied that she could look into whether or not there was a simple short-term solution because they were not talking about revising the whole.... Mayor Mays interjected that no, they were talking about doing it in a very simple, quick way like they had done everything else to this point. Council President Rosener clarified that what they were trying to accomplish was that they did not want the PUD process to be used as an end run around the Residential Design Standards. Ms. Hajduk commented that if what staff proposed for the PUD would cause delays, then Council could discuss setting it aside and drafting something for the short-term to address the concerns that were brought up at this meeting. Senior Planner Chang addressed Community Comments and next steps on pages 33-34 and reported that they had received community comments from the development community and the general public. She recapped that the development community felt that the Residential Design Standards were too prescriptive and requested additional flexibility. She reported that there were questions tied to land use vesting rights and that comments from the general public had been received that stated that they felt that the additional design rules were arbitrary and based on tastes and instead should be based on scientific reasons for a healthier environment. Senior Planner Chang reported that the Planning Commission's first hearing on the Residential Design Standards updates would be held on October 26th and a second hearing, if necessary, would be held November 9th. If there was no second hearing for the Planning Commission, then Council would hold their first public hearing on the Residential Design Standards on November 16th and December 7th was scheduled for the second hearing. Council thanked Ms. Chang for her presentation.

5. ADJOURN:

Mayor Mays adjourned the work session at 7:22 pm and convened a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:30 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Kim Young, Sean Garland, Renee Brouse, Doug Scott, and Russell Griffin.
3. **STAFF PRESENT:** City Manager Pro Tem Kristen Switzer, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Finance Director David Bodway, Police Chief Jeff Groth, Planning Manager Erika Palmer, HR Manager Christina Jones, and City Recorder Sylvia Murphy.
4. **APPROVAL OF AGENDA:**

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR GRIFFIN. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

5. **CONSENT AGENDA:**

- A. Approval of September 7, 2021 City Council Meeting Minutes
- B. Resolution 2021-086 Authorizing City Manager or City Manager Pro Tem to Purchase Materials and Supplies for Sherwood Broadband
- C. Resolution 2021-087 Appointing Jennifer Casler to the Sherwood Cultural Arts Commission
- D. Resolution 2021-088 Authorizing the City Manager Pro Tem to execute a construction contract for the Division Street and Mansfield Street Grind and Inlay Project

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR

Mayor Mays addressed the next agenda item.

6. **CITIZEN COMMENTS:**

The City Recorder reported that there were no citizen comments.

Mayor Mays addressed the next agenda item. The City Recorder read the public hearings statement and reported that no public testimony had been received for the ordinance.

7. **PUBLIC HEARINGS:**

- A. **Ordinance 2021-008 Amending sections of the Sherwood Zoning and Community Development Code to modify standards for residential uses in Commercial Land Use Districts** (*Second Reading*)

Planning Manager Erika Palmer presented the "Multi-Family in Commercial Land Use Districts Development Code Update" PowerPoint presentation (see record, Exhibit E) and recapped the questions Council had

raised at the first hearing as: the proposed language was not clear that parking is prohibited on the ground floor, the ceiling height measurement could be more clearly defined, and it was necessary to state that there are no limitations on the number of internal stairwells, only external stairwells. Mayor Mays commented that he did not agree with the work staff had completed regarding internal stairwells. She explained that staff had taken Council's feedback and revised the proposed language to make the standards clearer. She provided an overview of the proposed language changes on page 3 of the presentation. She reported that after speaking to Building Official Scott McKie, the ceiling height in the proposal was reduced from 14 feet to 12 feet and that in addition to the height change, the standard had been reworded to better reflect the building code. Council President Rosener asked that more language be added that made it clear what the standards were and to remove ambiguity around where measurements should be taken from. City Attorney Josh Soper explained that the language they had drafted stated that the measurements were to be taken from, "the lowest point of the surface of the ceiling" in order to account for things like visible beams. Council President Rosener commented that the feedback Council had provided regarding internal stairwells was different than what was reflected in the draft language. He explained that his concern was that if there were housing units that had a second floor and each one had its own stairwell, that would use up a lot of square footage on the first floor regardless of whether or not it was outside or inside. City Attorney Soper explained that he had drafted the language based on the misunderstanding that Council wanted to regulate stairwells based on whether or not they were outside accessible versus internal. He continued, that if the intention was to regulate based on whether or not they were accessible from the first floor or not, Council could amend Section 7 to read, "a building with multi-family housing is limited to two stairwells that can be entered from the ground floor of the building. There are no limits on the number of stairwells that are not able to be entered from the ground floor except as otherwise provided by this code." Mayor Mays and Council President Rosener stated that they liked the proposed language change by City Attorney Soper. Discussion regarding potential interpretations of the language occurred. Mayor Mays closed the public hearing portion of the meeting and asked for discussion or motion to amend the proposal.

MOTION: FROM COUNCIL PRESIDENT ROSENER TO AMEND ITEM 5 IN EXHIBIT B OF THE ORDINANCE TO READ "THE MINIMUM CEILING HEIGHT SHALL BE 12 FEET MEASURED FROM THE FINISHED FLOOR TO THE LOWEST POINT OF THE SURFACE OF THE CEILING." SECONDED BY COUNCILOR SCOTT. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

MOTION: FROM COUNCILOR YOUNG TO AMEND ITEM 7 IN EXHIBIT B OF THE ORDINANCE WITH THE LANGUAGE PRESENTED BY THE CITY ATTORNEY. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

MOTION: FROM COUNCILOR YOUNG TO READ CAPTION AND ADOPT ORDINANCE 2021-008 AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE TO MODIFY STANDARDS FOR RESIDENTIAL USES IN COMMERCIAL LAND USE DISTRICTS AS AMENDED. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Pro Tem Kristen Switzer asked Community Development Director Julia Hajduk to speak on the traffic issues around the new high school. Ms. Hajduk recapped that there had been many traffic issues

associated with the opening of the new high school, including traffic backing up into the roundabout and Highway 99W in the first few days of the school year. She reported that the Police Department was working closely with the school district to address the immediate needs and were continuing to address those concerns. Ms. Hajduk commented that the school district staff had observed the problems that were occurring in the first few days of the school year and had made some minor modifications that had some significant impacts including emailing the parents instructions on how to drop off students because students were getting dropped off too early in the queue which caused traffic to back up. Other modifications included having staff assist in directing drop off traffic and new signage. She reported that Police Chief Jeff Groth, City Engineer Bob Galati, Police Captain Carlson, and herself and district staff had visited the high school this morning to observe the drop off traffic. She explained that they observed a few more issues that they could address to improve things and reported that the district was bringing in their traffic consultant later this week to review the traffic issues. She stated that the biggest issue was that parents continued to drop off their students too early in the queue as well as some traffic signal timing issues. She reported that the police were also going to deploy officers to different locations to help address some of the issues that they observed. Other potential improvements included adding alternate drop-off locations and fixing signal timing issues. Council President Rosener commented that this issue was happening region-wide and the issue was that parents did not want their children riding the bus during a pandemic. Community Development Director Hajduk replied that she had spoken with the person in charge of bussing and she had reported that they had not had to eliminate routes due to driver shortages thus far. Mayor Mays asked if they were also reviewing ways to alleviate the traffic bottlenecks that led to drivers cutting through residential neighborhoods. Ms. Hajduk replied that that was part of what they were looking at, but she felt that if they could improve the flow of traffic into the high school and as people learned the drop off instructions then many of the problems would resolve themselves. Mayor Mays asked if the traffic flow issues at the high school occurred more in the morning or in the afternoon? Ms. Hajduk replied that the school reported that their on-site issues were profoundly worse in the afternoon, but the impacts to the community were not as extreme in the afternoon. Council President Rosener asked Chief Groth for an estimate of how many students were walking to school and crossing Highway 99W. Chief Groth commented that compared to the population of the school, it was not very many, but it was a fair number of students at the Highway 99W crossing.

Mayor Mays addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Councilor Garland reported that he sat in on the Police Advisory Board where they heard a presentation on use of force from Washington County District Attorney Kevin Barton. He thanked the Sherwood Police Department for the work they have done with the school since school had begun as well as Sherwood teachers, staff, and administration for their hard work to address traffic and bussing routes.

Councilor Young reported that she attended the CDBG grant meeting on September 16th. She reported she would attend the next YMCA Board of Managers meeting.

Council President Rosener thanked the school district for their work during the new school year and commented he was impressed with how nimble the busses had been to adapt to changes. He thanked City Manager Pro Tem Kristen Switzer and staff for their hard work. He reported he would attend the Greater Portland Inc Small Cities Consortium on September 22nd. He reported he was meeting with Washington County Chair Kathryn Harrington on September 22nd.

Councilor Griffin reported that the Robin Hood Festival Association Winter Festival would be held December 4th from 4:00 pm-6:15 pm.

Mayor Mays reported he attended the Washington County Mayors meeting where they heard a presentation from Sheriff Pat Garrett and District Attorney Kevin Barton on the Washington County Family Peace Center. He reported he attended the Washington County Coordinating Committee meeting where they heard a presentation on the Major Transportation Improvement Program in Washington County.

10. ADJOURN:

Mayor Mays adjourned the regular session at 8:09 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

TO: Sherwood City Council

FROM: Bob Galati P.E., City Engineer
Through: Julia Hajduk, Community Development Director, Kristen Switzer, City Manager Pro Tem and Josh Soper, City Attorney

SUBJECT: Resolution 2021-089, Authorizing City Manager or City Manager Pro Tem to sign a Professional Services Contract with KPFF Consulting Engineers for design of the Hwy99W Pedestrian Overcrossing

Issue:

Shall the City Council authorize the City Manager or City Manager Pro Tem to sign a Professional Services Contract with KPFF Consulting Engineers for design of the Hwy99W Pedestrian Overcrossing?

Background:

In early 2018, the Sherwood School District presented its plans to construct a new High School on the west side of Hwy99W just north of the Kruger-Elwert roads intersection. With the siting of the High School at this location, a question of student pedestrian crossing of the Hwy99W corridor had become a critical safety issue. The intersection has a long at-grade crossing length, and there is very heavy vehicular traffic movements in both the northbound-southbound and westbound-eastbound directions, with complex multi-lane turning movements for both directions. Additionally, pedestrian connectivity across Hwy99W from future development of the Sherwood West area will occur at this intersection, which reinforces and supports the decision to design and construct a pedestrian overcrossing of Hwy99W as soon as possible.

In July of 2019, the City's 20-Year Capital Improvement Plan (CIP) was revised by the City Council to include the Hwy99W Pedestrian Overcrossing project (P-27 Highway99W Grade Separated Crossing).

In September of 2019, the City's traffic engineering consultant, DKS Associates, prepared a preliminary feasibility analysis of the pedestrian crossing (Sherwood OR99W Pedestrian Crossing Study. This study was used to determine high level costs and feasibility and helped inform the City's request for outside project funding. Based on the Feasibility Study and additional staff analysis, it is estimated that the pedestrian bridge will cost approximately \$12.5 million. This cost estimate assumes that the structure will be prefabricated. In order to confirm project costs and ensure adequate funding, the City has determined that a 30% design is necessary.

The 30% design will include the following project elements:

- Sidewalks or trails connecting from existing sidewalks to the two ends of the proposed bridge.
- Stormwater management facilities to accommodate the proposed bridge and approaches complying with Clean Water Services standards.
- Bridge and its supports and foundations.
- Retaining walls as needed to facilitate the bridge approaches.
- Ramps and/or stairs leading to the bridge at both ends.

- Trail lighting.
- Striping and signage.
- Temporary traffic control to facilitate construction.
- Utility coordination.
- Landscaping and irrigation.

In May of 2021, City staff issued a two Request for Proposals (RFPs), through the Daily Journal of Commerce. The first RFP was for site civil engineering design work, and the second RFP for a Prefabricated Bridge design. The RFPs were prepared to comply with the requirements of ORS 279C.110 for Qualification Based Selection process. The deadline for RFPs submission was June 18, 2021. The City received two responses for the site civil engineering design RFP of which one (1) of the two responses was from KPFF Consulting Engineers. For the prefabricated bridge design work RFP the City received one (1) response from Western Wood Structures.

KPFF was selected as the preferred civil engineering design firm. In the process of review of the scope of work for the prefabricated bridge design, it was determined that it was premature and more work was needed to determine the type and style of prefabricated structure as well as confirmation that a prefabricated structure truly was the most cost effective given the current market conditions. It was, therefore, determined that it would be in the best interests of the City to have a single contract with KPFF Consulting Engineers to perform both aspects of the project, as KPFF has the capacity to perform both civil site design and structural design in-house, and coordination between the site civil design element and the bridge design elements would be seamless and more efficient.

KPFF's Scope of Work (attached as Exhibit A) under this contract represents a 30% design level effort for the site civil and structural bridge components of the project. This effort includes public outreach and involvement in generating final 30% design level documents.

Financial Impacts:

The City CIP has budgeted \$125,000 for the initial project using a combination of Park and Transportation SDC's. In addition, the City of Sherwood has obtained authorization of \$2.0 million of State Lottery Funds allocation from the State of Oregon via HB 5050 (2019 regular session), and a little over \$4 million via HB 5006 (2021 regular session) which can be used towards the 30% design level and further funding efforts. KPFF Fee Schedule proposes a Professional Services Contract amount of \$568,280.00 for the 30% design level work effort. City staff is recommending a 15% contingency (\$85,242.00) be included for unforeseen conditions which would need to be included in the 30% design level work effort. This would amount to a project funding amount to \$653,522.00. This project funding amount is well within the \$2.0 million State funds allocation. Construction costs will be finalized through the 30% design effort and are expected to be covered by a combination of outside funds, URA funds and other local funds. Construction costs and funding decisions will be made at a later date.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2021-089, Authorizing the City Manager or City Manager Pro Tem to sign a Professional Services Contract with KPFF Consulting Engineers for design of the Hwy99W Pedestrian Overcrossing.



RESOLUTION 2021-089

AUTHORIZING THE CITY MANAGER OR CITY MANAGER PRO TEM TO SIGN A PROFESSIONAL SERVICES CONTRACT WITH KPFF CONSULTING ENGINEERS FOR DESIGN OF THE HWY99W PEDESTRIAN OVERCROSSING

WHEREAS, the Hwy99W Pedestrian Overcrossing project is in the City's 20-Year Capital Improvement Plan (CIP) (P-27, Highway99W Grade Separated Crossing); and

WHEREAS, this is a high priority Council project; and

WHEREAS, the City has determined that a 30% design level effort for this project is necessary and appropriate for determining budget costs for final design and construction; and

WHEREAS, in May of 2021, the City issued two Request for Proposals (RFPs) through the Daily Journal of Commerce (DJC), one RFP for site civil engineering design work, and the second RFP for a Prefabricated Bridge Design; and

WHEREAS, the RFPs were prepared to comply with the requirements of ORS 279C.110 for a Qualifications Based Selection process, with a submittal deadline date of June 18, 2021; and

WHEREAS, the City received two responses for the site civil engineering design work and one response for the prefabricated bridge design work. Of the site civil engineering design work RFP one of the responses was from KPFF Consulting Engineers, and for the prefabricated bridge design work RFP the one response was from Western Wood Structures; and

WHEREAS, In the process of review of the respective scope of work for the prefabricated bridge design, it was determined that it was premature and more work was needed to determine the type and style of prefabricated structure as well as confirmation that a prefabricated structure truly was the most cost effective given the current market conditions; and

WHEREAS, it was therefore determined that it would be in the best interests of the City to have a single contract with KPFF Consulting Engineers to perform both civil site design and structural design; and

WHEREAS, KPFF Consultation Engineers has submitted a Scope of Work (attached as Exhibit A) and a Fee Schedule (attached as Exhibit B) with a submitted Professional Services Contract amount of \$568,280.00; and

WHEREAS, City staff is recommending a 15% contingency (\$85,242.00) be included for unforeseen conditions which would need to be included in the 30% design level work effort; and

WHEREAS, the City Manager or City Manager Pro Tem would be authorized to amend the Professional Services Contract via change orders up to the limit of the contingency amount noted above; and

WHEREAS, the total project funding amount would therefore be \$653,522.00 which is within the \$2.0 million State Lottery Fund allocation for this project.

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

Section 1. The City Manager or the City Manager Pro Tem is hereby authorized to sign a Professional Services Contract with KPFF Consulting Engineers, for design of the Hwy99W Pedestrian Overcrossing project, with a Scope of Work in a form substantially similar to the attached Exhibit A.

Section 2. The Professional Services Contract with KPFF Consulting Engineers shall be in the amount of \$568,280.00, in conformance with the approved Fee Schedule (attached as Exhibit B).

Section 3. The City Manager or City Manager Pro Tem is hereby authorized to amend the Professional Services Contract with KPFF Consulting Engineers up to a contingency amount of \$85,242.00 (15% of the Professional Services Contract amount), via the Change Order approval process for unforeseen conditions which need to be included in the design.

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

Duly passed by the City Council this 5th of October, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

**CITY OF SHERWOOD, OREGON
99W PEDESTRIAN CROSSING
PROJECT NO. 334
PROFESSIONAL ENGINEERING SERVICES
STATEMENT OF WORK (SOW)**

BACKGROUND

In June of 2014, the City of Sherwood (City) adopted its updated Transportation Master Plan (MP), which provides guidance on transportation growth for the next 20-year planning cycle. Part of the MP included 51 project listings for pedestrian connectivity and safety, and two Hwy 99W intersection transportation improvement projects. The MP boundary was set to the existing City Limits and Urban Growth Boundary.

In 2017, the Sherwood School District brought forth plans to construct a 2,400 student Senior High School on the west side of Highway 99W, west of Elwert Road and north of Kruger Road. At that time, the area was located outside the City limits and UGB boundary, but within the City's Urban Reserves area. As such, the MP could not and did not include any impacts from the future development of this area within the MP's 2035 planning year.

Because most of the High School student population is located east of Highway 99W, particularly along the Sunset Boulevard corridor, the City is concerned with how to ensure residents of all ages can safely cross 99W in this vicinity. Therefore, at the direction of City Council, the Sherwood Engineering Department has been tasked with development of a 30% design level plan for a pedestrian bridge over the Pacific Highway located near its intersection with SW Elwert Road and SW Sunset Boulevard.

Preliminary feasibility work has been conducted that identifies the project components including a 620-foot total length span(s) over both Highway 99W and Elwert Road with access provided by (ramps and/or stairs).

PROJECT DESCRIPTION

The City is contracting with KPFF (Consultant) for preliminary design services that will be the next step in developing the proposed pedestrian crossing. Based on the previous study it is likely that prefabricated bridge structures will be the most economical bridge structures, however, this study will evaluate the use of custom designed bridge types as part of the Alternatives Evaluation. Stairs and/or ramps will provide access to the bridge structures at each end of the crossing.

The efforts covered by this scope of work will include providing design for the project elements including:

- Sidewalks or trails connecting from existing sidewalks to the two ends of the proposed bridge.
- Stormwater management facilities to accommodate the proposed bridge and approaches complying with Clean Water Services standards.
- Bridge and its supports and foundations.
- Retaining walls as needed to facilitate the bridge approaches.
- Ramps and/or stairs leading to the bridge at both ends.
- Trail lighting.
- Striping and signage.
- Temporary traffic control to facilitate construction.
- Utility coordination.
- Landscaping and irrigation.

Utilizing the existing project concept plan as shown in the attached Exhibit A, Consultant shall prepare location options for review with ODOT, Washington County and city staff. The concept plan identified a total span of approximately 620 feet in two to three span segments. Following selection of a preferred alternative, Consultant shall prepare 30% plans, and cost estimates.

PROJECT TEAM

KPFF will be providing the following services for this project:

- Project Management and Administration.
- Surveying and Mapping Services.
- Civil Engineering.
- Structural Engineering (retaining walls, stairs and bridge and its supports).
- Utility Coordination.
- Environmental Permitting review.

The following team member firms will provide services as subconsultants to KPFF for this project:

- **GreenWorks PC** will provide landscape architecture services.
- **DKS** will provide traffic engineering and lighting design services.
- **GRI** will provide geotechnical engineering services.
- **Epic Land Solutions** will provide right-of-way acquisition support services.
- **JLA Public Involvement** will provide public involvement services.
- **Architectural Applications P.C.** will provide bridge architecture design services.

CITY OF SHERWOOD RESPONSIBILITIES

The following elements of work will be provided by the City:

- Provide a project manager who is responsible for coordination between Consultant and City staff/Elected Officials.
- Participate in project meetings and City Council work sessions and meetings.
- Participate in discussions with Washington County and ODOT representatives.
- Participate in discussions with franchise utility providers.
- Review Consultant's progress reports and process invoices.
- Provide timely review and comment on reports, drawings and specifications submitted by Consultant to City for review and approval.
- Consolidate all review comments from City staff and submit to Consultant.
- Conduct stakeholder engagement activities.
- Provide available information relating to design criteria, past work, and City regulatory requirements.
- Provide available utility mapping, reports, studies, and as-built information for the project area.
- Facilitate a team site visit with the consultant team and City staff.

ASSUMPTIONS

- Design work will be based on conceptual design developed through prior work defined as Option 1 in Exhibit "A". Alternative alignments will include some variations to the alignment and may extend as far south as Option 2 in Exhibit "A".
- Designs shall comply with all local, state, and federal codes, standards and requirements.

- If the NTP is received after 120 days from this proposal, fees and billing rates may require revision.

EXCLUSIONS

The following items are excluded from the consultant's scope of work:

- Development of Final PS&E and bidding and construction services for the selected alternatives for this phase of work.
- A Pre-Construction Record of Survey is not included with this early phase of work.
- Security and video surveillance systems design.
- Environmental documentation and permitting beyond that described in the following scope of work (biological assessment, wetland delineation, archeological and historical resources, noise studies, hazmat studies, CWS site assessment, environmental permit applications, etc.) are not included with this phase of work. The need for such items may be identified within the 30% Design Development documentation.
- Design of elevator towers as shown in Option 2 of Exhibit "A" is not included.
- Photo-realistic renderings of preferred alternative.

EXHIBITS

The following exhibits are incorporated into this SOW by this reference:

- Exhibit A: Site Map
- Exhibit B: Fee Schedule

TASKS

Consultant shall complete the following tasks and provide the following deliverables according to the delivery schedules as indicated and listed below.

TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION

Consultant shall provide the management, coordination, and direction to the Project Team throughout the duration of the Project including the following:

- 1.1 Project Coordination:** Consultant shall coordinate with the City Project Manager and City staff as needed throughout the duration of the project. Coordination will occur via telephone communication, written correspondence, e-mail, and meetings.
- 1.2 Meetings:** Consultant shall schedule, prepare for, attend, and document meetings through the Project duration. Meetings include Project Site Kick-off Meeting, Team Meetings, Agency Coordination Meetings and Utility Coordination Meetings.
 - **Project Site Kickoff Meeting:** Consultant shall facilitate an in-person team kick-off meeting and site visit (four (4) hours including travel) with City staff to identify site design technical constraints, issues, opportunities, permitting requirements and discuss the preliminary scope of work.
 - **Team Meetings:** Consultant shall schedule, prepare for, attend and document up to three (3) Team Meetings with City staff during the course of the initial Project design phase to review work-in-progress and to address and resolve Project issues as they are encountered. This will include one (1) in-person meeting at the City offices (three (3) hours including travel) and two

(2) additional virtual meetings (one (1) hour each). Additional Team Meetings will be necessary during subsequent design phases and construction.

- **Agency Coordination Meetings:** Consultant shall prepare for, attend and document up to a total of six (6) virtual meetings (one (1) hour each) with ODOT, Washington County and/or Clean Water Services to identify and address agency requirements and concerns into the preliminary design.
- **Utility Coordination Meetings:** Consultant shall prepare for, attend and document up to three (3) virtual meetings (one (1) hour each) with franchise utility providers with facilities in the project area to identify and address concerns.

1.3 Project Schedule: Based on the information provided by City and received at the Kickoff Meeting, the Consultant shall develop a project schedule defining key milestones and points of input from the City. After Project Schedule has been reviewed and approved by the City Project Manager, the Consultant shall monitor the project schedule for the duration of the contract and shall provide updated project schedules that reflect changes in the project and that track progress on work completed.

1.4 Monthly Invoices and Progress Reports: Consultant shall prepare monthly billing invoices in a format approved by the City Project Manager. Monthly project status reports to identify work completed and identify ongoing and upcoming work items and any issues/concerns.

Task 1 Deliverables: Consultant shall provide the following to City:

- *Maintenance and records of coordination activities and decisions made, and copies of documentation to City Project Manager as requested.*
- *E-mail/memo and phone call updates.*
- *Meeting agendas for project meetings.*
- *Meeting minutes and action items for project meetings.*
- *Project schedule that shows appropriate milestones for the Project including intermediate and final submittal dates for design documents and key decision points.*
- *Updates of the Project schedule as needed to reflect changes in the Project and track progress on work completed.*
- *Monthly invoices and progress/status reports.*

TASK 2 – RESEARCH & DATA GATHERING

Work performed under this task will include:

- Gathering and reviewing existing data for this site to determine what additional information is needed for design, including: planning documents, bridge feasibility study, mapping data, geotechnical data, and as-built drawings for infrastructure.
- Conducting site visits to review existing conditions.
- Conducting meetings with the City, ODOT, Washington County and Clean Water Services to identify permitting requirements and potential challenges relative to their facilities in the project area. Identify additional permitting agencies requirements (migratory bird, etc.).
- Defining design criteria that capture initial feedback from stakeholders and document findings in a technical memorandum.

Task 2 Deliverables: Consultant shall provide to the City:

- *Project photographs (as requested).*
- *Technical memorandum identifying design criteria.*

TASK 3 – PREDESIGN SURVEY

Consultant shall perform the necessary surveying services for the development of a design plan for the pedestrian bridge including the following:

3.1 Field Control and Boundary Survey

- Establish horizontal and vertical control.
 - Horizontal datum will be based on Oregon Coordinate Reference System (OCRS).
 - Vertical datum will be based on Washington County.
- Locate and tie existing monuments.
- Resolve new rights-of-way for SW Elwert Road and SW Kruger Road
- Review title report provided by Owner.

3.2 Topographic Survey

- Locate and map existing above ground features within the subject property.
- Locate and map existing above ground features within the right-of-way fronting the subject property.
- Locate and map all trees 6-inches and larger diameter at breast height (DBH).
- Map a 1-foot contour interval.
- Map underground utilities within the entire right-of-way fronting the subject property based on the following hierarchy of information – (1) above ground evidence, (2) locate paint marks, and (3) reference maps made available by the various utility providers. Note – (a) Some utility providers do not release mapping information to the public; (b) Locate paint marks are limited to those areas within public right-of-way and may not reflect actual locations; and (c) All utility locations should be field verified (potholed) prior to construction.
- Map overhead utility lines including referencing height above grade at sag points.

Task 3 Assumptions and Clarifications:

- Access to the site is provided to KPFF crews.
- New Asphalt within the limits of 99W will not be located as part of this mapping effort.
- Survey limits will be as defined in Exhibit “A”.

Task 3 - Deliverables: Consultant shall provide to the City:

- Final signed Right-of-Way and topographic survey.

TASK 4 –ALTERNATIVES ANALYSIS

Work under this task will focus on further developing the work that DKS provided the City relative to the proposed crossing with the goal of setting the alignment and design treatments for further development. Consultant shall work with the City to develop the design alternatives and scoring criteria, score the alternatives and recommend a preferred alternative. This task will be focused on determining preferred alternatives and construction costs for the following:

- Alignment and location of bridge approaches.
- Retaining wall locations and types.
- Lighting and landscaping.
- Stair and ramp construction.
- Bridge supports.
- Bridge structure type.
- Development of solutions that balance structural, aesthetic, and economic considerations.

Consultant's alternatives development and analysis will include focusing on solutions that meet the following:

- Provides a unique design solution of the civil elements of the pedestrian bridge crossing Hwy. 99W and Elwert Road, exclusive of the bridge elements, that will meet ODOT, Washington County and City of Sherwood approval.
- Provides a unique design solution for access from existing public sidewalks to the overpass.
- Provides a unique design solution that minimizes impacts to existing overhead utility lines.
- Provides a distinctive 'gateway' structure on this major entrance to the City of Sherwood.
- Provides opportunities for public art and collaboration with a public arts group.

The Consultant shall complete the following elements of work:

- Work with the City, and our design team to revisit the previous report and to identify potential route modifications or refinements that should be included in our analysis.
- Work with the City, and our design team to identify challenges that the proposed alignments may pose to the construction/placement of the bridge.
- Define up to (3) alternatives that will be included for further analysis. Of the three alternatives, at least one will incorporate a prefabricated bridge structure and at least one will comprise a purpose-designed structural solution. This will include:
 - Concept level plans and estimates.
 - Exhibits for City use in public involvement efforts to include preliminary plans, elevations, and perspective drawings and views.
- Evaluate up to two (2) light fixtures for lighting on the structure and up to two (2) light fixtures for lighting along the accesses approaching the structure.
- Define up to two (2) options for wayfinding signing alternatives.
- Work with the City, ODOT and Washington County to solicit input relative to the defined alternatives.
- Begin discussions with franchise utility companies with facilities in the project area to better understand the impacts of the proposed improvements on their infrastructure.
- Develop an analysis to compare the identified alternatives with the goal of assisting the City with the selection of a preferred alternative including a review of:
 - Project Cost.
 - Safety.
 - Impacts to adjacent private properties and right-of-way acquisition needs.
 - Environmental permitting considerations.
 - Utility impacts.
 - Aesthetics and user experience.
- Develop a DRAFT and Final Alternatives Analysis Report to document findings and to identify a preferred alternative for Preliminary Design.
- Complete QA/QC reviews of documentation prior to delivering to the City.

Task 4 Deliverables: Consultant shall provide the following to the City:

- Conceptual level plans for alternatives in PDF format.
- Preliminary sketches of alternatives for review and coordination.
- Alternatives Analysis Memorandum.
- Exhibits for three (3) Alternative Concepts - Indicating site context, bridge alignment and approaches, and planting areas on a large format view with the following graphic for each concept:
 - One (1) Rendered Plan.

- *One (1) Conceptual Material Imagery Board.*
- *Exhibits for up to three (3) Bridge Types, including elevation and perspective views.*
- *Updated exhibits for one (1) Preferred Alternative – Generated from selection process indicating site context, preferred bridge alignment and approaches, and planting areas on a large format view with the following graphics:*
 - *One (1) Rendered Plan.*
 - *One (1) Rendered Perspective.*
 - *One (1) Material Imagery Board.*

TASK 5 – PRELIMINARY DESIGN (30%)

Following the selection of the preferred alternative, Consultant shall further develop the design to a 30% level of design completion based on information gathered from survey, field investigations, geotechnical findings, environmental considerations, and permit requirements. The 30% design will be used to better determine costs associated with the various areas of work and to determine the elements of work that will be moved forward for final design and construction. Refinements to the design shall be made in coordination with City staff and project stakeholders. As part of this task, Consultant will:

- Continue on-going coordination with the City to develop the design to a 30% level of completion.
- Develop 30% documents including:
 - Cover Sheet.
 - Construction Staging and Sequencing Plans.
 - Trail and Bridge Alignment Plans and Profiles.
 - Drainage Plans and Profiles.
 - Typical Sections.
 - Wall Plans and Details.
 - Stair Structure Plan and Details.
 - Bridge Plans and Details.
 - Landscape and Irrigation Plans.
 - Lighting Plans.
 - Wayfinding Signing Concepts.
- Consultant shall prepare a 30% design estimate that includes construction costs, acquisition costs, permitting costs, design completion costs, construction management costs, construction inspection costs, utility relocation costs to be paid to others and any other miscellaneous costs that may be incurred during the design/construction of the project for a complete view of all costs that will be incurred for city project budgeting.
- Prepare a Preliminary Design Report documenting the work completed to-date and outstanding items that will need to be addressed during the next phase of work for the project including:
 - Final design criteria.
 - Identified permit needs and schedules.
 - Construction cost estimate for the 30% deliverable.
 - Identification of outstanding items that will need to be addressed in next phase of design.
- Complete QA/QC reviews of documentation prior to delivering to the City.

Subtasks to be completed include:

5.1 Civil Engineering: Consultant shall:

- Develop 30% plans as identified above.
 - Develop proposed solutions for meeting grade – slopes, retaining walls, etc.

- Develop proposed storm water management strategies and associated facilities.
- Coordination with design team re: incorporation of the bridge into the site.

5.2 Utility Coordination: Consultant shall:

- Identify utility providers with facilities in the project area.
- Coordinate with utility providers to identify potential conflicts and solutions and maintain documentation of those discussions.
- Prepare utility conflict mapping and matrix documenting potential utility conflicts and solutions.
- Identify potential project costs and schedule impacts associated with required utility relocation efforts.
- Results of this effort will be included in the preliminary design report.

5.3 Structural Engineering: Consultant shall:

- Provide preliminary design assistance addressing foundation designs for site structures including retaining walls and stair structures.
- Prepare 30% plans, details and estimate for the bridge, retaining walls, bridge supports and stair structures.

5.4 Landscape Architecture: Consultant shall:

- Prepare 30% irrigation and planting plans to include stormwater facility plantings, restoration of disturbed natural areas and proposed landscape areas related to the pedestrian bridge development.
- Provide 30% estimate of construction costs for irrigation and planting work.
- Prepare the following sheets for review:
 - Irrigation Plans.
 - Planting Plans.
 - Irrigation Details.
 - Planting Details.
 - Custom Material Finish Details (aesthetic treatments of walls, stairs/paving, etc.).

5.5 Traffic Engineering and Lighting: Consultant shall:

- Prepare 30% wayfinding signage concept based on selected alternative for pedestrian access routes to bridge structure including proposed sign legends and sign supports information. This task includes development of the following items for review:
 - One (1) Concept Plan (NTS) 1 Detail Sheet (NTS).
 - 30% Cost Estimate.
 - Special provisions are not included as part of this task.
- Prepare 30% lighting concept plans to include pedestrian scale lighting along the access routes to the bridge structure and decorative lighting across the structure itself. This task includes development of the following items for review:
 - Lighting Analysis using AGI 32 software and the selected light fixtures.
 - Lighting analysis results included on the plans; no memorandum will be prepared.
 - One (1) Legend Sheet (NTS).
 - Two (2) Concept Plans showing pole locations and bridge mount concepts (1"=20').
 - 30% Cost Estimate.
 - Roadway lighting analysis and lighting design beyond project footprint are not included in this task.
 - Special provisions are not included as part of this task.

- Prepare 30% construction staging and sequencing plans for construction of foundations, retaining walls, stair structures, access paths, etc. Plans to include temporary pedestrian routing concepts where applicable. This task includes development of the following items for review:
 - Two (2) Construction Staging/Sequencing Plans (NTS).
 - 30% Cost Estimate.
 - Temporary Traffic Control Design for Bridge Delivery to Project Site is not included as part of this scope of services.
 - Development of an ODOT Traffic Management Plan (TMP), Mobility Considerations Checklist (MCC), or Work Zone Decision Tree (WZDT) are not included as part of this task.
 - Special provisions are not included as part of this task.

5.6 Right-of-Way Acquisition Services: Consultant shall provide initial technical assistance to the City in identifying construction access easements and permanent access/utility easements across private properties, as needed. Specific efforts under this task include:

5.6.1 Project Meetings:

- Epic shall attend Project Kick Off Meeting (up to 4 hours) and 2 team meetings (1 hour each).

5.6.2 R/W Cost Estimating/Programming Estimate:

- Epic shall perform R/W cost estimating to support project development and alternatives analysis. Epic shall provide preliminary ROW cost estimates for up to 2 parcels that may be impacted by the project.

Task 5.6 Assumptions:

- *There are 2 affected property owners, the YMCA, and Sherwood School District.*
- *Cost estimating does not include appraisal services.*

Task 5.6 Deliverables: Consultant shall provide the following to the City:

- *Alternative analysis cost estimate for up to 2 proposed options.*
- *Cost estimate spreadsheet for up to 2 properties.*

5.7 Environmental: Consultant shall:

- Perform a brief desktop review for environmental constraints to inform 30% design. Note that information from this review is preliminary and is subject to change. It is not a substitute for appropriate environmental studies at a later stage in the project.

Task 5 Deliverables: Consultant shall provide the following to the City:

- *30% Design submittal including plans, cost estimates and Special Provisions table of contents in PDF format.*
- *DRAFT and Final Preliminary Design Report in PDF format.*

TASK 6 - GEOTECHNICAL ENGINEERING

Consultant shall evaluate the subsurface conditions at the site, perform analyses, and provide geotechnical recommendations for the bridge supports and approaches, and associated foundations and retaining walls. The geotechnical scope provided herein is based on Bridge Option 1 (as provided by the City) and assumes only one Ramp A alignment alternative will be investigated and designed. This scope may require altering if Bridge Option 2 is selected as the preferred option or additional Ramp A options are investigated.

Previous geotechnical investigations by GRI adjacent to the project site suggest the area is underlain by alluvial soils (e.g., Willamette Silt) underlain by stiff residual soil and decomposed to highly weathered basaltic bedrock. Based on the anticipated site conditions, it is assumed the bridge will be supported on

deep foundations (e.g., driven piles or drilled shafts). It is further assumed that the risk of seismic hazards such as liquefaction is low and will not require mitigation.

6.1 Site Reconnaissance and Data Review:

Consultant shall review available site and subsurface information for the project. Such information shall include local geology and hazard maps, previous reports completed by Consultant, and previous geotechnical reports from nearby projects made available by the City.

Consultant shall complete a site reconnaissance to document and confirm surface conditions and site access for the proposed explorations identified in Task 6.2. Consultant shall prepare an Exploration and Testing Work Plan (ETWP) that will summarize the work to be performed in the field and laboratory for Task 6.2.

- The ETWP will include permitting that may be required by the City or ODOT for work in the right-of-way. The ETWP shall address site access, the proposed drilling and sampling procedures, and safety.

6.1 Assumption:

- *A traffic control plan is not required with the ETWP because all explorations will be completed in City or ODOT-owned property outside the roadway.*

6.1 Deliverables:

- *Consultant shall summarize pertinent information from the site reconnaissance and data review in the Geotechnical Report as part of Task 6.6. Consultant shall prepare an Exploration and Testing Work Plan (ETWP) that will summarize the work to be performed in the field that will be provided as Task 6.1.*

6.2 Field Explorations

Consultant shall complete geotechnical explorations with a qualified drilling subconsultant to collect soil and rock samples for the purpose of subsurface characterization and geotechnical analysis. Consultant shall also complete infiltration testing to aid in the design of stormwater facilities. As part of this task, Consultant will:

- Drill up to six (6) borings in total using a truck- or track-mounted drill rig utilizing mud-rotary drilling and HQ-sized rock coring techniques. Representative soil or rock samples will be collected in each boring, typically at intervals of 2.5 feet to 5 feet. If competent bedrock is encountered, continuous rock core will be obtained. Borings will be completed for the bridge and wall structures as indicated:
 - One boring will be drilled for each bridge bent (up to 4 borings in total) that will extend to a maximum depth of 80 feet or 20 feet of rock coring, whichever occurs first. The City confirmed that drilling locations are accessible in either City or ODOT-owned property and drilling within OR 99W and traffic control will not be required.
 - One boring will be located along the preferred ramp alignment for each ramp (up to two (2) borings in total). The ramp/retaining wall borings will extend to a maximum depth of 25 feet.
 - Two of the borings will include installation of vibrating wire piezometers (VWPs) to estimate groundwater depths. The VWPs will be periodically monitored with up to three (3) readings during the design phase of the project.
 - One cone penetrometer (CPT) will be pushed within the preferred ramp alignment for each ramp (up to two (2) CPTs in total). One CPT will be pushed to a maximum depth of 50 feet, or until refusal. One CPT will be pushed to a maximum depth of 100 feet, or until refusal, and will include shear wave velocity measurements at 1-meter depth increments.

- Complete up to two (2) infiltration tests using hand-augered borings for stormwater facility design. Testing shall follow guidelines in the current City of Portland Stormwater Management Manual. A maximum test depth of 5 feet is assumed.

6.2 Assumptions:

- *Final exploration locations shall be established based on the selected bridge bent locations, site access with drilling equipment, and the location of existing utilities. The scope assumes the borings will be located outside of the OR 99W roadway, within City or ODOT-owned property. Therefore, the explorations will not require traffic control and all explorations will be completed during daylight hours.*
- *Any fees associated with permits to work in the right-of-way or other activities will be waived.*
- *It is assumed the subsurface soils and groundwater are not contaminated. If contaminated soils are encountered, the exploration will be discontinued, and the Owner will be notified for further direction.*
- *Noise variance needed for exploration work will be completed by others.*

6.2 Deliverables: Consultant shall provide:

- *Boring logs from the explorations shall be included in the Geotechnical Report as part of Task 6.6.*
- *Infiltration test results shall be included in the Geotechnical Report as part of Task 6.6.*

6.3 Laboratory Testing

Consultant shall complete laboratory testing on selected soil and/or rock samples from the borings. Laboratory testing will primarily consist of general index and engineering property test including, but not limited to:

- Moisture Content
- Unit Weight
- Atterberg Limits
- Grain Size Determinations and/or Percent Fines
- Primary Consolidation
- Rock Uniaxial Compression (q_u)

6.3 Deliverables:

- *Consultant shall provide a summary of laboratory test results in the Geotechnical Report as part of Task 6.6.*

6.4 Bridge Foundation and Seismic Analysis

Consultant shall complete analysis and provide recommendations for the new bridge foundations. Deep foundations (e.g., driven piles or drilled shafts) are assumed for the pre-manufactured pedestrian bridge. Consultant shall provide design recommendations for the selected foundation option including strength limit and service limit state axial resistance, soil lateral resistance (i.e., LPILE) parameters. Consultant shall also provide an evaluation for constructability of the selected foundation option in consultation with the selected bridge contractor.

Analysis shall be completed to provide seismic design parameters for the bridge and retaining structures that include seismic site class and design response spectra. The parameters will be developed in accordance with the current ODOT Geotechnical Design Manual and AASHTO LRFD Bridge Design Specifications. Seismic evaluation may require site-specific hazard analysis. This scope of work assumes that ground improvement design will not be required.

6.4 Deliverables:

- *Consultant shall provide a summary of foundation analyses in the Geotechnical Report as part of Task 6.6.*

6.5 Approaches, Stair Structures, and Retaining Walls

Consultant shall complete analysis to evaluate the proposed approach ramps, retaining walls, and foundations for stair structures. Consultant shall also provide recommendations for earthwork including site preparation, excavation, structural fill material, fill placement, and compaction.

Analysis shall be completed to address geotechnical design parameters for walls and stair structures that include:

- Foundation soil bearing resistance.
- Settlement (total and differential).
- Sliding resistance.
- Lateral earth pressures and overturning resistance.
- Backfilling requirements and drainage.
- Global stability of retaining walls.

6.5 Deliverables:

- *Consultant shall provide a summary of the walls and bridge approach analyses and design recommendations in the Geotechnical Report as part of Task 6.6.*

6.6 Geotechnical Report

Consultant shall prepare a Geotechnical Design Report for submittal to the City, which includes:

- Summary of the field and laboratory studies completed for Tasks 6.2 and 6.3.
- Summary of the geotechnical analysis and the design and construction recommendations completed with Tasks 6.4 and 6.5 for the proposed pedestrian bridge, approach ramps, retaining walls, and stair structures.
- Geotechnical Data Sheets (GDS) to summarize boring data. One GDS is assumed for the bridge, and one GDS is assumed for each approach ramp (up to 3 GDS in total).

6.6 Deliverables: *Consultant shall provide the following to the City:*

- *Draft and Final Geotechnical Report (PDF format).*
- *Geotechnical Data Sheets (.dwg and PDF format).*

TASK 7 – PRELIMINARY PERMITTING MEMO

The focus of this task will be developing a preliminary understanding of requirements that may be placed on the project by the permitting agencies with potential interest in the project including Clean Water Services (CWS), U.S. Army Corps of Engineers (Corps), Oregon Department of State Lands (DSL), Oregon Department of Environmental Quality (DEQ), and others. While we do not anticipate significant impacts to environmental resources, providing a preliminary review of the likely required environmental documentation and permitting requirements during this early phase of the work can be critical.

Consultant shall research and develop a list of anticipated necessary environmental documentation and federal, state, and local permits that may be required for the project including information regarding typical permitting timelines. Consultant shall prepare a brief memorandum summarizing this information.

Task 7 Deliverables: Consultant shall provide:

- Preliminary permitting memo summarizing likely environmental permitting and documentation requirements (in electronic MS Word format).

TASK 8 – PUBLIC INVOLVEMENT

Open Houses: Consultant will conduct two in-person and/or virtual public open houses. The purpose of the first event is to share the project goals, get feedback, and answer questions. The purpose of the second event is to share the preferred alternative, get feedback, and answer questions.

For each event, JLA will:

- Develop an event plan.
- Create a comment form and/or create a mechanism for receiving public comments.
- Provide promotional content for the City to distribute on their website and through their social media and email channels.
- Host the event, including set-up and tear down, if in person, and creating a web platform, if virtual.
- Write an event summary.

Open houses will be attended by Consultant PM, Civil and Structural Engineering Leads, Landscape Architect, and JLA public involvement staff.

City Council Presentations: Consultant will facilitate up to two City Council presentations. The purpose of the presentations is to show design updates and share what was heard during the in-person and/or virtual public open houses.

For each presentation, JLA will:

- Write a presentation plan.
- Organize presentation materials with KPFF.
- Present the community engagement feedback we heard at the open houses.

Public Art Outreach: JLA will lead a community-wide call for bridge art ideas and entries to foster a deeper level of community investment and pride in the new bridge. The City will determine who will ultimately vote on the winning art submissions.

JLA will:

- Meet with the City to create an entry form.
- Write a press release, announcing the call for art entries, to be distributed to the community via social media, the Sherwood Gazette, and school district and City email channels.
- Engage with interested community groups to promote participation.
- Manage and compile the submissions to share with the City.

Meeting Attendance: One JLA staff person will attend the project kick-off meeting and any other project team meetings, as needed, to keep informed about the project and bring a community engagement perspective to the group.

Task 8 Assumptions:

- If it is an in-person event, the City will help identify a location

Task 8 Deliverables: Consultant shall provide:

- Public event with documentation.
- City Council presentation materials

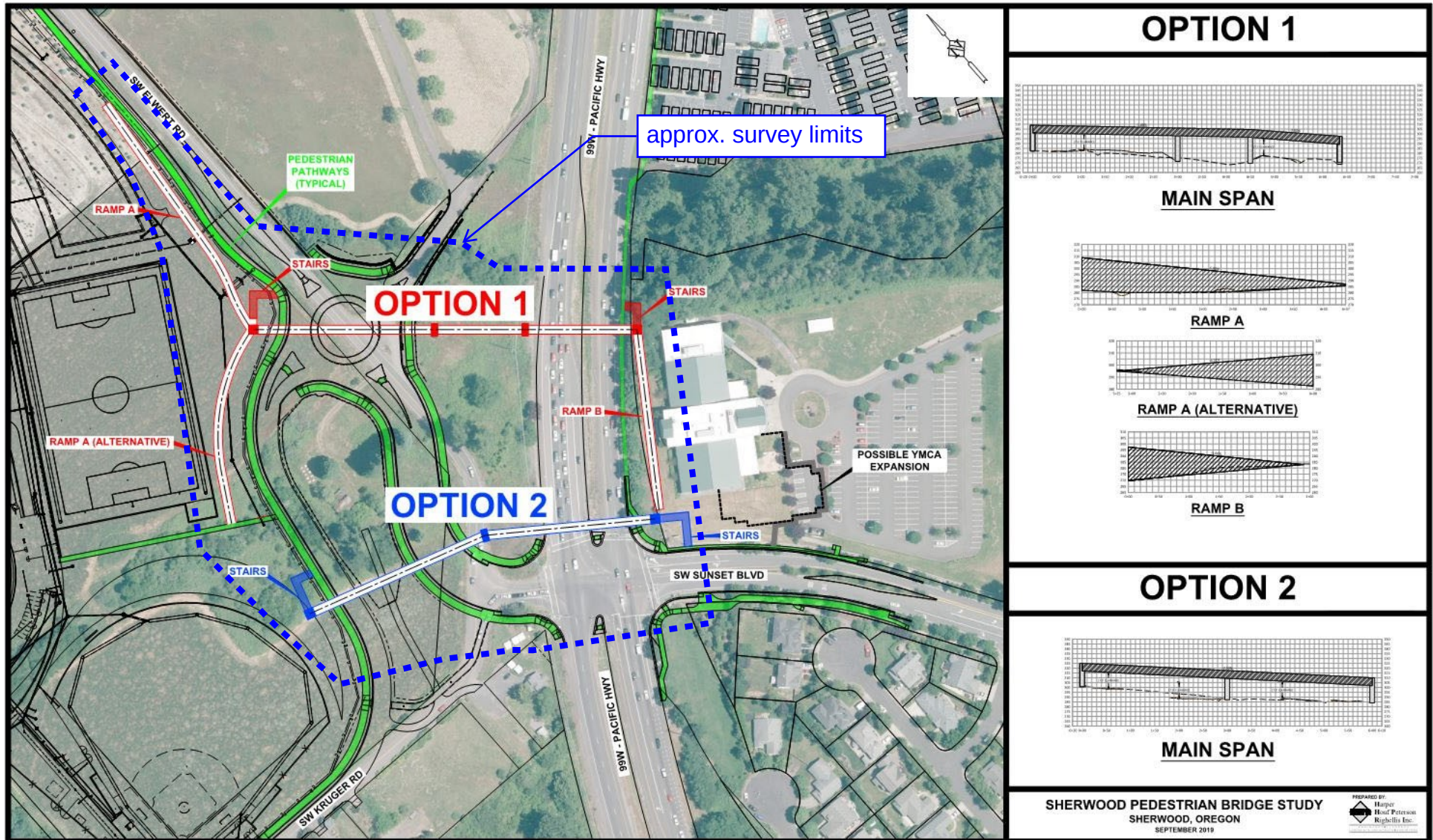


Figure 6: Alignments Used for Cost Estimates of Pedestrian Overcrossing

City of Sherwood
Estimated Fees for Engineering Services
99W PEDESTRIAN CROSSING PROJECT -
PROJECT NO. 334

EXHIBIT "B"
 KPFF
 8/27/2021

EXHIBIT B

Work Item	Summary - Labor & Expenses by Firm									Subtotal
	KPFF Civil	KPFF Survey	KPFF Structural	GreenWorks	DKS	GRI	Epic Land Svcs	JLA	Arch. Applications	
TASK 1 - PROJECT MANAGEMENT AND ADMIN	\$ 25,474	\$ -	\$ 6,280	\$ 3,713	\$ 4,660	\$ 3,880	\$ -	\$ -	\$ 390	\$ 44,397
TASK 2 – RESEARCH & DATA GATHERING	\$ 12,209	\$ -	\$ -	\$ 3,305	\$ 5,740	\$ -	\$ -	\$ -	\$ 780	\$ 22,034
TASK 3 – PREDESIGN SURVEY	\$ 936	\$ 45,555	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 46,491
TASK 4 –ALTERNATIVES ANALYSIS	\$ 41,817	\$ -	\$ 31,740	\$ 30,784	\$ 16,795	\$ -	\$ -	\$ -	\$ 13,520	\$ 134,656
TASK 5 – PRELIMINARY DESIGN (30%)	\$ 63,305	\$ -	\$ 77,700	\$ 24,847	\$ 20,670	\$ -	\$ 4,180	\$ -	\$ -	\$ 190,702
TASK 6 - GEOTECHNICAL ENGINEERING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 92,454	\$ -	\$ -	\$ -	\$ 92,454
TASK 7 – PRELIMINARY PERMITTING MEMO	\$ 3,765	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,765
TASK 8 – PUBLIC INVOLVEMENT	\$ 9,437	\$ -	\$ 6,980	\$ 1,469	\$ -	\$ -	\$ -	\$ 15,896	\$ -	\$ 33,782
Totals :	\$156,944	\$ 45,555	\$122,700	\$ 64,117	\$ 47,865	\$ 96,334	\$ 4,180	\$15,896	\$ 14,690	\$ 568,280

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT
PROJECT NO. 334
Estimated Fees for Engineering Services

KPFF
8/27/2021

Work Item	KPFF Civil							Hours	Labor Cost	Expenses	Subtotals
	\$234.39 PIC	\$179.73 PM	\$165.00 Proj. Eng.	\$136.89 Designer	\$114.40 CADD	\$159.38 Sr. Env. Scientist	\$96.56 Proj. Admin.				
TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION											
1.1 - Project Coordination (6 months)	6	12					12	30	\$ 4,722		
1.2 - Meetings								0	\$ -		
Site kick-off meeting (4 hours)	4	4	6			4	2	20	\$ 3,477		
Team Meetings (up to 3, 1 in-person & 2 virtual)	6	6	8			4	6	30	\$ 5,022		
Agency Coordination Meetings (up to 6 virtual - 1 hr ea.)	6	6	9				6	27	\$ 4,549		
Utility Coordination Meetings (up to 3 virtual - 1 hr ea.)	3	3	6	6			3	21	\$ 3,343		
1.3 - Project Schedule	4	8						12	\$ 2,375		
1.4 - Monthly Invoices and Progress Reports	6						6	12	\$ 1,986		
Subtotal:	35	39	29	6	0	8	35	152	\$ 25,474	\$ -	\$ 25,474
TASK 2 – RESEARCH & DATA GATHERING											
Review available relevant documentation	1	1	4	4				10	\$ 1,622		
Review design standards	1		4	4				9	\$ 1,442		
Site visits (2)		4	8	8		4		24	\$ 3,772		
Project Design criteria	2	4	8	4		4		22	\$ 3,693		
Tech Memo	2	2	4				2	10	\$ 1,681		
Subtotal:	6	11	28	20	0	8	2	75	\$ 12,209	\$ -	\$ 12,209
TASK 3 – PREDESIGN SURVEY											
Coordination		1	4				1	6	\$ 936		
Subtotal:	0	1	4	0	0	0	1	6	\$ 936	\$ -	\$ 936
TASK 4 –ALTERNATIVES ANALYSIS											
Define alternatives and evaluation criteria	4	8	12	8	8		2	42	\$ 6,559		
Concept level design and estimates (3 alternatives)	4	12	60	40	24	2		142	\$ 21,534		
Alternatives evaluation	8	8	16	8		4		44	\$ 7,686		
Draft Alternatives Eval Memo	2	8	12			2	4	28	\$ 4,592		
Final Alternatives Eval Memo	1	2	4				2	9	\$ 1,447		
Subtotal:	19	38	104	56	32	8	8	265	\$ 41,817	\$ -	\$ 41,817

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT
PROJECT NO. 334
Estimated Fees for Engineering Services

KPFF
8/27/2021

Work Item	KPFF Civil							Hours	Labor	Expenses	Subtotals
	\$234.39	\$179.73	\$165.00	\$136.89	\$114.40	\$159.38	\$96.56		Cost		
	PIC	PM	Proj. Eng.	Designer	CADD	Sr. Env. Scientist	Proj. Admin.				
TASK 5 – PRELIMINARY DESIGN (30%)											
5.1 - Civil Engineering								0	\$ -		
Preliminary Plans (30%)	12	24						36	\$ 7,126		
Cover Sheet			1	4	2			7	\$ 941		
Trail and Bridge Alignment Plans and Profiles			12	24	16			52	\$ 7,096		
Drainage Plans and Profiles			12	24	12			48	\$ 6,638		
Typical Sections			2	8	4			14	\$ 1,883		
Stormwater Design	2	16	24	24	12			78	\$ 11,963		
Construction Cost Estimates	2	4	8	16	4			34	\$ 5,156		
Draft and Final Preliminary Design Report	2	8	24	8			6	48	\$ 7,541		
								0	\$ -		
5.2 - Utility Coordination								0	\$ -		
Identify and coord. w/ utility providers	2	8	12				4	26	\$ 4,273		
Utility conflict mapping and matrix	1	4	4	12	8			29	\$ 4,171		
Estimating / schedule impacts	2	4	4					10	\$ 1,848		
Input to prelim design report		2	4				1				
								0	\$ -		
5.7 - Environmental								0	\$ -		
Desktop review for env. Constraints						4		4	\$ 638		
								0	\$ -		
QA / QC Reviews	8	12						20	\$ 4,032		
Subtotal:	31	82	107	120	58	4	11	406	\$ 63,305	\$ -	\$ 63,305

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT
PROJECT NO. 334
Estimated Fees for Engineering Services

KPFF
8/27/2021

Work Item	KPFF Civil							Hours	Labor	Expenses	Subtotals
	\$234.39	\$179.73	\$165.00	\$136.89	\$114.40	\$159.38	\$96.56		Cost		
	PIC	PM	Proj. Eng.	Designer	CADD	Sr. Env. Scientist	Proj. Admin.				
TASK 6 - GEOTECHNICAL ENGINEERING											
Subtotal:	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -
TASK 7 – PRELIMINARY PERMITTING MEMO											
Permit research	1					12		13	\$ 2,147		
Technical memorandum	2					6	2	10	\$ 1,618		
	3	0	0	0	0	18	2	23	\$ 3,765	\$ -	\$ 3,765
TASK 8 – PUBLIC INVOLVEMENT											
Prep for and attend Open Houses (2)	8	12	8				4	32	\$ 5,738		
Prep for and attend Council Presentations (2)	8	8					4	20	\$ 3,699		
	16	20	8	0	0		8	52	\$ 9,437	\$ -	\$ 9,437
Totals:	110	191	280	202	90	46	67	979	\$ 156,944.09	\$ -	\$ 156,944.09

Survey Cost Estimate

Page5



Sherwood-99W Ped Xing Survey 8/27/2021

Task #	Task Description	Hourly Rates						Labor Cost	Expenses
		PM	PLS	Proj.	Survey	Proj.	2-Person		
		\$235	\$180	Surveyor	Tech	Admin	Crew		
				\$130	\$110	\$100	\$185		
3.1	Boundary								
1	Research		4		2	4		\$ 1,340	
2	Control, Pin Ties & Resolution	4	18		2		18	\$ 7,730	
3	Title Report Review							\$ -	
4	Pin Set & Record of Survey							\$ -	
	TOTALS	4	22	0	4	4	18	\$ 9,070	\$ -
3.2	Mapping								
1	Topographic Survey	4	8		102		108	\$ 33,580	
2	Utilities Research & Mapping		2		8		9	\$ 2,905	
3	ALTA							\$ -	
4	Misc.							\$ -	
	TOTALS	4	10	0	110	0	117	\$ 36,485	\$ -
	PROJECT TOTAL:	8	32	0	114	4	135	\$ 45,555	\$ -

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT
PROJECT NO. 334
Estimated Fees for Engineering Services

KPFF
8/27/2021

Work Item	KPFF Structural					Hours	Labor	Expenses	Subtotals
	\$240.00	\$190.00	\$140.00	\$130.00	\$95.00		Cost		
	Principal	Project Manager	Struct Engineer	CAD	Admin				
TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION									
1.1 - Project Coordination (6 months)						0	\$ -		
1.2 - Meetings	8	16	8			32	\$ 6,080	\$ 200	
Subtotal:	8	16	8	0	0	32	\$ 6,080	\$ 200	\$ 6,280
TASK 2 – RESEARCH & DATA GATHERING									
Subtotal:	0	0	0	0	0	0	\$ -	\$ -	\$ -
TASK 3 – PREDESIGN SURVEY									
Subtotal:	0	0	0	0	0	0	\$ -	\$ -	\$ -
TASK 4 –ALTERNATIVES ANALYSIS									
Define alternatives and evaluation criteria	4	8				12	\$ 2,480		
Concept level design and estimates (3 alternatives)	12	18	32	80		142	\$ 21,180	\$ 100	
Alternatives evaluation	4	8	8		16	36	\$ 5,120		
Draft Alternatives Eval Memo	2	4			6	12	\$ 1,810		
Final Alternatives Eval Memo	2	2			2	6	\$ 1,050		
Subtotal:	24	40	40	80	24	208	\$ 31,640	\$ 100	\$ 31,740
TASK 5 – PRELIMINARY DESIGN (30%)									
5.3 - Structural Engineering	40	100	160	160	60	520	\$ 77,500	\$ 200	
Subtotal:	40	100	160	160	60	520	\$ 77,500	\$ 200	\$ 77,700

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT
PROJECT NO. 334
Estimated Fees for Engineering Services

KPFF
8/27/2021

Work Item	KPFF Structural					Hours	Labor	Expenses	Subtotals
	\$240.00	\$190.00	\$140.00	\$130.00	\$95.00		Cost		
	Principal	Project Manager	Struct Engineer	CAD	Admin				
TASK 6 - GEOTECHNICAL ENGINEERING									
Subtotal:	0	0	0	0	0	0	\$ -	\$ -	\$ -
TASK 7 – PRELIMINARY PERMITTING MEMO									
	0	0	0	0	0	0	\$ -	\$ -	\$ -
TASK 8 – PUBLIC INVOLVEMENT									
Prep for and attend Open Houses (2)	8	8				16	\$ 3,440	\$ 100	
Prep for and attend Council Presentations (2)	8	8				16	\$ 3,440		
	16	16	0	0	0	32	\$ 6,880	\$ 100	\$ 6,980
Totals:	88	172	208	240	84	792	\$ 122,100.00	\$ 600.00	\$ 122,700.00



Project Name: City of Sherwood 99W Pedestrian Bridge (Project No. 334)

Project Breakdown of Costs (BOC)

Updated: GRI to KPFF 7-30-21

Staff Role/Title: Staff Name: 2021 Rate Schedule:		Principal	Senior Engr/Geol	Project Engr/Geol	Engr/Geol Staff	CAD Operator	Technical Editor	Project Accountant	See Expense Detail Tab See Expense Detail Tab See Laboratory Tab					
		\$ 250.00	\$ 185.00	\$ 165.00	\$ 135.00	\$ 105.00	\$ 125.00	\$ 130.00						
Task ID	Task Description	Hrs	Hrs	Hrs	Hrs	Hrs	Hrs	Hrs	Total Hours	Total Labor	Subconsultants	Direct Expenses	Lab Costs	TOTALS
1	Project Management and Administration	5	10	-	-	-	-	6	21	\$ 3,880.00	\$ -	\$ -	\$ -	\$ 3,880.00
1.1	Project Coordination								-	\$ -	\$ -	\$ -	\$ -	\$ -
1.2	Meetings (1 Kick-off and 4 Teams Meetings - 1 in person)	3	10						13	\$ 2,600.00	\$ -	\$ -	\$ -	\$ 2,600.00
1.3	Project Schedule								-	\$ -	\$ -	\$ -	\$ -	\$ -
1.4	Invoices and Progress Report	2						6	8	\$ 1,280.00	\$ -	\$ -	\$ -	\$ 1,280.00
									-	\$ -	\$ -	\$ -	\$ -	\$ -
6	Geotechnical Engineering	13	102	16	168	30	10	2	341	\$ 52,100.00	\$ 31,700.00	\$ 112.00	\$ 8,541.50	\$ 92,453.50
6.1	Site Reconnaissance and Data Review & Exploration Wkpln	1	12	16		2	2		33	\$ 5,570.00	\$ 1,200.00	\$ 28.00	\$ -	\$ 6,798.00
6.2	Field Explorations, Infiltration Testing, and Groundwater Monitoring		10		90			1	101	\$ 14,130.00	\$ 30,500.00	\$ 84.00	\$ -	\$ 44,714.00
6.3	Laboratory Testing		2		6	4			12	\$ 1,600.00	\$ -	\$ -	\$ 8,541.50	\$ 10,141.50
6.4	Bridge Foundation and Seismic Analysis	2	50		16				68	\$ 11,910.00	\$ -	\$ -	\$ -	\$ 11,910.00
6.5	Approaches, Stair Structures, and Retaining Walls	2	12		32				46	\$ 7,040.00	\$ -	\$ -	\$ -	\$ 7,040.00
6.6	Geotechnical Report	8	16		24	24	8	1	81	\$ 11,850.00	\$ -	\$ -	\$ -	\$ 11,850.00
									-	\$ -	\$ -	\$ -	\$ -	\$ -
	Tasks Summary of Hours	18	112	16	168	30	10	8	362	\$ 55,980.00	\$ 31,700.00	\$ 112.00	\$ 8,541.50	\$ 96,333.50
	Recommended Project Budget:													\$ 96,400.00



Project Name: City of Sherwood 99W Pedestrian Bridge (Project No. 334)

Project Breakdown of Costs (BOC)

Updated: GRI to KPFF 7-30-21

Laboratory Testing

Reporting Fee 10%

Laboratory Test 2021 Rate Schedule:		Moisture w/ Visual Classification	Moisture/Density	Atterberg	#200 Wash	Sieve w/ Wash	Hydrometer w/ Sieve & Wash	Organic Content	Unconfined Compression	Consolidation (Incremental)	
		\$ 15.00	\$ 40.00	\$200.00	\$ 95.00	\$150.00	\$250.00	\$100.00	\$125.00	\$450.00	
Task ID	Task Description	Units	Units	Units	Units	Units	Units	Units	Units	Units	Lab Expense Total
6	Geotechnical Engineering	75	8	8	16	-	-	-	4	6	\$ 8,541.50
6.3	Laboratory Testing	75	8	8	16				4	6	\$ 8,541.50
	Test Summary Units	75	8	8	16	-	-	-	4	6	\$ 8,541.50
	Total Hours										
	Total Fee										



Project Name: City of Sherwood 99W Pedestrian Bridge (Project No. 334)

Project Breakdown of Costs (BOC)

Updated: GRI to KPFF 7-30-21

Expense Activity		Vehicle Mileage	Expense Totals
Cost per Item		\$ 0.56	
Task ID	Task Description	Mile	Direct Expense Totals
6	Geotechnical Engineering	\$ 112.00	\$ 112.00
6.1	Site Reconnaissance and Data Review &	50	\$ 28.00
6.2	Field Explorations, Infiltration Testing, and Groundwater Monitoring	150	\$ 84.00
6.3	Laboratory Testing		\$ -
6.4	Bridge Foundation and Seismic Analysis		\$ -
6.5	Approaches, Stair Structures, and Retaining Walls		\$ -
6.6	Geotechnical Report		\$ -
Tasks Summary of Units/Dollars		200	\$ 112.00

Subconsultants								Notes
Track Rig Mud Rotary Drilling (day)	Track Rig Mud Rotary Drilling (night)	CPT Rig	Traffic Control	Vac Truck	Private Locates	Traffic Control Plans	Subconsultant Totals	
\$ 4,500.00	\$ 5,000.00	\$ 5,000.00	\$ 3,500.00	\$ 1,000.00	\$ 100.00	\$ 250.00		
Per Day	Per Night	Per Day	Per Night	Per Day	Hours	Hours	Subconsultant Totals	
\$ 22,500.00	\$ -	\$ 5,000.00	\$ -	\$ 3,000.00	\$ 1,200.00	\$ -	\$ 31,700.00	
					12		\$ 1,200.00	
5		1		3			\$ 30,500.00	Traffic Control and TCP removed consistent with City comment that drilling will not be required on OR99W> All drilling activity moved to days
							\$ -	
							\$ -	
							\$ -	
							\$ -	
5			-	3	12	-	\$ 31,700.00	

TASK			Role: Hourly Rate:	GreenWorks, PC					Cost by Task including expenses
				Principal/Tech. Dir.	LA IV	LA II	LD I	Project Admin	
				(\$180/hr)	(\$155/hr)	(\$120/hr)	(\$90/hr)	(\$115/hr)	
1PROJECT MANAGEMENT AND ADMINISTRATION			9	0	13	0	4	\$3,713	
8	1.1	Project Coordination	0		4		4		
18	1.2	Meetings	9		9				
2RESEARCH & DATA GATHERING			4	0	12	12	0	\$3,305	
28	2.1	Research & Data Gathering	4		12	12			
4ALTERNATIVES ANALYSIS			16	12	152	80	0	\$30,784	
220	4.1	Alternatvies Analysis	16	12	152	80			
5PRELIMINARY DESIGN			12	24	64	120	0	\$24,847	
220	5.4	Landscape Architecture	12	24	64	120			
8PUBLIC INVOLVEMENT			8	0	0	0	0	\$1,469	
8	8.0	PUBLIC INVOLVEMENT	8						
Individual Totals (hours)			49	36	241	212	4		
Firm Totals (cost)							\$62,860.00		
2% Reimbursable Expenses							\$1,257.20		
TOTAL FEE							\$64,117.20		

PROJECT NAME: City of Sherwood: 99W Pedestrian Crossing Project (No. 334)
PROJECT #:
Date: 7/30/2021

	DKS						Total DKS Hours by Task	DKS Labor Cost by Task	DKS Other Direct Costs (ODC)	Total Cost by Task
	Grade 38 - Principal-in-Charge	Grade 35 - Traffic Engineering Lead	Grade 22 - Traffic Engineer	Grade 15 - Traffic Engineering Assistant	Grade 11 - CAD Technician	Tech T - Project Administrator				
DKS Standard Billing Rates	\$ 240.00	\$ 225.00	\$ 160.00	\$ 125.00	\$ 105.00	\$ 130.00				
Task Description										
Task 1 Project Management and Administration	0	20	0	0	0	0	20	\$ 4,500.00	\$ 160.00	\$ 4,660.00
1.2 - Meetings		20					20	\$ 4,500.00	\$ 160.00	\$ 4,660.00
Task 2 Research & Data Gathering	1	2	12	24	0	1	40	\$ 5,740.00	\$ -	\$ 5,740.00
2.1.1 Data Collection - Lighting			4	4			8	\$ 1,140.00		\$ 1,140.00
2.1.2 Data Collection - Signing & Striping			4	4			8	\$ 1,140.00		\$ 1,140.00
2.2 Design Criteria Tech Memo	1	2	4	16		1	24	\$ 3,460.00		\$ 3,460.00
Task 4 Alternatives Analysis	4	9	26	72	0	5	116	\$ 16,795.00	\$ -	\$ 16,795.00
4.1.1 Lighting Layout Alternatives	2	4	12	36		2	56	\$ 8,060.00		\$ 8,060.00
4.1.2 Wayfinding Signage Alternatives	1	2	6	20		1	30	\$ 4,280.00		\$ 4,280.00
4.1.3 Alternatives Analysis Memo	1	3	8	16		2	30	\$ 4,455.00		\$ 4,455.00
Task 5 Preliminary Design (30%)	4	14	26	64	32	8	148	\$ 20,670.00	\$ -	\$ 20,670.00
5.1 Lighting Design	2	8	12	24	8	4	58	\$ 8,560.00		\$ 8,560.00
5.2 Wayfinding Signing and Striping Design	1	2	6	16	8	2	35	\$ 4,750.00		\$ 4,750.00
5.3 Temporary Traffic Control	1	4	8	24	16	2	55	\$ 7,360.00		\$ 7,360.00
Total	DKS						324	\$ 47,705.00	\$ 160.00	\$ 47,865.00

Epic Land Services

KPFF/ City of Sherwood 99W PEDESTRIAN CROSSING PROJECT PROJECT NO. 334 Right of Way Services 8/2/2021										
	Advisory Manager	Senior Project Manager	Senior ROW Agent	Financial / Budget Analyst	Project Support					
Hourly Rates	\$ 210.00	\$ 155.00	\$ 90.00	\$ 130.00	\$ 75.00					
Right of Way Services:						Total Hours	Total per Task	Direct Costs	Total	
•5.4.1 Project Meetings		6		2		8	\$ 1,190.00		\$1,190	
•5.4.2 R/W Cost Estimating/Programming Estimate	1	10	8	2	2	23	\$ 2,890.00	\$ 100.00	\$2,990	
TOTAL	1	16	8	4	2	31	\$ 4,080.00	\$ 100.00	\$ 4,180.00	
	\$210.00	\$2,480.00	\$720.00	\$520.00	\$150.00					

OR 99W Sherwood Ped Crossing
Prepared by: JLA Public Involvement
August 2021

			Tracie Heidt PI 3		Sam Beresky PI 5		Coordinator PI 2		Lesley Yan Admin 3		Kalin Schmoltdt PI 6						EXPENSE DETAIL					
Task #	Task/Subtasks	Quantity	\$116	/hr	\$153	/hr	\$101.51	/hr	\$109.32	/hr	\$172.10	/hr	Totals				Task/ Subtasks	Communications	Printing & Copies	Mileage & Parking	Total Expenses	
			Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Labor	Expenses	Cost						
8.0 Public Involvement Tasks																8.0 Public Involvement Tasks						
Public Involvement																8.0 Public Involvement						
8.1	Invoices <i>Assumes 6 month project.</i>	6	4	\$462	0	\$0	0	\$0	6	\$656	0	\$0	10	\$1,118	\$0	\$1,118	8.1 Invoices	\$0	\$0	\$0	\$0	
8.2	Open houses <i>Assumes in person or virtual.</i>	2	38	\$4,392	2	\$305	28	\$2,842	0	\$0	5	\$861	73	\$8,400	\$120	\$8,520	8.2 Open houses	\$0	\$100	\$20	\$120	Assumes two staff driving to an in-person event -- round trip 35 miles.
8.3	Council presentations <i>Plan, organize materials, attend/present.</i>	2	10	\$1,156	1	\$153	0	\$0	0	\$0	0	\$0	11	\$1,309	\$30	\$1,339	8.3 Council presentations	\$0	\$10	\$20	\$30	Assumes one staff driving to two in-person meetings -- round trip 35 miles.
8.4	Team meetings <i>One in-person and two virtual.</i>	3	5	\$578	0	\$0	0	\$0	0	\$0	0	\$0	5	\$578	\$10	\$588	8.4 Team meetings	\$0	\$0	\$10	\$10	Assumes one staff driving to one in-person meeting -- round trip 35 miles.
8.5	Public Art Outreach <i>Team meeting, write press release, outreach with groups, manage submissions.</i>		20	\$2,312	2	\$305	10	\$1,015	0	\$0	4	\$688	36	\$4,321	\$10	\$4,331	8.5 Public Art Outreach	\$0	\$10	\$0	\$10	
Task 8.0 Subtotal			77	\$8,900	5	\$763	38	\$3,857	6	\$656	9	\$1,549	135	\$15,726	\$170	\$15,896		\$0	\$120	\$50	\$170	
Totals			77	\$8,900	5	\$763	38	\$3,857	6	\$656	9	\$1,549	135	\$15,726	\$170	\$15,896	Totals	\$0	\$120	\$50	\$170	
													Sum of all subtotals:									

Architectural Applications P.C.**Sherwood Bridge Design**

Fee Estimate - V2

8/25/2021

Hourly Rates

Sr Designer

\$130.00

TASK 1 - Project Management and Administration			\$390.00
Meetings	Sr. Des. Hrs	Total	
Project Site Kickoff Meeting	3	\$390.00	
Team Meetings	0	\$0.00	
Agency Coordination Meetings	0	\$0.00	
TASK 2 – RESEARCH & DATA GATHERING			\$780.00
Info Gathering - permit/planning requirements	0	\$0.00	
Site Visit	2	\$260.00	
Design Criteria Definition	4	\$520.00	
TASK 3 – PREDESIGN SURVEY			\$0.00
TASK 4 –ALTERNATIVES ANALYSIS			\$13,520.00
Alternatives Definition (3) & plans creation, including preliminary sketches	52	\$6,760.00	
Light Fixture Options (2 for approach, 2 for bridge)	4	\$520.00	
Signage Options (2)	4	\$520.00	
Support input gathering	0	\$0.00	
Comparative Analysis, documented in Memorandum	10	\$1,300.00	
Support creation of Final Report	8	\$1,040.00	
Exhibits for 3 Preliminary Concepts	26	\$3,380.00	
TASK 5 – PRELIMINARY DESIGN (30%)			\$0.00
Development to 30% (excludes drafting)	0	\$0.00	
TASK 6 - Geotechnical engineering			\$0.00
			\$0.00
Task 7 – PRELIMINARY Permitting memo			\$0.00
			\$0.00
Task 8 – Public Involvement			\$0.00
			\$0.00
TOTAL FEE	113		\$14,690.00

TO: Sherwood City Council

FROM: Cecilia Bremner, Law Clerk

Through: Josh Soper, City Attorney and Kristen Switzer, City Manager Pro Tem

SUBJECT: Ordinance 2021-009, Adding a new chapter Chapter 5.34 to the Sherwood Municipal Code regarding non-residential leases

Issue:

Shall the City Council adopt a new chapter, Chapter 5.34, of the Sherwood Municipal Code requiring disclosure of potential use restrictions for new leases of non-residential properties within the City and providing for enforcement of such requirements?

Background:

Tenants entering new leases for non-residential properties are often unaware of potential restrictions on the use of the property intended to be leased. This is resulting in unforeseen expenses and delays, which can be significant, for tenants. It is also adversely impacting the City by creating conflict between non-residential tenants, landlords, and the City and by costing the City time to enforce restrictions and resolve these issues.

Mandatory disclosures for new non-residential leases would make prospective tenants aware that there may be restrictions and fees associated with their desired use of a non-residential property they intend to lease. It would also strongly encourage prospective tenants to consult with City staff regarding potential use restrictions prior to entering a non-residential lease. The disclosure and acknowledgement form would be provided to landlords by the City; a draft is attached to this staff report for reference.

Under the proposed Chapter 5.34, tenants may be able to void a non-residential lease or recover costs from the landlord for bringing the property into compliance if the landlord fails to provide the required disclosure and acknowledgement to the tenant prior to entering into a new lease for non-residential property. This would likely reduce the number and extent of significant unforeseen expenses and delays for tenants due to non-residential property use restrictions. Chapter 5.34 allows a tenant, rather than the City, to enforce these requirements and protects the City from any associated liability.

Upon approval, Chapter 5.34 will become effective for non-residential property lease agreements entered into on or after December 1, 2021. This will give City staff time to notify affected landlords and make the public aware of the new regulations.

This is the first hearing on this proposed ordinance. A second hearing is scheduled for October 19, 2021.

Financial Impacts:

The City does not anticipate any financial impact from adoption of this ordinance, other than nominal costs, associated with promulgating Chapter 5.34 of the Sherwood Municipal Code and providing the disclosure and acknowledgement form.

Recommendation:

Staff respectfully recommends City Council conduct the first hearing on Ordinance 2021-009, Adding a new Chapter 5.34 to the Sherwood Municipal Code regarding non-residential leases.



NON-RESIDENTIAL LEASE DISCLOSURE AND ACKNOWLEDGEMENT

For New Leases

Building Department Phone: 503.625.4226

Planning Department Phone: 503.925.2308

PROPERTY INFORMATION

Property Address	City	State	Zip
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PROPERTY USE RESTRICTIONS

This non-residential property is subject to a variety of state and local regulations that may affect your ability to use the property for your intended purpose. **Tenants are strongly encouraged to discuss potential restrictions with City of Sherwood staff prior to signing a lease.** City staff contact information is above.

The types of regulations that could potentially impact your use of this property include, but are not limited to, the following:

		Tenant initial
Allowed uses	<i>Your desired use may not be allowed, or may only be allowed subject to a permit. A permit would require payment of fees and a review process, and may not be approved. Even if a use similar to your desired use is or has been located on this property, you should check with the City because these prior uses may have been "grandfathered" in.</i>	_____
Building permit requirements	<i>Your desired use may require a building permit. A permit would require payment of fees and a review process, and may not be approved.</i>	_____
Building improvement requirements	<i>Improvements to the building may be required in order for your desired use to be permitted.</i>	_____
System development charges (SDCs)	<i>Your desired use may require payment of additional system development charges, above and beyond what has already been paid for prior uses. In previous cases, these have been as high as \$100,000.</i>	_____

Tenants should also know that the City requires all businesses operating within the City limits to have a valid business license. Business licenses may be obtained here: <https://www.sherwoodoregon.gov/communitydevelopment/page/business-license>.

Chapter 5.34 of the Sherwood Municipal Code requires both landlords and tenants to sign this form prior to entering a non-residential lease. **Tenants have two (2) full business days after signing this form to contact City staff about potential restrictions on the use of this property.** If a tenant signs a lease before the expiration of this time period, the tenant may rescind their acceptance of the lease for any reason without penalty by providing notice to the landlord before 5:00 p.m. on the second business day.

If a landlord fails to provide this form to a tenant and obtain the necessary signatures prior to entering a new non-residential lease, the tenant may void the lease without penalty or recover costs from the landlord for bringing the property into compliance, up to a maximum of \$20,000.00.

ACKNOWLEDGEMENT

- ☐ I _____ (landlord) declare that I have informed _____ (tenant) of their right to consult with the City of Sherwood regarding proposed uses and regulations affecting this property prior to leasing, and have encouraged the tenant to do so.
- ☐ I _____ (tenant) acknowledge and declare that I am aware of my right to consult with the City of Sherwood regarding proposed uses and regulations affecting this property prior to leasing, and that I understand the importance of doing so.

_____ Signature of the Landlord	_____ Date	_____ Printed Name	_____ Title
_____ Signature of the Tenant	_____ Date	_____ Printed Name	_____ Title

Attach additional sheets for signatures of additional tenants as necessary.



ORDINANCE 2021-009

ADDING A NEW CHAPTER 5.34 TO THE SHERWOOD MUNICIPAL CODE REGARDING NON-RESIDENTIAL LEASES

WHEREAS, the City of Sherwood ("City") has a compelling interest in requiring non-residential landlords to disclose information regarding potential property use restrictions to prospective tenants prior to leasing to avoid tenant responsibility for significant unforeseen fees and delays required to use the property as desired; and

WHEREAS, the City Council held two public hearings on this Ordinance on October 5 and 19, 2021; and

WHEREAS, it appears to the City Council that adoption of this ordinance is in the best interest of the City.

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

Section 1. Chapter 5.34 is hereby added to the Sherwood Municipal Code and shall read as set forth in Exhibit A, attached to this Ordinance.

Section 2. The City Recorder is hereby directed to enter a copy of this Ordinance in the record of the proceedings of this Council and to take such other actions necessary to effectuate this addition to the Municipal Code.

Section 3. 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 on this 19th day of October, 2021.

Attest:

Keith Mays, Mayor

Date

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	_____	_____
Griffin	_____	_____
Brouse	_____	_____
Young	_____	_____
Garland	_____	_____
Rosener	_____	_____
Mays	_____	_____

Chapter 5.34 NON-RESIDENTIAL LANDLORD-TENANT CODE

5.34.010 General provisions.

- A. *Short title.* The provisions of this chapter may be referred to as the "Non-Residential Landlord-Tenant Code."
- B. *Purpose.* The purpose of this chapter is to provide for disclosure requirements in connection with non-residential leased properties in the City of Sherwood ("City") and enforcement of such requirements. This chapter is intended to improve tenant awareness of the allowed uses and potential costs and restrictions associated with different uses of non-residential properties tenants are considering leasing. This chapter shall be broadly construed to further this purpose.
- C. *Effective period.* These regulations apply to all lease agreements for non-residential properties entered into on or after December 1, 2021.
- D. *Legal preference.* Except as provided in this chapter, City non-residential property lease agreements are governed by state law. In the event of a conflict between this chapter and a non-residential property lease agreement, the provisions in this chapter shall control. In the event of a conflict between this chapter and any provision of state law, the provisions of state law shall control.

5.34.020 Non-residential lease disclosure requirements.

- A. *Prior to executing non-residential property lease agreement.* Prior to executing a new lease for a non-residential property, landlords shall obtain and provide to prospective tenants a disclosure and acknowledgement in a form specified by the City. A "new lease" is any lease other than the following: a renewal, amendment, or extension of an existing lease which is both (1) entered into with the same tenant as the existing lease, and (2) for the same purpose as the existing lease.
- B. *Form requirements.* The disclosure and acknowledgment must provide information regarding potential restrictions on use of non-residential properties, encourage prospective tenants to discuss those restrictions with City staff, and provide information regarding landlord and tenant rights and responsibilities under this chapter. The form must be signed by both the landlord and the prospective tenant.
- C. *Entering a lease after providing disclosure.* The landlord shall provide prospective tenants until 5:00 p.m. local time on a day that is at least two (2) business days after the day the landlord and tenant have both executed the disclosure and acknowledgement form to consult with City staff regarding potential restrictions on the use of the property intended to be leased. Any lease executed by a landlord and tenant after expiration of this time period may not be voided under this chapter. If a prospective tenant executes a lease prior to expiration of this time period, the tenant may rescind their acceptance and void the lease for any reason without penalty, provided the tenant provides notice to the landlord of the tenant's election to do so prior to expiration of said time period.

5.34.030 Enforcement of non-residential lease disclosure requirements.

- A. *Cause of action for tenant.* If a landlord fails to provide the required disclosure and acknowledgement form to a tenant, and to obtain both the landlord's and tenant's signatures thereon, prior to entering into a new lease with the tenant, the lease is entered into in violation of the laws of this Chapter and the tenant shall have a cause of action in any court of competent jurisdiction against said landlord. The cause of action may seek either of the following remedies, in the tenant's sole discretion:
 - 1. *Void lease.* The tenant may void the lease at any time during the term of the lease without penalty. The tenant shall pay all sums due the landlord under the terms of the lease up to the date the lease is voided.

2. *Recover costs for bringing property into compliance.* The tenant may recover from the landlord, and the landlord shall be liable for, the actual costs incurred by the tenant, up to a maximum of \$20,000.00, in connection with bringing the leased property into compliance with applicable regulations and obtaining necessary approvals for tenant's desired use of the property, including, but not limited to, costs for necessary permits, improvements, and system development charges.
- B. *Other remedies.* The court may award reasonable attorney fees to the prevailing party. The remedies in this section are in addition to, and not in lieu of, any other legal or equitable remedy available to the tenant.
- C. *Indemnity.* The City shall have no liability for either party's attorney fees and costs incurred in connection with enforcement under this section. Any tenant electing to pursue its rights under this section shall indemnify and hold the City harmless from any and all costs, damages, and liabilities incurred by the City arising as a result of the tenant's pursuit of an enforcement action.