



CITY COUNCIL MEETING PACKET

FOR

Tuesday, March 1, 2022

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

6:00 pm 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. **Development Standards Housing Choices**
(Erika Palmer, Planning Manager)

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 February 5, 2022 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- B. **Approval of February 15, 2022 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- C. **Resolution 2022-013 Authorizing the City Manager to sign an Intergovernmental Agreement with Washington County for maintenance of non-standard lighting and traffic signal poles, sound wall and landscaping associated with the Tualatin Sherwood and Roy Rogers Road widening project** (Julia Hajduk, Community Development Director)
- D. **Resolution 2022-014 Authorizing the City Manager to sign temporary and permanent wall and construction easements on publicly owned property located at tax map 2S129A000301 to the benefit of Washington County for the Tualatin Sherwood road widening project**
(Julia Hajduk, Community Development Director)
- E. **Resolution 2022-015 Declaring a Sherwood City Council Seat Vacant**
(Keith Campbell, City Manager)

6. CITIZEN COMMENTS

Oregon Law typically requires the City to permit any person to appear in person to ask questions or comment on public hearing matters. However, due to COVID-19 restrictions, persons interested in participating may provide written comments at least 24 hours in advance of a City Council meeting by either (1) emailing Cityrecorder@Sherwoodoregon.gov or contacting the City Recorder at 503-625-4246 at least 24 hours in advance of a meeting. An email submitted must clearly state either (1) that it is intended as a general 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. In either case, the email must be received at least 24 hours in advance of the scheduled meeting time.

In addition, the City Council will accept comments during the public meeting via phone. During the live meeting, community comments on non-agenda items and public hearing testimony can be provided by calling into the meeting. To participate via phone, please email or call the City Recorder Cityrecorder@Sherwoodoregon.gov, 503-625-4246 by 5:00 PM, 24 hours in advance of the meeting to receive the phone dial-in instructions. 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.

AGENDA

SHERWOOD CITY COUNCIL March 1, 2022

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting

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7. PRESENTATIONS

- A. Proclamation, Proclaiming April 11-15, 2022 as National Community Development Week**
(Mayor Mays)

8. PUBLIC HEARINGS

- A. Ordinance 2022-002 Amending multiple sections of the Sherwood Zoning and Community Development Code relating to Marijuana Uses** (Erika Palmer, Planning Manager) *(First Reading)*

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 Cityrecorder@Sherwoodoregon.gov. If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@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>

February 5, 2022

WORK SESSION – GOAL SETTING

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 8:08 am.
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 Keith D. Campbell, City Attorney Josh Soper, Finance Director David Bodway, Public Works Director Craig Sheldon, Police Chief Ty Hanlon, IT Director Brad Crawford, Community Services Director Kristen Switzer, Community Development Director Julia Hajduk, and City Recorder Sylvia Murphy.

OTHERS PRESENT: Consultant Mike Mowery with Strategic Government Resources.

4. TOPICS

Goal Setting Facilitation

Consultant Mike Mowery recapped the interview feedback he had received from the councilors prior to the work session and provided an overview of the goal setting work session process. Mr. Mowery shared his screen which displayed the six main goals of Council: Economic Development, Infrastructure, Livability, Public Safety, Fiscal Responsibility, and Citizen Engagement. He asked for Council feedback on the main goals. Mayor Mays commented that he had liked the staff suggestion of adding a mental health and employee wellness goal. Councilor Griffin commented that he agreed with Mayor Mays's suggestion and added that the goal of "wellness" should be added on to one of the six existing goals and provided an example of "Public Safety and Wellness" or "Livability and Wellness" to help capture more of the community and visitors to the community. Councilor Brouse commented that she was in favor of adding a goal that addressed mental health, wellness, employee-wellness, community-wellness, and stated recognition was an important goal. Council President Rosener commented that he agreed with Mayor Mays's suggestion of adding a mental health goal and suggested adding it into the Livability goal to help capture both City employees and people who work in Sherwood. Councilor Garland commented that the lens of livability for those that both work and live in Sherwood needed to be reevaluated due to the changes in the number of people working from home. He commented that adding the mental health and wellness goal was also important. Councilor Scott indicated his agreement with the other Councilor's

statements. Councilor Young commented she agreed that a mental health and wellness goal should be added and suggested that it could be added to the Livability goal. Mayor Mays stated he liked everyone's comments of adding the mental health and wellness goal to the Livability goal. Mr. Mowery recapped Council's discussion and stated that instead of making a seventh goal, adding the mental health and wellness goal to the Livability goal and suggested that when Council determined what the milestones for that goal were, to ensure that some of the milestones related to City staff, City volunteers, and some to the community at large. City Manager Keith Campbell commented that Council's discussion around the topic of mental health and wellness fit into the conversations that were happening at the staff level and felt that it would fit into the expanded vision.

Record Note: See Record, Exhibit A, (email correspondence with attachments) provided to the Council in advance of the meeting.

Mr. Mowery addressed **Goal 1: Economic Development** and listed the four milestones. He addressed the milestone of "Update Economic Development Plan as a part of the Comprehensive Plan Project" and asked for Council feedback. Councilor Griffin asked what an Economic Development Plan was exactly? Community Development Director Julia Hajduk replied that as part of the Comprehensive Plan, there was a goal of creating a thriving and diverse economy and stated that staff had updated both the economic development portion of the Comprehensive Plan and the EOA (Economic Opportunities Analysis). She added that the three projects listed under Milestone A had nothing to do with the Comprehensive Plan. Councilor Griffin commented that the Economic Development Plan should be renamed to something more accurate since it was not an individual document and was instead a part of the Comprehensive Plan. He suggested pulling the Economic Development Plan out of the Comprehensive Plan and making it its own document to prevent further confusion. He asked if the Economic Development Plan was the comprehensive plan for economic development in Sherwood? Ms. Hajduk replied that pulling out the Economic Development Plan from the Comprehensive Plan was a good idea because many of the components of the Economic Development Plan were housed in different places and compiling that information into one document called the "Economic Development Plan" was a good project. Council President Rosener commented that Milestone A's language needed to be refined because the goal of that milestone was to make Sherwood the best place to move or start a business in the state. Mr. Mowery suggested rewording the milestone to "Make Sherwood a Thriving Business Center." Mayor Mays commented regarding Economic Development and/or Infrastructure and stated staff needed to take the necessary steps to update the development code now that the Comprehensive Plan was complete, as well as prioritize what needed to be done first as a part of that process. Mr. Mowery stated he would list that under both the Economic Development and Infrastructure goals. Councilor Brouse commented that she would like to add the goals of completing the Sherwood West Relook and work with Metro and regional partners to bring Sherwood West land into the UGB for jobs. Councilor Griffin commented he agreed with Mayor Mays's comments regarding updating the development code and prioritizing projects to help generate economic growth in Sherwood. He commented he agreed with Councilor Brouse's statement of wanting to ensure that Sherwood's annexation processes were fully developed and in place as well as ensuring that the entirety of Sherwood West was developmentally mapped out by the time Sherwood West was annexed. Council President Rosener commented regarding infrastructure and investment and stated that the City had limited funds to make investments in infrastructure to attract businesses to Sherwood. He stated he would like an analysis or a prioritization of projects and areas of Sherwood that would be good places to spend the funds to make the sites "shovel ready." Mr. Mowery addressed changing the wording of Milestone A to better reflect what Council's intent was. He suggested

“Make Sherwood a Thriving Economic Center” and asked for Council feedback. Councilor Griffin suggested “Make Sherwood Accessible to Development.” Community Development Director Hajduk commented the wording of “a thriving economic center” was not very clear as Sherwood already had many businesses and suggested more clarity over what types of businesses the City wanted to attract specifically. Council President Rosener stated he wanted to bring family-wage jobs to Sherwood so people could live and work in the City. Mr. Mowery asked if Council President Rosener’s goal would be a sub-point under Milestone A? Council President Rosener replied that the goal was twofold, to balance the tax base and to allow people to live and work in Sherwood, all of which drove bringing companies and businesses to create those jobs and balance the tax base. Mr. Mowery asked Ms. Hajduk for suggestions on phrasing to better encapsulate the goals of Milestone A. Ms. Hajduk replied that Sherwood wanted to be a place where people could build and locate their businesses, a welcoming place, a thriving place where people expand or grow or locate businesses. Mr. Mowery changed the wording of Milestone A to, “Make Sherwood a place where people want to build or locate their business” and asked for Council feedback on the change. Councilor Brouse commented the word “diversify” should be added to Milestone A’s wording. Councilor Griffin commented he preferred keeping the Milestone wordings concise and then going into more detail below them. He suggested, “Creating economic opportunity” or “Supporting economic innovation.” Council President Rosener commented that he agreed with Councilor Griffin and added that he did not want the community to get the impression that the City would allow an oil refinery in Sherwood just to create jobs. Mr. Mowery suggested, “Promote strong, diverse economic growth.” Council President Rosener asked Councilor Brouse to clarify her use of the term “diverse” and asked if she meant diverse industries or diverse levels of jobs? Councilor Brouse stated she wanted both of those things. Mr. Mowery addressed Project A.1 of “Create a user guide 101 for businesses and developers” and asked if Council felt that that project had been completed? Community Development Director Hajduk commented that Project A.1 had not been completed yet, but staff had implemented the “intent and spirit” of the project by making processes clearer and working with developers. She asked if an actual user guide would be helpful? Council President Rosener commented that developers knew the processes, but an entrepreneur might not, and therefore a user guide might still be helpful. Ms. Hajduk commented that a user guide can still be created and added that Economic Development Manager Bruce Coleman and the Sherwood Chamber of Commerce were working on making classes, courses, and speaking series to help entrepreneurs and businesses grow. Council President Rosener commented that a small business guide would be helpful to help connect people with information. Mr. Mowery suggested changing the wording of Project A.1 to “Create a small business guide.” Councilor Griffin commented he wished to add the project of branding and marketing Sherwood in a consistent cohesive manner, and stated what was on the website should match what was in our brochures, handouts, etc. He commented that a small business guide would be helpful and that the marketing materials and documents on the website should be fully developed and consistent across all platforms. Ms. Hajduk stated they would create a small business guide and commented that a lot of information was already listed on the Community Development portion of the website. Councilor Scott commented that updating the website was necessary as some of the information was outdated and it was difficult to navigate. Mr. Mowery addressed Project A.2 of “Continue to refine our marketing materials for industry” and asked for Council feedback. Mayor Mays stated that the project needed to remain as staff was still working on it. Mr. Mowery addressed Project A.3 of “Refine Branding” and asked for Council feedback. Mayor Mays stated that that project had not been started yet and needed to remain. Community Development Director Hajduk asked for clarification on the project scope. Mayor Mays commented that the scope was a discussion that needed to be had. He commented that there could be an entire logo redesign, which he was not in favor of. Council President Rosener commented that that went hand in hand with bringing citizen engagement

and communication to be more up to date. He spoke on the City's logo and commented that the City needed a logo that was identifiable at a distance, something that the current logo lacked. Councilor Scott stated he agreed with Council President Rosener's comments about the City's logo as it did not scale well, and he was in favor of updating it. Council President Rosener commented that branding did not just cover the City's logo, it also included designing the City's communications and processes around the way citizens engaged with City services. Mr. Mowery asked for final feedback on the projects under the Economic Development goal. Council President Rosener spoke on the project of reviewing the City's annexation processes and stated he would like to include the creation of annexation criteria and processes so the City could manage and meet its growth goals. Mr. Mowery asked where the project of "prioritization of best development projects" should be housed? Community Development Director Hajduk replied that that would fit under the Infrastructure goal. Mr. Mowery asked if it should go under Economic Development or Infrastructure or both? Mayor Mays replied either one would work but felt that it fit better under Economic Development. Mr. Mowery outlined the wording for the project as, "Prioritization of infrastructure requirements for development projects for best ROI" and asked for feedback on the phrasing. Council President Rosener commented that the phrasing was fine. Mr. Mowery outlined the wording for the project as, "Bringing jobs to Sherwood that provide wages that allow people to live and work in Sherwood" and asked for feedback on the phrasing. Mayor Mays stated the phrasing was fine. Councilor Garland commented that he was happy with the phrasing and commented he was curious what the processes for annexation would look like and stated he felt it was important to do as much within the City's power to set the guidelines for future annexations. Ms. Hajduk commented that the reason Sherwood had no control over annexations was because the City had no policies in place and that it was important to have policies that allowed the City to have some discretionary review and criteria. Councilor Garland clarified that he was not looking to create policies and criteria that made annexation so prohibitive that it limited the City, but he was in favor of giving the City more power and input over annexations. Mr. Mowery addressed the milestone of, "Build infrastructure to entice new Commercial and Industrial Development" and asked if that milestone should remain listed? Council indicated that it should remain listed. Mr. Mowery addressed the milestone of, "Strive towards balancing our tax base" and asked if that milestone should remain listed? Council indicated that it should remain listed. Mr. Mowery asked if Project C1. should remain listed? Mayor Mays replied that that project was still being worked on. Mr. Mowery addressed the milestone of, "Pursue annexation of Tonquin Employment Area to open up financing options for infrastructure funding and construction" and asked if that milestone should remain listed? Mayor Mays replied that that should remain as well as Project D.1. Mr. Mowery provided an overview of the staff-suggested milestones of, "complete the Sherwood West Relook" and "work with Metro and regional partners to bring Sherwood West land into the UGB for jobs" and asked for Council feedback. Mayor Mays replied that the Sherwood West milestone should be listed because it was a project that was in process that Council wanted completed and the jobs milestone should also be listed.

Mr. Mowery addressed **Goal 2: Infrastructure** and listed the seven milestones and asked for Council feedback. He addressed Milestones A-C. Mayor Mays stated Milestones A-C were still in process. Mr. Mowery asked for Council feedback on the projects under Milestones C. Council President Rosener asked that Milestone B be broken out into two different milestones to capture the two pedestrian crossings, the pedestrian bridge at Sunset and a crossing at Cedar Creek. Mr. Mowery asked if any of the projects listed under Milestone C needed to be updated or removed? Mayor Mays stated all the projects were moving forward. Mr. Mowery addressed Milestone D. Community Development Director Hajduk replied that Milestone D had to do with Sherwood West and commented that it might be a good idea to move it to Goal 1 instead. City Manager Campbell stated that Projects C.1 and C.2 were

completed and could be removed. Mr. Mowery asked if Project C.3 should be reworded? Mayor Mays commented it should be changed to, "Continue pursuing Broadband beyond City limits." Mayor Mays asked that the item of pre-engineering some broadband projects that will be important, to be funded by either the City or through a grant application, be added to the list. IT Director Brad Crawford suggested the phrasing, "getting shovel-ready projects." Mayor Mays commented he was in favor of that phrasing. Community Development Director Hajduk commented regarding Milestone D and recommended removing "...as it relates to infrastructure, school capacity, and long-term community needs" out of Milestone D and placing it under Project A.5 so it read, "Create annexation policies and processes so that we can manage our growth goals as it relates to infrastructure, school capacity, and long-term community needs." Mayor Mays and Council President Rosener stated they approved of that rephrasing. Mayor Mays stated Milestone E had been completed. Mr. Mowery addressed Milestone F. Mayor Mays stated Milestone F was in process. Mr. Mowery addressed Milestone G and asked if it was a duplicate of Milestone C and could be removed? Mayor Mays replied that was correct. Mayor Mays asked that a milestone be added of using the Parks Master Plan to look at acquiring more land and investing in existing parks. Mayor Mays asked that a Milestone be added of, "consider and get feedback on the City constructing a single-story flex space building on the gravel lot in front of the Arts Center." He explained that the City would build it and control the building. Council President Rosener asked that language be added that specified the goal of acquiring land on the west side of Sherwood for a signature park. Councilor Garland commented he agreed that that should be added. Mr. Mowery added the milestone of, "Find land west of 99 that can be used to develop a major city park." Councilor Griffin commented he felt it was important to add staff's suggestion of, "investment in cyber security and network security" and stated he was also interested in exploring changing the software that the City utilized. Mr. Mowery asked if those items should be added? Council President Rosener replied that he agreed that both items should be included and added that the discussion about changing the City's software was a good opportunity to address citizen engagement and communication. Mr. Mowery asked for feedback on Mayor Mays's suggestion of a single-story flex space. Councilor Garland asked for clarification on the project. Mayor Mays explained that the City would construct and own the building and asked if the City were to build something, what would people want to see and how could it be used to strengthen Old Town? Councilor Griffin replied he was in favor of the idea and commented he liked the idea of the City having more control over the Old Town area as well as the City having control over the design of the building. Councilor Garland asked if that meant that the City would de-list that plot of land so that it was no longer for sale? Was the building one that the City would operate, or could someone buy it within that vision? Mayor Mays replied that ownership could pivot at any time the City chose. He stated he was in favor of controlling the design of the building so as not to block the view of the Arts Center. Councilor Brouse commented that she liked the idea in general, but cautioned that the City should be mindful of becoming a landlord. Councilor Young commented that she was in favor of the City designing the building with the option to pivot in the future. Council President Rosener commented that he liked the idea and was in favor of a smaller building that had pavilions to help create spaces during inclement weather. He commented he did not want the building to be an office space. Mr. Mowery addressed the staff suggestion of, "invest in business process improvements" and asked for Council feedback. Mayor Mays commented that those things were needed and the conversation about citizen engagement and communication needed to happen concurrently with making business process improvements. Council President Rosener commented that there could be a future need for meeting space for people who worked from home.

The Council recessed for a break from 9:30 am to 9:40 am.

Mr. Mowery addressed **Goal 3: Livability and Workability** and recapped Milestone A. Mayor Mays recapped that there had been a request from the Senior Advisory Board to make Sherwood an age friendly city and asked that the request be added to Milestone A. Councilor Brouse recapped that the Senior Advisory Board had also been discussing affordable housing for seniors and asked that that be added to the Milestone list for Goal 3. Mr. Mowery added, "Look into how to provide adequate senior housing" to the Milestone list. Council President Rosener commented it was important that Sherwood have housing that was compatible for seniors from a pricing perspective but was also compatible with the lifestyle of seniors and suggested working with developers to help them make housing decisions that were compatible with senior citizen's needs. Councilor Scott suggested the wording of, "Continue to support and enhance senior services" and "consider seeking and obtaining age friendly city certification." Council President Rosener commented he wanted more information about what the forecasted staff-time costs were for becoming an age friendly city. Councilor Scott commented that he felt that housing goals in this section should be generic and not age specific. Mr. Mowery suggested the phrasing, "housing goals in line with the Comprehensive Plan housing section" and asked for Council feedback. Council President Rosener commented he felt that seniors needed to be specifically called out because it was not just about affordability and commented that developers were not currently incentivized to build single-story homes or cottage clusters because they could make more money building multi-storied homes. Mr. Mowery suggested the phrasing, "continue to provide missing middle housing in alignment with the Comprehensive Plan" and asked for Council feedback. Mayor Mays commented "Comprehensive Plan implementation" should be used instead. Community Development Director Hajduk commented that the staff-suggested milestone of, "implement and monitor middle housing; track progress and issues; actively participate, as needed, with legislature and rule-making committees if changes are discussed or needed" could incorporate what Council wanted. She commented that it was a multifaceted goal with the idea being that the City implement their middle housing plan but also track its effectiveness and potentially advocate for modifications. Councilor Young stated she liked Ms. Hajduk's phrasing and commented she did not like use of the word "provide" in the original milestone wording. Councilor Brouse commented she also liked Ms. Hajduk's phrasing as it was comprehensive but was concerned because there was a distinct difference between senior housing compatibility and middle housing. Mr. Mowery suggested using, "...implement and monitor middle housing and senior housing" instead. City Manager Campbell suggested using "diverse housing" in place of "middle housing." Councilor Brouse commented that she felt that using "diverse" was a good compromise as long as the term "diverse" was defined and included seniors in its definition. Councilor Scott suggested, "Diverse housing stock that will accommodate a wide variety of life stages and needs in line with the Comprehensive Plan." Council President Rosener and Councilor Brouse commented that they liked that phrasing. Mr. Mowery outlined the rephrased milestone as, "Implement and monitor diverse housing that will accommodate a wide variety of life stages and needs in alignment with the Comprehensive Plan; track progress and issues; actively participate, as needed, with legislature and rule-making committees if changes are discussed or needed." Council President Rosener asked that "promote" be used in place of "implement." Mr. Mowery changed the wording to read, "Promote and monitor..." Mr. Mowery asked for final Council feedback. Council signaled they were happy with the phrasing. Mayor Mays commented regarding Milestone E and stated he wished to expand the milestone to include a goal to put public art in two roundabouts and suggested brass/bronze statues. Councilor Young asked if they wanted to stipulate that the two pieces of public art had to be located in roundabouts? Mayor Mays expressed that he was open to other locations, but he wanted to utilize Sherwood's public art program. Mr. Mowery asked for suggestions on milestones for the new goal of "Workability" and read aloud the three staff suggestions of: programs and training for employee wellness, employee recognition and appreciation programs, and programs to encourage innovation and creative

solutions and ideas. Mayor Mays stated those should be added to the milestone list. Mr. Mowery asked if the rest of Council agreed. Council signaled their agreement. City Manager Campbell commented that he would like to expand the milestone to also include livability and workability to capture the community as a whole. Mr. Mowery asked if that should be a separate milestone or could it be included with the City staff-focused milestone? Council President Rosener and Councilor Young commented that it should be a separate milestone. Councilor Brouse suggested the phrase “community wellness” or “community mental health wellness” or “awareness.” Councilor Garland asked how involved the Council wanted to be on this milestone or how much money would be put towards this type of program? He explained that he was in favor of the program, but he was aware that the City had limited resources to put towards this type of project. Council President Rosener commented that he felt it was important to recognize this issue, but the details of the program needed to be worked out further. Councilor Brouse commented that the conversation about the program should include community members to help shape what the activities, programs or services looked like. She added that she would also like to include the Sherwood School District in those discussions. Mr. Mowery suggested the phrasing, “Involve the community and other government partners in discussions on the importance of community wellness and mental health awareness” and asked for Council feedback. Councilor Griffin commented that he felt that City staff wellness should be the priority because employees who were not valued and appreciated could not provide services to the community. Councilor Garland commented that he agreed with Councilor Brouse’s comments regarding getting the community involved in the conversation around wellness. He commented that he would like to see more community-wide events and explained that the community-wide events did not have to be expensive and suggested a “Popsicles for Kids in the Park” event. Council President Rosener commented that he liked the staff-suggested list of wellness milestones and would like to add them to the milestone list. Mayor Mays asked that “City volunteer” be added in addition to employees in the recognition and appreciation milestone.

Mr. Mowery addressed **Goal 4: Public Safety** and recapped Milestone A. City Manager Campbell stated that staff had indicated that Projects B.1, C.1, and C.2 had all been completed and could be removed. Council President Rosener commented regarding Goal 3: Livability and Wellness and stated he wanted to make sure that the City re-implemented programs that had been paused due to the pandemic. Councilor Brouse commented regarding the workforce shortage and police force shortage and asked that the City implement an on-going openings program and a work back program. Police Chief Ty Hanlon replied that there were many openings and it was a national challenge. He commented he felt it was a matter of being creative and innovative in how the City would attract and retain new employees. Councilor Young commented she agreed with Councilor Brouse’s comments regarding a work back program. Councilor Brouse suggested removing the Safe Routes to School milestone from the list because she was not sure there was enough time or energy to work on that milestone. Council President Rosener asked that the Safe Routes to School milestone be left in. Mr. Mowery asked for suggestions on how to rephrase Milestone A. Council President Rosener suggested, “Develop and provide programs to retain and gain police officers” and commented it was about making Sherwood the best place to work for the applicants. He commented that the timeline from recruiting to start date needed to be brief. Council President Rosener commented that this should also include an advocacy component in Salem to address some of the BOLI issues that the City faced. Mr. Mowery asked for Council feedback on Milestone C. Mayor Mays and Councilor Young recapped the current status of the milestone. Councilor Scott suggested removing the milestone. Mayor Mays stated he was fine with removing that milestone but wanted to add a milestone of reducing the speed limit in Old Town to 20 mph and suggested that the Traffic Safety Committee could recommend other roads in Sherwood that needed to have their speeds

reduced. Council President Rosener commented he felt that there were streets in residential areas that also needed to be reduced to 20 mph and suggested that the Traffic Safety Committee take that project on. Mr. Mowery added the milestone of, "Ask the Traffic Safety Committee to give recommendations on where speed limits need to be reduced." Councilor Scott commented that Milestone C should not be included as the Traffic Safety Committee had been created and was operational and added that he liked the suggested milestone of asking the Traffic Safety Committee for recommendations. Councilor Garland commented he would like to add a milestone that included a review of Sherwood's streets and sidewalks for bike and pedestrian safety that included a discussion about continuous sidewalks. Mayor Mays commented that residents were already paying for sidewalk repair in their utility bill, so it was important that sidewalk improvements continued to be made to sidewalks, paths, and bike routes. Council President Rosener commented that when the City was designing new roads, it was also important to keep these ideas in mind instead of just traffic flow. Councilor Scott commented he agreed with the other Councilor's comments, but he questioned whether they belonged in the Council Goals document. He explained that to him, Council Goals were new ideas or items that the City would establish and focus on. Mr. Mowery asked Council if they wished to remove those items or leave them in? Mayor Mays stated he was fine with either option and commented that City staff did a good job with new development when it came to pedestrian issues. Mr. Mowery stated he would leave the milestone in place.

Mr. Mowery addressed **Goal 5: Fiscal Responsibility**. City Manager Campbell commented that Milestone B of, "Organizational assessment in order to develop and maintain efficient service delivery" had been completed and could be removed unless Council felt it needed more work. Councilor Griffin asked if the final document for Milestone B had been sent to Council? City Manager Campbell asked present staff if that document had been sent to Council? Community Services Director Kristen Switzer replied that that milestone was related to the Police Department and commented it had not been completed as a city-wide milestone. Councilor Griffin recapped that Finance Director David Bodway had previously suggested looking into new software for Finance as well as new infrastructure in terms of City software and commented that he had thought that the analysis had been completed and had staff recommendations on what was needed. Finance Director Bodway commented that Councilor Griffin was correct and stated that the milestone of "maintain efficient service delivery" was the new ERP financial system. He explained that it had not been completed for the Finance Department but had maybe been completed in other departments. He explained that reviewing software programs was a long process that would take approximately 1-2 years to complete. City Manager Campbell commented that it sounded like Milestone B was not completed and should be marked down as in progress. Mr. Mowery asked if Milestone A was ongoing? Mr. Campbell replied that Milestone A was an ongoing milestone. Council President Rosener commented that replacing an ERP system was a huge organizational lift and could be incredibly distracting. He commented on Milestone A and explained that the milestone was not about asking voters for more money, it was about making sure that the City was putting itself in a position to win federal and state grants and MSTIP projects. Mayor Mays explained that the taxes paid by residents that went to other agencies made Sherwood a "donor city" and therefore a fraction of those funds were returned to the City that the City then paid to other entities. Councilor Young asked if Project A.1 of "Update various IGAs with the school district" was needed any longer? Mayor Mays replied that it could be removed. Councilor Brouse stated that she liked the staff-suggestion of "Banking RFP (reduce fees and charges)" and commented it was a great idea. Mr. Mowery asked if Council wished to add it to the milestone list? Council signaled their agreement.

Mr. Mowery addressed **Goal 6: Citizen Engagement**. Mayor Mays commented that none of the milestones had been completed and asked if any of the milestones should be removed, added, or revised? Councilor Brouse commented she wanted to keep all the existing milestones and commented that some of the staff-suggested milestones should be added to the list. Mayor Mays stated he agreed and commented he wished to restart the annual City Survey to better understand what the community thinks. Councilor Brouse spoke on Project D.1 and stated that she and Councilor Garland had put together and shared a potential DEIA statement, which they would soon revise based on the feedback they had received. Councilor Garland commented that the City already had quite a few resources to pull from on this topic as well as other city's DEIA statements to use as guidelines. He remarked that Project D.2 would be the more challenging project to complete and explained that the DEIA statement needed to be a part of every decision the City made. Mr. Mowery asked if Council wanted to follow the staff-suggestion of moving Economic Project A.2 and A.3 to Citizen Engagement instead? City Manager Campbell commented that this was suggested because by moving the projects to the broad goal of Citizen Engagement, and completing those projects, economic development would follow. Mr. Mowery asked Council if they wished to move the projects to Citizen Engagement? Council signaled their agreement. Council President Rosener commented regarding Goal 6 and stated that he felt that citizen engagement was broader than how the City communicated with its citizens and included how citizens engaged with the City. He stated that the City needed to be consistent in how it engaged and communicated with citizens across all departments and services. He suggested a vision statement to clarify how the City engaged with its citizens. He asked Council for their thoughts? Councilor Scott and Mayor Mays stated they agreed. Mayor Mays commented that the City needed to consider making a policy for its boards and commissions that addressed the hours the board operated. He commented that meetings that ran over six hours were not healthy for anyone and asked that the City look into tools or ways to minimize overly long public meetings. He suggested the phrasing, "Consider tools and policies for boards and commissions and how they manage what they do." Councilor Garland commented that the State of Oregon had implemented wellness policies for their meetings to help create a better work life balance. He stated that it was important that the City have a time limit policy in place for boards and committees that respected the fact that board members were volunteers who had other life responsibilities to attend to in addition to their serving on a board or commission. Mr. Mowery asked if that milestone fit under Community Engagement or Livability and Wellness or both? Councilor Brouse commented that the new policy would fit in well under Livability and Wellness with the wellness component for staff and volunteers. Mayor Mays commented that Councilor Brouse had a good point, but he would leave it under Citizen Engagement because it concerned staff, volunteers, and the community at large.

Mr. Mowery asked City Manager Campbell if he had received enough feedback and guidance to move forward? Mr. Campbell replied that he planned to continue to wordsmith and have further discussions with staff. He asked if the present staff had any clarifying questions to ask Council? Staff replied that they did not have any further questions. Mayor Mays stated that he would like City Manager Campbell and staff to outline what they felt was achievable with the time and resources available and on what timeline could it be accomplished. Mr. Mowery commented it was important that Council work together and communicate frequently with staff on these goals going forward. Councilor Scott commented that he would rather do fewer things to completion than more things halfway. Mr. Mowery asked if Council wished to prioritize the list at this meeting or let staff take the information from this meeting and come back at a later work session with more details about time and costs estimates? Council President Rosener commented that some of the items were aspirational and did not have projects attached to them yet, and

stated he preferred allowing staff to take the information and come back at a later work session to prioritize projects. Mayor Mays and Councilor Brouse commented they agreed with Council President Rosener. Mr. Mowery outlined the next steps and stated he would refine the document and then forward the document to City Manager Campbell for further Council discussion. Mr. Mowery asked for final feedback from Council. Councilor Brouse commented that she felt that the goal setting sessions were valuable as well as having the staff-suggested goals provided to Council. Councilor Young commented she liked the goal setting process and liked receiving the Council Goals document with updated statuses prior to the work session as well as having the staff-suggested goals for Council to consider. She commented that she had concerns about the Citizen Engagement goal and commented that it seemed like there was a lot of items listed, but nothing had been accomplished yet and she hoped to start work on some of those projects. Councilor Griffin commented he also felt that it was beneficial to get staff's recommendations in advance and stated he would also like to hear staff's thoughts on the new goals and projects. He commented he agreed with Councilor Young's comments around the Citizen Engagement goal and Councilor Scott's comments about doing fewer projects to completion rather than many projects only halfway. Councilor Young asked that when staff reviewed the projects, that they designate what they feel they could accomplish in the short term and midterm. Councilor Garland commented the he liked the goal setting process and felt it was valuable. He commented he was glad that both Council and the City were raising awareness of the importance of mental health and trying to have a positive impact on the City that was not just financially related, and it was an important goal to have and promote. Council President Rosener thanked Mr. Mowery and City staff for getting the information out to Council prior to the meeting and also for their input. He commented regarding the Community Engagement goal and stated it was important to first create a framework for how the City wanted to engage with the community and how citizens engaged with the City. He stated this would inform all other aspects of the Citizen Engagement goal. He recommended having a high-level of focus at first and suggested City Manager Campbell hire a consulting firm to assist with that project. City Manager Campbell thanked the senior leadership team for their work putting together the Council Goals document and their suggestions. He thanked Council for their direction and feedback. Councilor Brouse commented regarding the Sherwood Police Department's use of social media and commented that City Manager Campbell may want to consider hiring a social media consultant to assist the City with its social media presence. Mayor Mays thanked Mr. Mowery, Council, and the senior leadership team for attending the work session. He thanked City staff for their preparation prior to the meeting and all City boards and commissions for their SWOT reports. He stated he would also like to know staff's analysis of what projects could be accomplished in the short, mid, and long-term. He stated that Sherwood was a great community because of the work that City staff, volunteers, Councilors, and community members did.

5. ADJOURN

Mayor Mays adjourned the work session at 11:03 am.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor



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>

February 15, 2022

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 5:33 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, Russell Griffin, and Renee Brouse.
3. **STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Josh Soper, Finance Director David Bodway, Public Works Director Craig Sheldon, IT Director Brad Crawford, Community Services Director Kristen Switzer, Community Development Director Julia Hajduk, City Engineer Bob Galati, HR Manager Rebecca Tabra, and City Recorder Sylvia Murphy.

OTHERS PRESENT: Curt Vanderzanden Project Manager with KPFF, Kurt Lango with Lango Hansen, Craig Totten Lead Bridge Engineer with KPFF, Wes Shoger Landscape Architect with Green Works, and John Breshears with Architectural Applications.

4. TOPICS:

A. Festival Plaza Update

Community Services Director Kristen Switzer introduced Kurt Lango with Lango Hansen and explained that the project had been going through a design review process that reviewed different options for what the plaza could look like. She recapped that the design review process involved representatives from Crusin' Sherwood, Robin Hood Festival Association, the Cultural Arts Commission, the Parks and Recreation Advisory Board, as well as Council President Rosener and Mayor Mays. Ms. Switzer added that Mr. Lango previously helped the City with the design of Cannery Square and the Downtown Streetscape Master Plan. Mr. Hansen presented the "Sherwood Festival Plaza" PowerPoint presentation (see record, Exhibit A) and explained that the goal of the visioning process was to design a festival plaza that still had parking in it. He reported that upgrading the materials used for the construction of the plaza would allow for other festivals to occur there throughout the year as well as possibly bringing part of the Saturday Market to that area. He provided an overview of the dimensions of the site and stated there were currently 20 parking spaces available. He explained that in order to build the festival plaza, the city would have to go through a conditional land use review process that outlined the code upgrades the site would need in order to function as both a festival plaza and a parking lot. He provided an overview of a parking lot code requirements on page 3 of the presentation which included a 10' wide landscape perimeter buffer on both sides as well as

45 sqft of interior landscaping per parking stall. He reported that he included those criteria in the design of the festival plaza concept plan. He stated the site would use paving to differentiate the parking stalls and commented that there was room for 18-20 cars in the lot depending on how people parked. He stated that the current entrance to the lot would be maintained and there would be access to the alleyway. Mr. Hansen explained that the festival plaza would be shifted further down in order to provide a generous walkway/seating area along the Pine Street sidewalk. He stated that the walkway/seating was planned to be multifunctional and the area was large enough for 10'x10' tents to be set up. He reported that the site would still have landscaping along each side and commented that an art wall/art fence may be constructed along the back of the site to provide additional screening. He stated that the committee had stated that the plaza needed to be equipped to handle the electrical needs of different festivals. He reported that he had added five light poles on the Pine Street side of the lot and five light poles at the back of the lot that could also function as attachment points for a removable canopy piece that would provide shade or shelter during inclement weather. He commented that the plaza could also use the same stonework featured in Cannery Square to tie the two sites together. He addressed the Robin Hood Theater sign and reported that the committee had discussed the possibility of moving the sign. He stated the festival plaza would feature interpretive signage that described the history of the site. He stated that the walkway area adjacent to the existing sidewalk would use pavers and the parking areas may utilize colored concrete instead of pavers. He addressed the light poles and commented that some of the lights provided lighting for the parking lot or evening events and other lights would allow for festival lighting. Mr. Hansen reported that he was finishing up the festival plaza schematics and was getting ready to prepare the materials for the land use submittal. He stated the project would necessitate a public hearing and he hoped to have the festival plaza constructed by the Crusin' Sherwood festival in 2023. Councilor Griffin commented he was pleased with the design and asked how people would be sheltered from inclement weather and wind and how would the 10'x10' be anchored to the ground if pavers were used? Mr. Hansen replied that fasteners could be mounted slightly below the brick that would allow the tents to be anchored. Councilor Scott commented that people typically used sand weights to anchor their tents, so fasteners may not be necessary. Mr. Hansen addressed Councilor Griffin's question about inclement weather and commented that the canopy would mostly provide shade in the summer months. Council President Rosener recapped that the committee had also discussed the possibility of putting a wrought-iron fence or removable decorative fencing around the outside planters to limit the amount of chain-link fencing needed when the plaza was being utilized as a beer garden. He commented that being able to do so may depend on OLCC rules. Councilor Scott commented he liked the idea of a permanent perimeter fence around the planter areas and removable fencing around the opening area. Councilor Scott asked if the festival plaza could be rented out for private parties? Mayor Mays replied that that would be a policy decision for Council, but it was a possibility. Councilor Scott asked what would happen to the Robin Hood Theater sign? Mayor Mays replied that the sign was non-conforming and could not be kept because the site was being redeveloped and commented there were many opportunities to repurpose the sign in the festival plaza area. Mayor Mays stated that the plan was still being finalized and that a discussion around fencing needed to be had. He stated that he and Community Services Director Switzer had discussed the need for more space in the parking spots that abutted the raised beds so that people could still open their doors. Councilor Griffin commented on the proposed art wall and suggested using the comedy and tragedy masks. Councilor Young commented she was glad the festival plaza would also provide parking. Councilor Brouse asked if the back wall to the plaza was something that needed to be built or if the site would back up to Clancy's? Mayor Mays explained that the trees and concrete planters that were currently there would be removed, and the festival plaza would go to the property line of the lot with a decorative fence and some vertical plantings that would create a visual barrier. Councilor Brouse asked if the canopies would be up the entire summer or only for certain events? Mayor Mays replied that was a policy decision. Councilor Garland

commented he liked the design of the festival plaza and stated he wanted to ensure that the landscaping would provide adequate sightlines around corners for pedestrian safety. Councilor Garland asked if a representative from Clancy's was included in the design committee meetings about the festival plaza? Community Services Director Switzer replied that Clancy's was not involved on the design committee meetings and commented that Clancy's had previously been supportive of improvements to the site. Councilor Garland commented that going forward, involving Clancy's in the conversation about the festival plaza would be helpful. Council President Rosener spoke on the current Robin Hood Theater sign and commented he would like to see a new sign that was similar in design that could still feature messages in that area and stated that community feedback should be requested regarding the sign. Mayor Mays stated that the committee had had conversations about where the informational signage should be located. Council President Rosener stated that Allen with Clancy's had commented that he would like to see a common garbage area. Council President Rosener commented he liked the design of the festival plaza. Councilor Scott commented that he was pleased that the festival plaza would not lose much parking. He commented that he had hoped to see a built-in raised stage area for events. He commented that the internal row of trees that ran parallel to Pine Street may need to be changed to lower shrubs to maintain sightlines. He stated that the back of the lot needed to have good sight obstruction and should provide clear delineation between the two sites. He suggested trees, or a fence, or a solid wall with a mural on it. Councilor Scott asked about potential names for the festival plaza. Mayor Mays commented that people liked "Robin Hood." Councilor Griffin stated he agreed with Councilor Scott regarding the need for a clear delineation between the sites and suggested a solid wall with fencing in front of it that would allow for LED lighting on the wall. He asked if the alleyway was a part of this project or a part of the continuation of the Oregon street project? Mayor Mays replied improving the alleyway with lighting and removable bollards had been discussed. Councilor Scott commented he liked the idea of utilizing the pathway that ran along City Hall and down the alley. Councilor Griffin commented he did not like the idea of having garbage on-site and that he was fine with replacing the current non-conforming sign with something different and commented that the history of the lot could be honored in its naming.

B. Hwy 99 Pedestrian Crossing Presentation

Community Development Director Julia Hajduk introduced Curt Vanderzanden with KPFF and presented the "Sherwood Hwy 99 Pedestrian Bridge Project" PowerPoint presentation (see record, Exhibit B) and recapped that a feasibility study had been completed in 2019 that identified that it was feasible to build a bridge in that area. The study also showed that more work needed to be done prior to construction that included survey work, geotechnical work, and more coordination and community outreach. She recapped that the city had been awarded some state lottery funds to help construct the bridge and the city had formed a new URA which would also help provide funds to construct the bridge. She recapped that previous discussions on the bridge had led to pursuing pre-fabricated options to help save money and speed up the construction timeline and significant design work was needed for the bridge ramps, landings, support structure, and identifying and resolving utility issues. She reported that through the RFP process, KPFF was selected to help design the bridge project. She outlined that staff and KPFF was seeking Council input on the work they had completed on the project thus far prior to the online open house for the project. Mr. Vanderzanden outlined the agenda on page 2 of the presentation and recapped that KPFF was hired to get the bridge to 30% design. He explained that his team was utilizing the work that had been completed by DKS in 2020 to further develop and evaluate alternative alignments and structure types to help the city come up with the preferred alternative design for final design permitting and construction. He stated KPFF's analysis would include a more detailed look at the advantages and disadvantages, potential risks associated with the different alternatives, a closer look at potential property impacts, utility conflicts,

connections to existing facilities, and potential permitting challenges. Mr. Vanderzanden outlined the three alternative alignment options as: Option A, Option B, and Option C. He stated Option A was the most direct route and would include a system of ramps along the front of the YMCA that connected to the bridge and then landed on the high school site. He reported that he had also explored the option of routing the bridge down and around the powerlines to minimize utility impacts and stated it would be possible to do so but it may not provide a very direct route between the YMCA and the high school. Wes Shoger outlined that landings were required on both sides of the bridge and stated that if there was a slope of less than 5% there would not be a landing requirement along the route. He explained that intermediate landings would be required if the slope was 5% or more. He stated that the landings on the 99W side were challenging because people had to get up to 20 feet off the ground, which equated to 300+ feet of walkway needed. He provided an overview of Landing Options A1 and A2. He commented that the intent of some of the landing options was to play into the bridge architecture. He stated both Landing Options A1 and A2 had less than 5% slope. He provided an overview of Landing Option A1 on the high school side and commented that it may be possible to have the landing hit the embankment near the practice field in the stormwater facility. Mr. Vanderzanden added that they were looking into the option to also add stairs and additional ramps into the landing on the high school side to provide a more direct connection to the sidewalk on Kruger. Council President Rosener commented that an additional ramp on the high school side would be helpful for people attending events at the high school stadium. Councilor Scott commented that the YMCA side also needed a staircase for people coming up from the Cedar Creek Trail. Mr. Vanderzanden addressed Option B and stated it was a more direct route with a curved approach to the same landing spot at the high school and stated it was the longest bridge span option. He stated the YMCA landing was a switch-back design and commented that the height of this option may block views out of the second floor of the YMCA. Mr. Shoger addressed the YMCA Landing Option B2 and explained that it had a staircase going up and a ramp system on the back end. He commented this option would abut very closely to the YMCA property. Mayor Mays commented he did not like Landing Option B2. Council President Rosener commented that the presentation stated that overall, Option A was a longer bridge than Option B, but he evaluated that Option B was longer because of the ramps. Mr. Vanderzanden replied that Option B was the longer bridge when it came to the bridge structure and commented that Council President Rosener may be correct about overall length and stated he would review the figures. Mr. Shoger commented regarding the landings and stated that the landings did not necessarily have to be as long as what was shown and could be shortened by pushing back the start of the ramps. He addressed the high school side of Landing Option B1 and stated that they were keeping the same paths of travel as Landing Option A1. Mr. Vanderzanden addressed Alignment Option C and explained Option C was created as a way to shorten the facility so it would land at the pedestrian crossing at the roundabout on the high school side. He stated that Option C would require some property acquisition on the high school side and commented that with the lighter volumes on Kruger, Option C would still be a safe option. Mayor Mays commented that the current lighter volume on Kruger should not be a driving factor in deeming Option C safe as the volume would likely increase over time. Mr. Shoger addressed Landing Option C1. Mayor Mays commented he was not interested in Option C. Councilor Scott commented he agreed with Mayor Mays and stated that he was not interested in any option that did not cross the entire roundabout. Councilor Griffin, Council President Rosener, and Councilor Young stated they agreed with Councilor Scott. Community Development Director Hajduk explained that there were concerns with the PGE powerlines that Option C would have helped to alleviate and recapped that at a previous work session, Council had stated that they were fine with a longer spanning bridge in order to get the ideal connections. Councilor Scott asked if there was enough room to start at this location and avoid the powerlines and finish on the other side of the roundabout? Mr. Vanderzanden replied that he thought it would be feasible and suggested having the bridge continue over Kruger. Ms. Hajduk stated that a portion of the area he had suggested was outside

the Urban Growth Boundary which could prove challenging to overcome. Councilor Scott commented he would be open to an Option C variant as long as it crossed Kruger. Council President Rosener commented he agreed that the bridge had to cross Kruger and added that he liked the landing on the north side because it connected well with the trail systems and was one last street that pedestrians would have to cross to get to the bridge. Councilor Brouse commented Option C was appealing if it crossed Kruger and that she liked the look of the landing configuration more than the others. She added that if the landings went onto the YMCA property, and they wanted to purchase the property and expand the facility, the landing would be encroaching on their property. Mr. Vanderzanden replied that the proposed landing options did take a future YMCA expansion into consideration. Mayor Mays asked if the ramp on the YMCA side of Option A was as long as possible? Mr. Vanderzanden replied that finetuning was still needed and explained that finalizing the structure type and necessary ODOT vertical clearance requirements would likely allow the ramp to be shortened. Mayor Mays asked if the 90 degree turn on the bridge could move? Mr. Vanderzanden replied that it could potentially move a bit further south. Councilor Garland asked if it could be more rounded? Mr. Vanderzanden replied that that location was where a primary bridge support would be located. Councilor Griffin commented it looked like it would be a future congestion point and should be reworked. Council President Rosener asked if Option C kept the ramps at 5% or below whereas Options A and B were at 8.3%? Mr. Shoger replied that was correct and added that Option C had two other landing options that had a less than 5% walkway. Community Development Director Hajduk voiced that staff had hoped to receive the most feedback from both Council and the public regarding the different design options for the bridge. Councilor Scott commented that the amount of concrete used in Option B for the YMCA landing side was very jarring and stated he was not in favor of that type of look. Mr. Vanderzanden explained that the mockup shown in the exhibit did not necessarily mean that concrete was the intended material and explained that a lighter structure design could be used instead. Mr. Shoger clarified that columns could be used to support the ramp system. Mayor Mays asked which option Council liked more, Option B or Option A? Council stated they liked Option A more. Councilor Brouse commented that she liked Option A but liked the YMCA landing in Option C better than the other two options. Councilor Young commented she agreed with Councilor Brouse. Mr. Breshears addressed bridge types and explained that bridge type was more than how the bridge looked, it also had to do with where you put the material to make the bridge. He stated there were five different options for bridge types and explained that whichever alignment Council chose, all of the bridges were comprised of the same basic parts: the primary span that went across the highway, the span on the YMCA side, and the span on the high school side. He addressed the Tall Arch bridge type and explained that the high school approach side was comprised of smaller trusses and commented that a degree of mixing and matching between bridge types was possible when it came to approach spans. He provided an overview of the Bowstring Truss bridge type and its suggested approach span and explained that this approach span provided some visual delineation between the approach and the bridge itself. Council President Rosener asked what the estimated financial impact would be to have a bridge that spanned the entire highway without using a pillar in between northbound and southbound lanes? Mr. Totten replied that each option presented in this meeting assumed that there would be no pillar. Mr. Vanderzanden added that they were planning for a bridge that clear-spanned the 200 foot main span. Mr. Breshears provided an overview of the Da Vinci Truss bridge type and commented its approach types were similar style to the main span to provide visual similarity. He provided an overview of the Curved Triangular Section Truss bridge type and stated this bridge type would work well with Alignment Option B, but could also work with any of the other alignments. He provided an overview of the Twin Girder with Feature Railing bridge type and explained that this was the simplest bridge type that was made nicer looking with different types of art that could be installed on the bridge railing. Mr. Breshears reported that for certain bridge type designs, the construction allowed for the walking surface to be lower which meant that the bridge was not as high and therefore the ramps and approaches were lower and shorter. He explained that there were

cost tradeoffs with doing so and said that in the girder type bridges, the girders needed to be six feet deep, which meant that the bridge deck had to be 4-6 feet higher, which would then impact the approaches and ramps. He provided an overview of pre-manufactured bridges versus custom bridges and explained that the arches, bowstrings, trusses, and girder bridge types could be done via either method in a variety of materials. He explained that with custom design, it was possible to vary the sections more. Mr. Breshears asked Mr. Totten to weigh-in on his experience with prefabricated bridges versus custom bridges. Mr. Totten commented that the prefabricated industry was extremely efficient and commented any of the alignment options could be done either by pre-fab or custom work. He reported that shorter pre-manufactured spans made of steel or wood were generally significantly less expensive than a custom design. For spans 200 feet or more, custom designs became more competitive cost-wise with prefabricated. He reported that he would get cost estimates for prefabricated and custom bridges for each bridge type before the next work session. Community Development Director Hajduk asked if there was a difference between prefabricated or custom when it came to how the bridges were constructed on-site? Mr. Totten replied that prefabricated and custom bridges could be pre-manufactured and lifted into place. Council President Rosener commented that he wanted to avoid the build in place type of construction. Council President Rosener asked about the durability of wood arch bridges compared to steel bridges? Mr. Totten replied he would look into it and report back at the next work session and explained that there had been major strides in terms of wood preservatives. Mayor Mays stated he did not want a steel girder with sub supports that was poured in place; he wanted something that was lifted into place. Councilor Young asked if the discussion around design features of the bridge would happen at a later date? Community Development Director Hajduk explained that art would be a part of the bridge, but it was a question of where and how. Would art be part of the design or on the bridge or bridge's components? And those questions would be answered after an alignment and a type was more solidified because that would drive the conversation around the other elements and amenities. Councilor Scott stated he wanted the bridge to have LED lighting to show off the bridge at nighttime and asked if any of the bridge types precluded that? Mr. Breshears replied that nighttime LED lighting was possible on all the bridge types shown and stated that bridge lighting in general needed to be discussed. Mayor Mays commented he liked the arch type design because it reminded him of an archery bow. Ms. Hajduk asked Council if there were any bridge type designs that they wanted to take off the table? Councilor Scott and Councilor Griffin stated they did not like the railroad approaches shown in the Tall Arch option. Mayor Mays commented he wanted to let the public provide feedback on all the options before removing any of them. He stated he did not like the Da Vinci bridge type. Councilor Griffin and Councilor Young stated they agreed. Councilor Scott stated he liked the Da Vinci design for the span. Community Development Director Hajduk commented it was important to pick a bridge type that fit the location, not just the bridge design you liked the best. Councilor Scott stated he was concerned about the cost for constructing a Twin Girder with Feature Railing both in cost and materials needed and commented that that bridge type would not be very visually appealing to drivers compared to an arch. Mayor Mays stated he did not like the Twin Girder with Feature Railing bridge type because of the necessary extra height. Mr. Breshears clarified that the Twin Girder with Feature Railing bridge type would not necessarily cost more because of the extra height needed. Mr. Vanderzanden recapped next steps and stated that there would be an online open house February 21-March 2. Community Development Director Hajduk reported that the City would put up a temporary sign on the YMCA property to advertise the open house and the project. Councilor Scott asked that signage be placed in other parts of the city as well. Ms. Hajduk replied that she would do so. Mayor Mays spoke on the open house and asked that the people be asked to focus on picking some variant of Option A so engineering could continue to make progress. Councilor Scott asked if there was any value in asking for public feedback on the bridge alignments or should they focus on bridge type design? Mayor Mays commented he wanted the public to focus on bridge type. Ms. Hajduk stated that if there were options that were completely off the

table, then they should be removed as an option for the open house. Council President Rosener commented that he was hoping that some of the engineering work could begin in parallel with the open house process. Mr. Vanderzanden replied that if Council had selected an alignment, engineering work could begin on that, but the bridge type would have an impact on the ramp length and other factors. Council President Rosener clarified that if the team was focused on one alignment, it would take the other alignment off the table and would help to shorten the time span of the project. Mayor Mays asked how long it would take for them to calculate the cost of the Twin Girder with Feature Railing bridge type? Discussion occurred. Ms. Hajduk replied that a work session was scheduled for March that would provide Council with the information from the open house and information from the consultants for estimated costs. Discussion regarding the need to get the bridge constructed as soon as possible due to need and increasing construction costs occurred.

5. ADJOURNED:

Mayor Mays adjourned the work session at 7:04 pm.

REGULAR SESSION

1. CALL TO ORDER: Mayor Mays called the meeting to order at 7:09 pm.

2. COUNCIL PRESENT: Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, Russell Griffin, and Renee Brouse.

3. STAFF PRESENT: City Manager Keith D. Campbell, IT Director Brad Crawford, Community Development Director Julia Hajduk, Community Services Director Kristen Switzer, Public Works Director Craig Sheldon, Finance Director David Bodway, Police Chief Ty Hanlon, City Attorney Josh Soper, HR Manager Rebecca Tabra, Senior Center Manager Maiya Martin Burbank, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

Mayor Mays stated he wished to move the New Business agenda item 7.A, Resolution 2022-010, to after Council Announcements. No objections were received.

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

Mayor Mays addressed the next agenda item.

5. CONSENT AGENDA:

A. Approval of February 1, 2022 City Council Meeting Minutes

B. Resolution 2022-008, Appointing Deborah Diers to the Sherwood Library Advisory Board

C. Resolution 2022-009, Authorizing the City Manager to sign an Intergovernmental Agreement for the Washington County Older Adults Nutrition Program for program years 2022-2023

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

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS:

The City Recorder reported that no citizen comments had been received.

7. NEW BUSINESS:

B. Resolution 2022-012, Expressing opposition to certain mining activities in the vicinity of Rock Creek

Community Development Director Julia Hajduk recapped that the proposed resolution was regarding Council's position on events occurring in the Tonquin Employment Area and elsewhere where mining activity was occurring that could potentially impact natural resources and the wildlife refuge. She explained that the proposed resolution made it clear that there was concern over how those mining activities and the permits associated with those activities might impact Sherwood's livability and natural resources. She explained that the resolution authorized the City Manager and staff to express their concerns to the permitting authorities. She stated that the resolution's intent was to make it expressly clear that in order for mining associated with a grading permit in the TEA to occur, developers would be required to get a permit from the Department of Geology and Mineral Industries. She explained that they were concerned over mining operations that might impact the groundwater and wetlands. She explained that the intent of the resolution was to make clear what Council's concerns were and what Council's concerns were not and to help staff have, "a little bit of wind behind their sails" when making comments to permitting agencies. Mayor Mays stated his support of the resolution and commented that if there were mining projects next to or near Sherwood's creeks or wetlands, those activities should not be encouraged. Mayor Mays asked for Council's thoughts or feedback on the proposed resolution. Councilor Garland stated that he was in favor of the resolution and commented that much of the time, Council focused on business and development, but citizens also looked to Council to preserve what was in Sherwood. Councilor Scott commented he neither supported nor opposed the resolution as he felt he did not have enough information on the matter. Mayor Mays explained that there was an application that had been in process for some time, located just on the other side of Washington County in Clackamas County along Rock Creek across Morgan Road. He explained that the project sought to remove 6 million yards of aggregate and go down more than 200 feet over the next 10-20 years on a 35-acre piece of land. He stated that some of that 35 acres was wetland which abutted the wetland that was located in the nearby swale that was part of the refuge. Councilor Scott asked how far down the water table was? Mayor Mays replied that the creek was at-grade and therefore the water table was probably not that much further down. Councilor Young asked if the resolution would prevent the owner of the property to do any sort of activity with their land? Mayor Mays replied that Sherwood had no authority over the property and the resolution was expressing an opinion. He stated that ultimately, it was a state and Clackamas County issue. Council President Rosener stated he was in favor of the resolution and commented that the project was too close to the stream corridor and the wetlands, all of which drained into the Tualatin River Wildlife Refuge. Councilor Brouse asked if the resolution would help provide staff with "backbones" when people came to staff with questions. Ms. Hajduk replied that was correct and commented that the project in question had been going on for roughly ten years, and over the years Council had been asked at times to take a stand. She explained that the resolution authorized the City Manager or the Community Development

Director to write a letter, with the consent of Council, expressing their concern or opposition over any project that dealt with similar mining activities that had the potential of impacting natural resource areas. She explained that the passage of the resolution would prevent staff from having to come to Council and asking them to make a formal stance on a project. Councilor Brouse commented she supported the resolution.

MOTION: FROM COUNCILOR YOUNG TO APPROVE RESOLUTION 2022-012, EXPRESSING OPPOSITION TO CERTAIN MINING ACTIVITIES IN THE VICINITY OF ROCK CREEK. SECONDED BY COUNCILOR GRIFFIN. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

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

8. PUBLIC HEARING:

A. Ordinance 2022-001, Amending Title 6 of the Municipal Code as it relates to the regulation of backyard chickens (*Second Hearing*)

Community Development Director Julia Hajduk stated this was the second reading on the proposed ordinance that would allow chickens in residential areas. She stated that no changes had been made to the proposed ordinance since the first hearing. She recapped that a note had been added to the permit application that specified that applicants living in an HOA needed to check with their HOA to see if chickens were allowed. Mayor Mays asked for public comment on the proposed ordinance. Hearing none, Mayor Mays closed the public hearing portion of the meeting and asked for questions or discussion from Council. Councilor Young commented that after hearing the information that staff had provided them about how surrounding cities were handling backyard chickens and learning that other cities were having very few issues with their chicken code compliance, she felt that allowing backyard chickens in Sherwood was appropriate. She commented that she felt like this ordinance was a good compromise to the conversations that were held in 2015. Councilor Scott thanked staff for their work revising and updating the work that was completed in 2015 and stated that he felt that the proposed ordinance was the best of both worlds as it was not too aggressive nor too conservative. Mayor Mays thanked staff for their hard work and stated he supported the ordinance and asked for a motion.

MOTION: FROM COUNCILOR BROUSE TO READ CAPTION AND ADOPT ORDINANCE 2022-001 AMENDING TITLE 6 OF THE MUNICIPAL CODE AS IT RELATES TO THE REGULATION OF BACKYARD CHICKENS. SECONDED BY COUNCILOR GRIFFIN. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

B. Resolution 2022-011 Adopting a Supplemental Budget for fiscal year 2021-22 and making appropriations

Finance Director David Bodway presented the "Supplemental Budget" PowerPoint presentation (see record, Exhibit C) and provided background on Oregon and local budget law. He stated that supplemental budgets were common and authorized by Oregon State Law to account for unforeseen financial needs or for new revenue sources. He explained that the City typically completed one mid-year adjustment and another adjustment near the end of the year. He reported that this year's adjustment amount was large enough to necessitate a public hearing. He reported that the General Fund came in almost \$600,000 higher than

originally projected, and staff had recommendations on uses for the rollover fund balance. He reviewed the proposed changes to the General Fund. General Fund proposed changes included City Safety Committee recommendations that would include replacing the emergency kits for staff that were about to expire, the installation of several panic buttons in the library, and several automated external defibrillators. He reported that there was a request for funds to conduct an additional study for Sherwood West and a request to replace the air conditioning unit on top of the Civic Building, as the previous unit had stopped working in summer 2021. Staff also recommended putting aside more money for contingency purposes to help offset rising inflation costs and economic uncertainty. He explained that Council approval was needed in order to spend money from the Contingency Fund. Mr. Bodway reported that the City had received a Shuttered Venue Operators grant of \$117,931 through the Arts Center and the City had been reimbursed \$67,145 from Washington County for Sherwood's Congregate Meals program through the Senior Center. He addressed the Street Operations Fund and explained that typically, in the last few fiscal years, the Street Operations Fund had transferred over funds to the Street Capital Fund to assist with Capital projects that were occurring. He stated that transferring funds from Street Operations to Street Capital had accidentally been missed during the budget season, and therefore staff recommended correcting the oversight and transfer over the funds to help support ongoing Capital projects. Mayor Mays asked for public comment on the proposed resolution. Hearing none, Mayor Mays closed the public hearing portion of the meeting and asked for questions or discussion from Council. Mayor Mays commented it was exciting that the City had received grants and commented the grants would be a huge benefit to the Senior Center and the Arts Center.

MOTION: FROM COUNCILOR YOUNG TO APPROVE RESOLUTION 2022-011 ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2021-22 AND MAKING APPROPRIATIONS. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

9. CITY MANAGER REPORT:

City Manager Keith Campbell thanked Community Services Director Kristen Switzer, Community Development Director Julia Hajduk, and City Engineer Bob Galati for their presentations in the work session prior to this meeting.

Police Chief Hanlon reported that on February 5th, the Sherwood Police Department had the opportunity to recognize Sherwood Police Officers for their work in 2021 at their annual awards banquet. He explained that the SPD had been recognizing officers for their efforts every quarter. He explained that the February 5th recognition was to acknowledge everything the SPD had done in the fourth quarter and then an overall acknowledgment for Police Officer of the Year and the Chief's Award. He reported that Officer Jentzsch was selected as Police Officer of the Year and explained that the Police Officer of the Year award winners were selected by their peers. He read aloud the comments from the SPD about Officer Jentzsch and stated that Officer Jentzsch was, "the backbone of our department and goes above and beyond with every task he undertakes." He reported that Officer Jentzsch ran the SPD's firearms program, he was the SPOA union president, he assisted with IT projects, he was a field training officer and a K-9 officer, and, "always steps up as a leader when needed." The letter stated that the SPD was, "so grateful to have him as a part of our family and team for the last 25 years." Chief Hanlon addressed the Chief's Award and commented he was honored to be a part of that selection. He recapped the criteria for the Chief's Award and explained that the award was given to an employee or officer selected by the Chief that best exemplified the mission and values of the police department, had brought tremendous credit to the department or had demonstrated

leadership qualities, and had a personal commitment to the success of the department. Chief Hanlon explained that choosing a recipient for the Chief's Award was difficult because everyone was worthy, but Officer Humphrey had stood out this year. He stated that Officer Humphrey had been with the SPD for 14 years and had also received the Meritorious Award for his work creating a relationship with loss prevention at Home Depot. Chief Hanlon reported that Officer Humphrey had responded to and assisted with a behavioral health call, he had also responded to an AED assist and administered CPR using a defibrillator.

Mayor Mays addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Councilor Young congratulated Senior Center Manager Maiya Martin Burbank for her work procuring a Washington County grant to help with the meal program. She reported that she and Councilor Brouse attended a Sherwood High School Women in Politics Club meeting and commented that they had asked good questions and she appreciated being invited to the meeting.

Councilor Scott gave his kudos to Senior Center Manager Maiya Burbank for her work procuring a Washington County grant to help with the meal program and their work at the Senior Center. He reported that the Planning Commission would hold three public hearings at their February 22nd meeting, the Cedar Creek multi-family development, Sherwood Commerce Center, and Oregon Street Business Park. He reported that the Planning Commission continued to hold work sessions to discuss how to implement HB 2001.

Councilor Griffin reported he attended the Parks and Recreation Advisory Board meeting on February 7th where they heard a presentation on SDC methodologies. They also discussed the Middlebrook subdivision. He reported he and Parks and Recreation Advisory Board member Rodney Lyster visited the Middlebrook subdivision park and commented that the park and the trail were nice and well planned out. He gave his kudos to Senior Center Manager Maiya Martin Burbank and her team for her work procuring a Washington County grant to help with the meal program and their work at the Senior Center.

Councilor Brouse reported that the Senior Advisory Board did not meet in February but would meet in March. She asked Senior Center Manager Maiya Martin Burbank to report on how many meals had been delivered in 2021. Ms. Burbank replied they had provided over 10,500 meals to the community and had originally forecasted that they would provide 8,500 meals. Councilor Brouse reported that Councilor Scott would attend the Library Advisory Board meeting on February 16th in her place. She reported that the Sherwood Police Foundation gala had been rescheduled to June 24th and would be held at the Center for the Arts. She reported she attended the chaplain dinner on February 11th and commented she was thankful that Sherwood had Chaplain Parrish and Chaplain White to help support officer wellness.

Councilor Garland thanked Council President Rosener for attending the Regional Water Providers Consortium Board meeting in his place. He gave his kudos to Center for the Arts Manager Chanda Hall and her staff in helping put on the production "Frozen JR." He thanked Sherwood teachers and staff for their hard work teaching during the past two years.

Council President Rosener recapped the Regional Water Providers Consortium Board meeting he attended. He reported he attended an NLC Technology and Communications meeting where they discussed upcoming legislation and upcoming grants and opportunities around broadband. He reported he

planned on attending the NLC's upcoming in-person meeting in Washington D.C. in March. He reported he attended the WRWC meeting. He gave his kudos to Senior Center Manager Maiya Martin Burbank and her team for her work procuring a Washington County grant to help with the meal program. He reported the Sherwood Education Foundation Sip and Spell event had raised over \$125,000 to be used for grants for the Sherwood school system.

Mayor Mays gave his kudos to Senior Center Manager Maiya Martin Burbank and her team for her work procuring a Washington County grant to help with the meal program. He reported he attended the WCCC meeting where they discussed the next steps in the MSTIP process and ODOT's tolling program. He commented on Sherwood's utility bill rates and explained that the sewer and storm rates on the bill were tied to a residence's winter water consumption levels. He reported he would attend the LOC board meeting this week. He encouraged residents to review the Festival Plaza work session and website materials to learn more about the project and provide feedback. He reported he would attend a Washington County budget meeting this week.

Record Note: Councilor Griffin left the meeting after Council Announcements.

11. NEW BUSINESS (continued):

A. Resolution 2022-010, Approving Sherwood Police Department Policy Updates – February 2022

Police Chief Ty Hanlon reported that all of the recommended policy updates had been presented and approved by the Sherwood Police Advisory Board at their January 17th meeting. He recapped changes to Policy 323 "Standards of Conduct" and explained that the policy had been updated to reflect the impacts of HB 2929 and pertained to the duty to intervene and report misconduct. It added language to include unjustified or excessive use of force, sexual harassment, sexual misconduct, discrimination based on race, color, religion, sex, sexual orientation, national origin, disability, or age or a crime. He addressed Policy 324 "Information Technology Use" and explained that the update was a result of HB 2936 and updates included the removal of the privacy expectation regarding the prohibition of requiring an employee to provide usernames, passwords, or access to social media accounts. Updates to Policy 416 "Contacts and Temporary Detentions" included a typographical error correction. He addressed Policy 422 "Medical Marijuana" and explained the update was a result of HB 3369 which had changed the term "attending physician" to "attending provider." Policy 423 "Foot Pursuits" changes included spelling corrections and removal of gendered pronouns. He explained that updates to Policy 404 "Medical Aid and Response" were a result of HB 2523 and included a new section called "Medical Attention for Restrained Persons" and required officers to immediately request emergency medical services when a restrained person is suffering a respiratory or cardiac compromise. He addressed Policy 802 "Records Selection" and explained the update was a result of HB 2932 which required law enforcement agencies to participate in the National Use of Force Data Collection operated by the FBI and commented that the SPD already participated in the program through its accreditation. Updates to Policy 1000 "Recruitment and Selection" were a result of HB 2936 that found that racism had no place in public safety and that law enforcement officers held a unique position in the community. He reported that the bill enacted a law regarding background checks and a new provision was that shared peace officer records obtained for background checks were confidential and required agencies to independently verify information contained in shared employment information. He explained that Policy 1007 "Drug- and Alcohol-Free Workplace" was updated to be consistent with the Drug-Free Workplace Act, which required federal grant recipients to maintain a drug-free workplace. He reported it did not remove the state and national expectations or federal requirements of workplace drug use.

Changes to Policy 1011 “Personnel Complaints” was the result of HB 2929 and required DPSST to be notified of a sustained finding of misconduct within ten days. Updates to Policy 1026 “Personal Appearance Standards” were a result of HB 2935 and amended the law to include in the definition of race: physical characteristics associated with race including but not limited to natural hair, hair texture, and protective hair styles. Policy 1032 “Employee Speech, Expression and Social Networking” was a result of HB 2936 which required agencies to adopt policies that set the standards for speech and expression by peace officers. The policy provided guidelines for the regulation and balance of member speech and expression in other communication mediums with the legitimate needs of the agency. It addressed all known communication mediums where a member could potentially have a platform to abuse the limitation on speech or expression. The policy also helped members understand the balance between the individual member's rights and the agency's needs and interests when exercising a reasonable degree of control over member speech and expression. Councilor Garland asked if these updates were available for the public to review? Chief Hanlon replied that they would be available on the City's website once they were adopted. Councilor Young commented she believed that the Police Policy Manual was available online. She gave her thanks to the Police Advisory Board for their work reviewing the policy changes.

MOTION: FROM COUNCILOR BROUSE TO APPROVE RESOLUTION 2022-010, APPROVING SHERWOOD POLICE DEPARTMENT POLICY UPDATES – FEBRUARY 2022. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR GRIFFIN WAS ABSENT).

12. ADJOURN:

Mayor Mays adjourned the regular session at 8:15 pm and convened an executive session.

EXECUTIVE SESSION

- 1. CALL TO ORDER:** Mayor Mays called the executive session to order at 8:16 pm.
- 2. COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, Russell Griffin, and Renee Brouse.
- 3. STAFF PRESENT:** City Attorney Josh Soper.
- 4. TOPICS:**
 - A. ORS 192.660(2)(b), Discipline**
- 5. ADJOURNED:**

Mayor Mays adjourned the executive session at 9:11 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Julia Hajduk, Community Development Director

Through: Keith D. Campbell, City Manager and Josh Soper, City Attorney

SUBJECT: **Resolution 2022-013, Authorizing the City Manager to sign an Intergovernmental Agreement with Washington County for maintenance of non-standard lighting and traffic signal poles, sound wall and landscaping associated with the Tualatin Sherwood and Roy Rogers Road widening project**

Issue:

Shall the City Council authorize the City Manager to sign an intergovernmental agreement with Washington County for maintenance of non-standard lighting and traffic signal poles, sound wall and landscaping associated with the Tualatin Sherwood and Roy Rogers road widening project?

Background:

As part of the Tualatin-Sherwood Road and Roy Rogers Road widening project, the City requested black lighting poles and luminaries, enhanced landscaping and enhanced sound walls. The County plans accommodate that request, however they have requested that the City assume responsibility for maintaining these enhanced improvements after installation.

Financial Impact:

The construction and installation of the equipment and luminaries will be completed by the County as part of their project and will be covered by a standard warranty. Because the City is taking on additional maintenance responsibility, there will be costs to the City over time as these improvements need to be maintained or replaced, however the exact amounts are unknown. The agreement was carefully reviewed and crafted to ensure that the City was not taking on any more cost or maintenance responsibility than necessary to account for the upgraded improvements.

Recommendation:

Staff respectfully recommends council approve Resolution 2022-013, authorizing the City Manager to sign an intergovernmental agreement with Washington County for maintenance of non-standard lighting and traffic signal poles, sound wall and landscaping associated with the Tualatin Sherwood and Roy Rogers road widening project.



RESOLUTION 2022-013

AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH WASHINGTON COUNTY FOR MAINTENANCE OF NON-STANDARD LIGHTING AND TRAFFIC SIGNAL POLES, SOUND WALL AND LANDSCAPING ASSOCIATED WITH THE TUALATIN-SHERWOOD AND ROY ROGERS ROAD WIDENING PROJECT

WHEREAS, Washington County is working on a project to widen Tualatin-Sherwood Road and Roy Rogers Road from Chicken Creek to Teton Road; and

WHEREAS, as part of that project modifications to lighting, landscaping and the installation of sound walls is provided for; and

WHEREAS, the City of Sherwood has expressed a desire for lighting along this road improvement project to be black power coated for visual consistency and aesthetics and has requested additional aesthetic upgrades to the landscaping and sound walls; and

WHEREAS, the County is agreeable to incorporating these upgrades into the design and funding the initial installation but does not accept responsibility for maintaining the upgrades above and beyond what would be typical for them to maintain; and

WHEREAS, The City has negotiated an agreement that outlines the County and City responsibilities for long term maintenance and responsibility of these upgraded improvements.

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

Section 1. The City Council authorizes the City Manager to sign an intergovernmental agreement with Washington County in a form substantially similar to the attached Exhibit 1.

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

Duly passed by the City Council this 1st of March, 2022.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

**INTERGOVERNMENTAL AGREEMENT BETWEEN
WASHINGTON COUNTY AND CITY OF SHERWOOD FOR MAINTENANCE OF
TRAFFIC SIGNAL, ILLUMINATION, SOUND WALL AND LANDSCAPE IMPROVEMENTS FOR THE
SW ROY ROGERS ROAD AND SW TUALATIN-SHERWOOD ROAD PROJECTS**

THIS AGREEMENT is entered into between Washington County, a political subdivision of the State of Oregon, acting by and through its elected officials ("County") and the City of Sherwood, a municipal corporation, acting by and through its City Council ("City").

RECITALS

1. By the authority granted in ORS 190.110, County and City may enter into intergovernmental agreements for the performance of any or all functions and activities that a party to the agreement has the authority to perform.
2. Tualatin-Sherwood Road and Roy Rogers Road are a part of the County roadway system under the jurisdiction and control of County.
3. County is constructing road improvements along Tualatin-Sherwood Road and Roy Rogers Road between Chicken Creek and Langer Farms Parkway. The road improvements, as designed, included traffic signals and associated cabinets, illumination poles, sound walls, irrigation, and landscaping features consistent with the County Road Standards ("Project").
4. City desires to include enhanced, alternate, or additional features to the traffic signals and associated cabinets, illumination poles, sound walls, irrigation and landscaping ("Enhanced Improvements") as part of the Project.
5. The County desires to install the Enhanced Improvements as part of the Project at no additional cost to the City and the City desires to pay for maintenance for the Enhanced Improvements.
6. The purpose of this Agreement is to establish the responsibilities for the maintenance of the Enhanced Improvements for Tualatin-Sherwood Road and Roy Rogers Road within the Project limits.

NOW THEREFORE, the parties agree as follows:

TERMS OF AGREEMENT

1. County and City enter into this Agreement to identify the financial obligations and maintenance responsibilities for the non-standard traffic signal poles, cabinets, illumination poles, sound walls, landscaping, and irrigation included in the Project and described in the

attached map hereto, marked Exhibit A, and by this reference made a part hereof.

2. This Agreement shall become effective upon installation and acceptance of the Enhanced Improvements. Acceptance of the Enhanced Improvements shall occur upon County's acceptance of the Project consistent with the approved construction plans and specifications. This Agreement shall remain in effect for a period of twenty (20) years thereafter, which is based on the estimated useful life of the facilities. The City's maintenance responsibilities shall survive any termination of this Agreement.

CITY OBLIGATIONS

1. City shall maintain all contents of the median and adjacent planter strip areas including, but not limited to the landscaping, tree root barriers, and irrigation, to the same standard as the City maintains similar facilities under its jurisdiction. Maintenance of the median and adjacent planter strip areas shall include removal and replacement of dead or dying plants and trees, removal of litter, removal of unpermitted signs, application of herbicides, removal of weeds, removal of leaves, tree trimming (to maintain a 17-foot high clear zone in all travel lanes, measured at the face of curb) and any other activity associated with the vegetation. All trees shall be firmly braced until securely rooted. All costs of replanted or replacement landscaping and maintenance, including water, backflow device testing and power for irrigation, shall be at the City's sole cost.
2. City shall be responsible for maintaining enhanced sound wall surface appearance, coatings, and aesthetical qualities that exceed County standard sound walls after installation. The City shall be responsible for graffiti removal and surface staining if any panel is replaced.
3. City shall be responsible for maintaining the painting on enhanced illumination poles which includes repainting of the decorative style illumination poles, fixtures and bases after installation and acceptance.
4. City shall be responsible for maintaining the painting on all enhanced traffic signal poles, mast arms and signal cabinets which includes repainting after installation.
5. If any Enhanced Improvements require replacement during the term of this Agreement and City requests replacement with an Enhanced Improvement, City shall be responsible for the difference in cost between replacement with an Enhanced Improvement and the cost of replacement with the County's standard improvements, and shall make prompt payment within thirty (30) days of receipt of the billing from County.
6. City shall remain responsible to repair or replace any public or private infrastructure in the right-of-way that is damaged in the course of the City undertaking any of its maintenance obligations.
7. City shall ensure that any party authorized to perform work in the right-of-way in association with the maintenance of the Enhanced Improvements does so in accordance with

any permits, provisions or conditions required by the County. In addition, City shall provide County with information (contact/company/organization name, mailing address and contact phone number) of any party performing maintenance work in the right-of-way on the Enhanced Improvements. Notification of daily work schedules is not required. If City provides for work to be performed by anyone other than City employees, City shall require evidence of commercial liability insurance in an amount not less than the statutory tort claim limits, and shall cause the County to be an additional named insured on such policy.

8. City shall authorize execution of this Agreement during a regularly convened session of its City Council.
9. City's Project Manager for this project is its Public Works Director or assigned designee.
10. Notwithstanding any other provision of this Agreement, City shall not be obligated to perform any maintenance work that is within the scope of any applicable warranty.

COUNTY OBLIGATIONS

1. County shall be responsible for installation the Enhanced Improvements as part of the Project.
2. County hereby grants permission to the City and others designated and duly authorized by the City, to access County right-of-way for the purpose of maintaining the Enhanced Improvements.
3. County shall retain ownership and continue to be responsible for all routine traffic signal maintenance, signal timing, signal detection, and emergency repairs, except for the enhanced painting and repainting of traffic signal poles, mast arms, and cabinets associated with the Project, which shall be the responsibility of City.
4. County shall retain ownership and be responsible for all routine illumination system maintenance and emergency repairs, except for the enhanced painting and repainting of illumination poles, fixtures, and bases.
5. County shall be responsible for replacement of all features along the Project consistent with its road authority. During the term of this Agreement, upon becoming aware that any Enhanced Improvement is in need of replacement, County shall promptly notify City in writing. City shall thereafter have a reasonable period of time to request that the improvement be replaced with an Enhanced Improvement. In the event of such request by the City, the County will install the Enhanced Improvement and the City will be responsible for the difference in cost between replacement with an Enhanced Improvement and the cost of replacement with the County's standard improvements. If City does not request replacement with an Enhanced Improvement, County shall replace with a standard improvement at no cost to the City. County shall submit detailed invoices to City reflecting

City's payment obligations under this section on a quarterly basis and City shall promptly pay all costs within thirty (30) days of invoice.

6. County's contact for this Project is its Operations and Maintenance Superintendent (or designee), 1400 SW Walnut Street, MS 51 Hillsboro, OR 97123; phone: 503-846-7623, or assigned designee.

GENERAL PROVISIONS

1. Laws of Oregon: This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon.
2. Default: Either party shall be deemed to be in default if it fails to comply with any provision of this Agreement. CITY and COUNTY agree time is of the essence in the performance of any of the obligations within this Agreement as related to construction. Complaining party shall provide the defaulting party with written notice of default and allow thirty (30) days within which to cure the defect.
3. Indemnification: This Agreement is for the benefit of the parties only. Each party agrees to indemnify and hold harmless the other party, and its directors, officers, employees, and agents, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or arising out City's performance of work, or work authorized by indemnifying party, relating to its obligations under this agreement, or in any way resulting from the negligent or wrongful acts or omissions of the indemnifying party and its officers, employees and agents. To the extent applicable, the above indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300). In addition, each party shall be solely responsible for any contract claims, delay damages or similar items arising from or caused by the action or inaction of the party under this Agreement.
4. Resolution of Disputes: The parties shall attempt to informally resolve any dispute concerning any party's performance or decisions under this Agreement, or regarding the terms, conditions or meaning of this Agreement. A neutral third party may be used if the parties agree to facilitate these negotiations. In the event of an impasse in the resolution of any dispute, the issue shall be submitted to the governing bodies of both parties for a recommendation or resolution.
5. Modification of Agreement: No waiver, consent, modification or change of terms of this Agreement shall bind a party unless in writing, signed by all parties. Such waiver, consent, modification or change, if made, shall be effective only in specific instances and for the specific purpose given.
6. Remedies: Subject to the provisions in paragraph 4, any party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation of this Agreement. All legal actions shall be

initiated in Washington COUNTY Circuit Court. The parties, by signature of their authorized representatives below, consent to the personal jurisdiction of that court.

7. Excused Performance: In addition to the specific provisions of this Agreement, performance by any Party shall not be in default where delay or default is due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the parties, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance that are not within the reasonable control to the Party to be excused.
8. Severability: If any one or more of the provisions contained in this Agreement is invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions of the Agreement will not be affected or impaired in any way.
9. Integration: This Agreement is the entire agreement of the Parties on its subject and supersedes any prior discussions or agreements regarding the same subject.
10. Termination: Except for breach, this Agreement may be canceled or terminated only upon mutual consent, and upon such terms and conditions as may be agreed upon by the parties.

ENTERED INTO ON THE DATE LAST SIGNED BELOW.

City of Sherwood

By _____
City Manager

Date _____

Washington County

By _____
Assistant County Administrator

Date _____

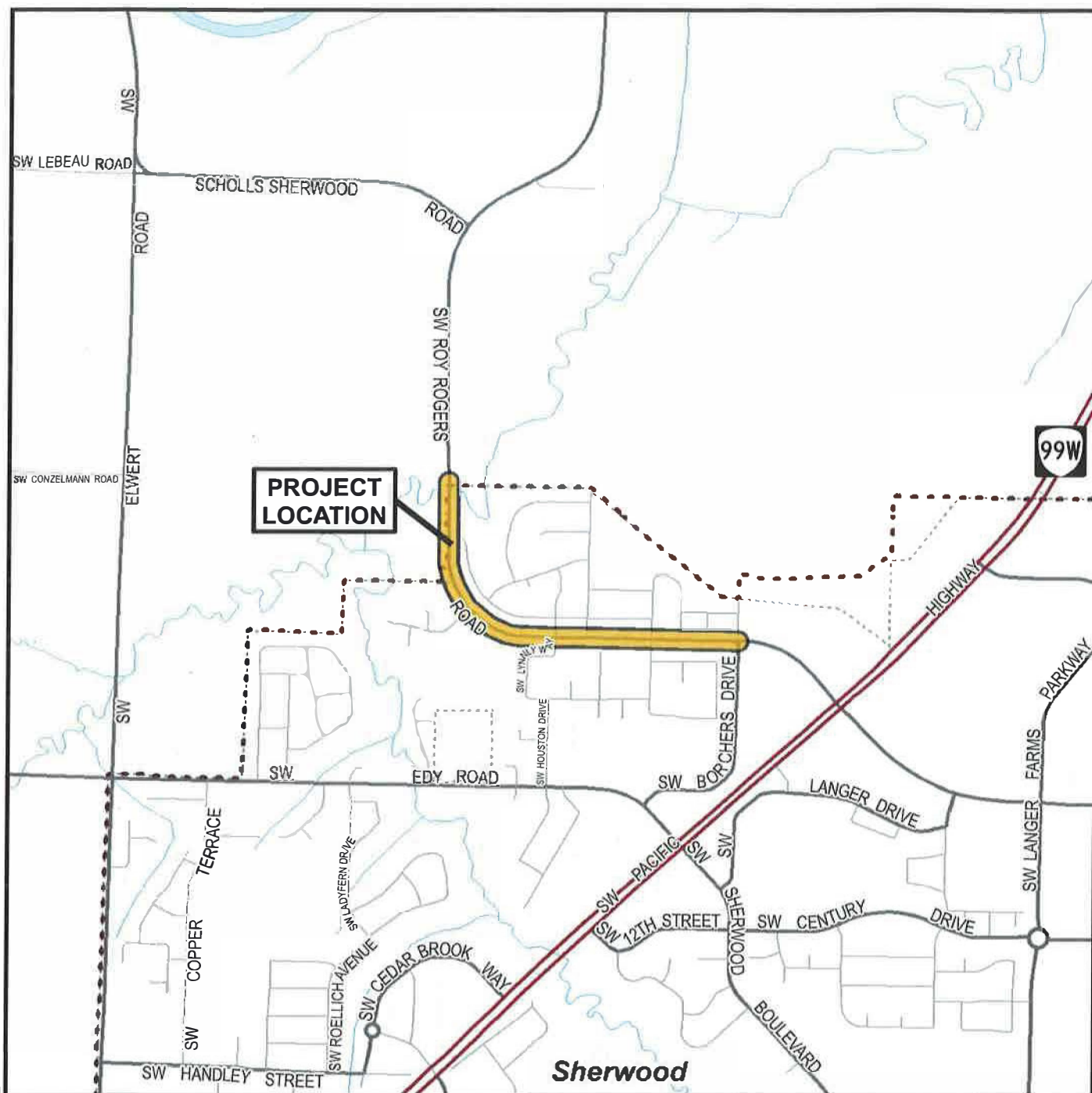
APPROVED AS TO LEGAL SUFFICIENCY

By _____
City Attorney

Date _____

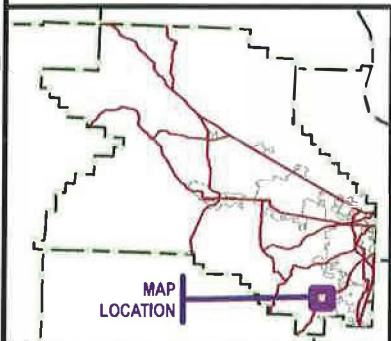
City Contact:
Public Works Director
15527 SW Willamette St.
Sherwood, OR 97140

County Contact:
Maintenance Superintendent
Operations and Maintenance Division
1400 SW Walnut Street
Hillsboro, OR 97123



WASHINGTON COUNTY
OREGON

Engineering and Construction Services



MAP
LOCATION

SW Roy Rogers Road Borchers Dr. to Chicken Creek Bridge

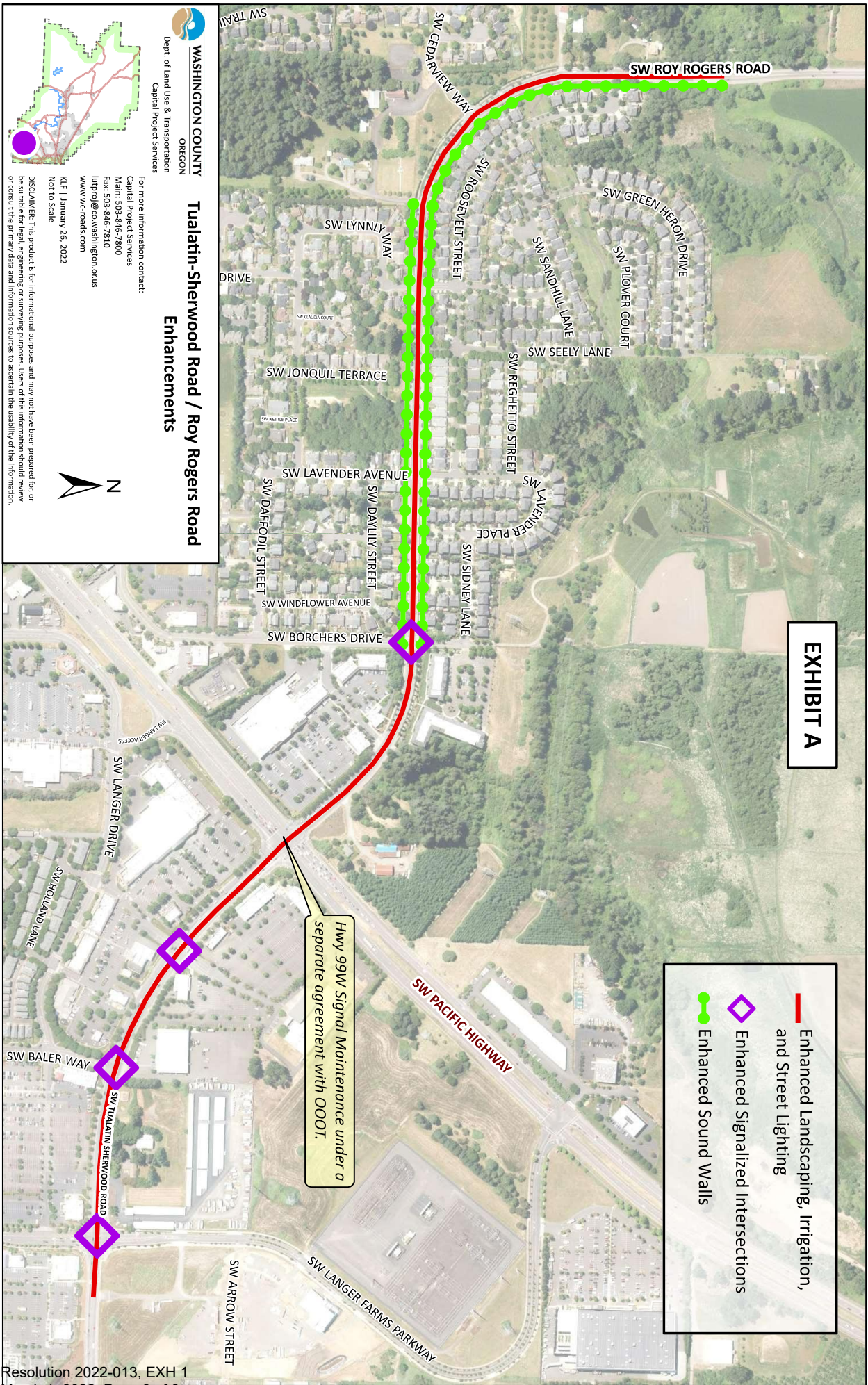
For more information, contact:
Capital Project Management
Main: 503-846-7800
FAX: 503-846-7810
lutproj@co.washington.or.us
***.wc-roads.com

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Map Date: August 02, 2018
Prepared by: KLF
Not to Scale

- Project Location
- Major Roads
- Minor Roads
- Private Roads
- MAX Light Rail
- Railroads
- Rivers / Lakes
- Streams
- Urban Growth Bdy.
- Cities
- County Boundary



TO: Sherwood City Council

FROM: Julia Hajduk, Community Development Director
Through: Keith D. Campbell, City Manager

SUBJECT: **Resolution 2022-014, Authorizing the City Manager to sign temporary and permanent wall and construction easements on publicly owned property located at tax map 2S129A000301 to the benefit of Washington County for the Tualatin Sherwood road widening project**

Issue:

Should City Council authorize the City Manager to dedicate a portion of publicly owned property for the purposes of a permanent wall easement and temporary construction easement to Washington County for the construction of the Tualatin Sherwood Road widening improvements?

Background:

Washington County is in the process of preparing for the construction of street widening improvements along Tualatin Sherwood Road from Langer Farms Parkway to Teton Road. The County has identified a need for a temporary and permanent easement for a wall on public open space. The property does not have an address but is located west of Olds Place and east of Gerda, map and tax lot 2S129A000301. Attachment 1 to this staff report shows the location of the property. This property is open space, conveyed to the City through development because of floodplain and natural resources, and it not developable. As a result, no compensation is requested or proposed.

Financial Impacts:

There are no financial impacts with approving this request.

RECOMMENDATION: Staff respectfully recommends that the Council approve Resolution 2022-014, Authorizing the City Manager to sign temporary and permanent wall and construction easements on publicly owned property located at tax map 2S129A000301 to the benefit of Washington County for the Tualatin Sherwood road widening project.

Attachments:

1 – Map showing location of property in question





RESOLUTION 2022-014

AUTHORIZING THE CITY MANAGER TO SIGN TEMPORARY AND PERMANENT WALL AND CONSTRUCTION EASEMENTS ON PUBLICLY OWNED PROPERTY LOCATED AT TAX MAP 2S129A000301 TO THE BENEFIT OF WASHINGTON COUNTY FOR THE TUALATIN SHERWOOD ROAD WIDENING PROJECT

WHEREAS, Washington County is in preparation to construct street improvements to widen Tualatin Sherwood Road within the City of Sherwood; and

WHEREAS, Washington County street improvements along Tualatin Sherwood Road will require approximately 306 square feet of City of Sherwood owned property for a permanent wall easement and 3333 square feet for a temporary construction easement to be dedicated to Washington County; and

WHEREAS, dedicating the easement is in the interest of the City to allow for a consistent street section; and

WHEREAS, the property is open space and, therefore, dedication of the easement does not affect the developability or value of the property.

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

Section 1: The City Manager is hereby authorized to sign the a dedication deed in a form substantially similar to the attached Exhibit A.

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

Duly passed by the City Council this 1st of March, 2022.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

After recording, please return to:

*Washington County
LUT, Right-of-Way Section
1400 SW Walnut St. Mail Stop #18
Hillsboro, OR 97123-5625*

Until a change is requested all
tax statements shall be sent to:
No Change

DEDICATION DEED

CITY OF SHERWOOD, a political subdivision of the State of Oregon, Grantor, grants to **WASHINGTON COUNTY**, a political subdivision of the State of Oregon, Grantee, on behalf of the public, for the use of the public forever, the following easements in that certain real property situated in the County of Washington and State of Oregon, described on the attached Exhibit "A," and shown on the attached Exhibit "B."

The true consideration for this conveyance is **\$NONE**.

PARCEL 1 - WALL EASEMENT

Including the right to construct, maintain, and repair a retaining wall and related infrastructure, over, under, and across the described property.

PARCEL 2 - TEMPORARY CONSTRUCTION EASEMENT

Including the right for Grantee, its employees, agents, and employees of independent contractors performing work under contract for Washington County, to enter and use the easement area for a construction work area in connection with the construction of the Tualatin-Sherwood Rd (Teton to Langer Farms) project as designed.

The term and duration of this temporary construction easement shall be for a period of three and one-half (3 1/2) years, from January 1, 2022, to June 30, 2025, or upon completion of the above-mentioned construction project, whichever is sooner.

This document is intended to grant easements on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easements granted shall not prevent Grantors from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted. Grantor shall not be permitted to endanger the lateral support of any facilities constructed within the easements granted herein.

Grantor hereby covenants to and with Grantee that it is the owner of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

IN WITNESS WHEREOF, the above named Grantor, by and through its _____, has caused
this instrument to be duly signed.

DATED this _____ day of _____, 20____.

CITY OF SHERWOOD
a political subdivision of the State of Oregon

By: _____

Title: _____

STATE OF OREGON)
) ss.
County of Washington)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by
_____ (name and title of position)

of CITY OF SHERWOOD, a political subdivision of the State of Oregon, on behalf of the CITY OF SHERWOOD, a political
subdivision of the State of Oregon.

Notary Public

Accepted on behalf of Washington County, Oregon.

By: _____

Title: _____

Dated this _____ day of _____, 20____

Approved As To Form:

Cortney D. Duke-Driessen
Sr. Assistant County Counsel
Dated & Signed: September 4, 2013



EXHIBIT "A"

SW Tualatin-Sherwood Road
SW Langer Farms Parkway to SW Teton Avenue
April 2, 2021

Project 100361
File No. 07
Tax Map 2S129A
Tax Lot 000301

PARCEL 1 (PERMANENT WALL EASEMENT)

A parcel of land lying in the Southeast one-quarter of the Northeast one-quarter of Section 29, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being a portion of that property described in that Bargain And Sale Deed to CITY OF SHERWOOD, a political subdivision of the State of Oregon, recorded December 7, 1994 as Document Number 94-109382 of Washington County Records; said parcel being that portion of said property included in a strip of land 51.50 feet in width, lying on the Northerly side of the centerline of SW Tualatin-Sherwood Road, which centerline is described as follows:

CENTERLINE DESCRIPTION OF A PORTION OF SW TUALATIN-SHERWOOD ROAD

A road centerline situated in the Northeast, Southeast, Northwest, and Southwest one-quarters of Section 29, the Northeast, Northwest, and Southwest one-quarters of Section 28, the Northeast and Northwest one-quarters of section 27, the Southeast one-quarter of Section 22, and the Southwest one-quarter of Section 23, all in Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at a point on the centerline of SW Tualatin-Sherwood Road (County Road No. 2737), being a punch mark in the rim of a monument box, at centerline station 43+17.71, and being a point of tangency, which bears South 08°28'04" West a distance of 2661.43 feet from a found 2 inch brass cap, stamped "1988, 20/29, 2S1, Wash. Co. Surveyor", in monument box, at the North one-quarter corner of Section 29, per USBT Book 5, Pages 143-147, Washington County Survey Records; thence South 86°30'30" East a distance of 639.11 feet to a point of curvature at centerline station 49+56.82, and being a 5/8" iron rod with yellow plastic cap stamped "W&H Pacific" in monument box; thence along the arc of a 4000.00 foot radius curve to the left, through a central angle of 03°20'07" (the long chord of which bears South 88°10'34" East 232.82 feet) an arc distance of 232.86 feet to a point of tangency at centerline station 51+89.68, and being a 5/8" iron rod with yellow plastic cap stamped "W&H Pacific" in monument box; thence South 89°50'37" East a distance of 2031.24 feet to a point of curvature at centerline station 72+20.92, and being a 5/8" iron rod with yellow plastic cap stamped "W&H Pacific" in monument box; thence along the arc of a 4000.00 foot radius curve to the right, through a central angle of 01°05'30" (the long chord



of which bears South 89°17'52" East 76.21 feet) an arc distance of 76.21 feet to a point of tangency at centerline station 72+97.13, and being a 5/8" iron rod with yellow plastic cap stamped "W&H Pacific" in monument box, also which bears North 19°19'46" East a distance of 15.36 feet from a found 2 inch brass cap, stamped "T2S, R1W, 29/28, 1992, WASH. CO. SURVEYOR", in monument box, at the East one-quarter corner of Section 29, per USBT Book 7, Page 21, Washington County Survey Records; thence South 88°45'08" East a distance of 1251.95 feet to a point of curvature at centerline station 85+49.08, and being a 5/8" iron rod with yellow plastic cap stamped "W&H Pacific" in monument box; thence along the arc of a 4000.00 foot radius curve to the left, through a central angle of 07°33'27" (the long chord of which bears North 87°28'09" East 527.24 feet) an arc distance of 527.62 feet to a point of tangency at centerline station 90+76.70, and being a 5/8" iron rod with yellow plastic cap stamped "W&H Pacific" in monument box; thence North 83°41'25" East a distance of 4734.13 feet to a point of curvature at centerline station 138+10.83, and being a 5/8" iron rod with yellow plastic cap stamped "W&H Pacific" in monument box; thence along the arc of a 4000.00 foot radius curve to the left, through a central angle of 29°28'00" (the long chord of which bears North 68°57'25" East 2034.56 feet) an arc distance of 2057.16 feet to a point of tangency at centerline station 158+67.99, and being a 5/8" iron rod with yellow plastic cap stamped "W&H Pacific" in monument box; thence North 54°13'25" East a distance of 3139.10 feet to a point of curvature at centerline station 190+07.09, and being a 5/8" iron rod with yellow plastic cap stamped "W&H Pacific" in monument box; thence along the arc of a 1700.00 foot radius curve to the right, through a central angle of 32°26'33" (the long chord of which bears North 70°26'42" East 949.78 feet) an arc distance of 962.58 feet to a point of tangency at centerline station 199+69.67, and being a 5/8" iron rod with yellow plastic cap stamped "W&H Pacific" in monument box; thence North 86°39'58" East a distance of 328.52 feet to a 5/8" iron rod with yellow plastic cap stamped "W&H Pacific", in monument box, at centerline station 202+98.19, which bears North 45°21'30" West a distance of 1563.57 feet from a found 2 inch brass cap, stamped "1/4, 23/26, T2S, R1W, 2005, Wash. Co. Surveyor", in monument box, at the South one-quarter corner of Section 23, per USBT 2005-001, Washington County Survey Records.

This parcel of land contains 306 square feet, more or less, excepting therefrom the existing right-of-way of SW Tualatin-Sherwood Road.

PARCEL 2 (TEMPORARY CONSTRUCTION EASEMENT)

A parcel of land lying in the Southeast one-quarter of the Northeast one-quarter of Section 29, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being a portion of that property described in that Bargain And Sale Deed to CITY OF SHERWOOD, a political subdivision of the State of Oregon, recorded December 7, 1994 as Document Number 94-109382 of Washington County Records; said parcel being that portion of said property included in a strip of land, lying on the Northerly side of the centerline of SW Tualatin-Sherwood Road, which centerline is described in Parcel 1.



The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Centerline
65+00.00		65+75.00	56.50
65+75.00		66+40.00	105.00

EXCEPT therefrom that portion lying within the above-described Parcel 1 (Permanent Wall Easement).

This parcel of land contains 3,333 square feet, more or less, excepting therefrom the existing right-of-way of SW Tualatin-Sherwood Road.

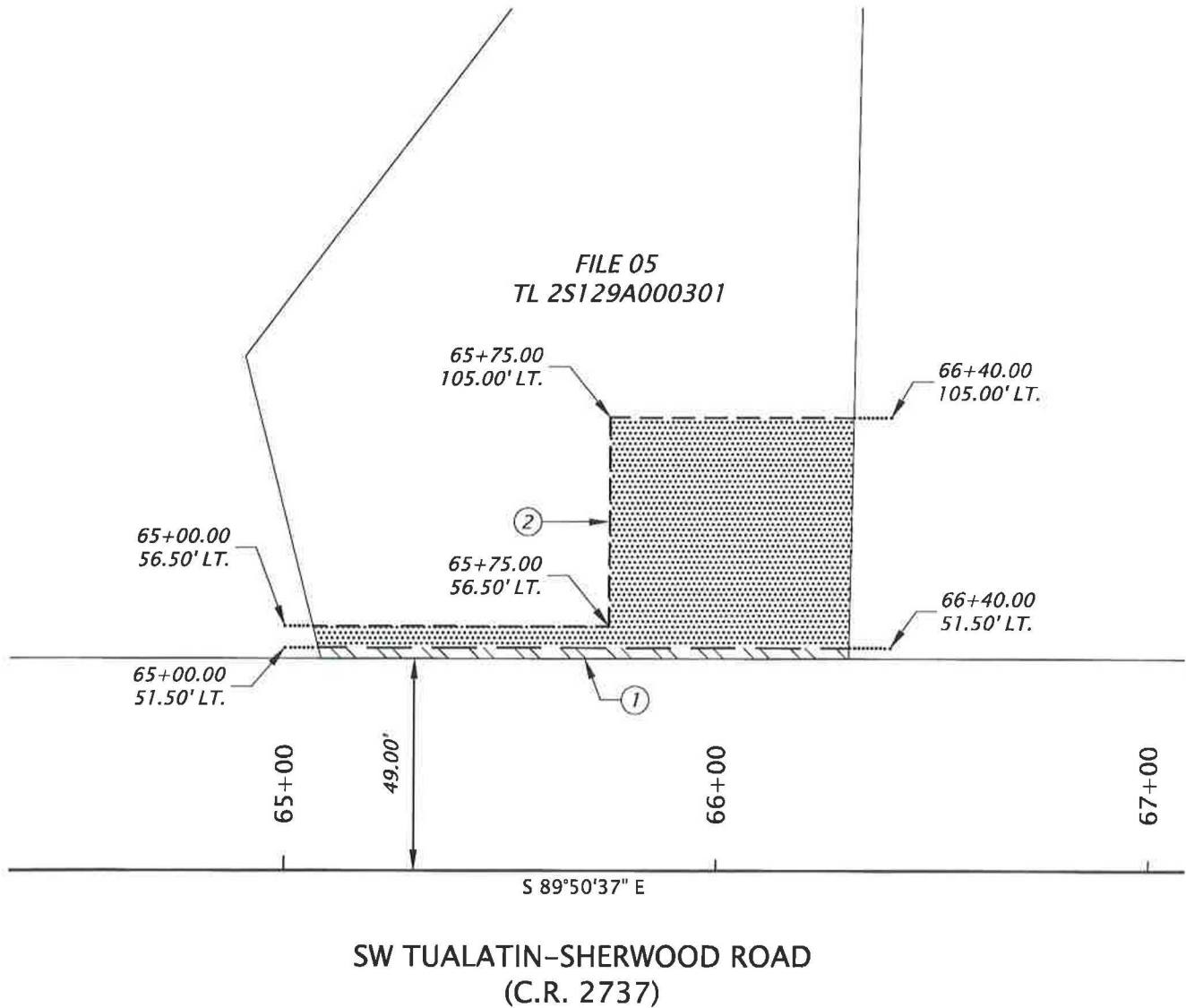
The bearings of this description were established on Record of Survey No. 33760, Washington County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

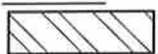
OREGON
MAY 10, 2011
STEPHEN C. WILLIAMS
84070

RENEWES: 06/30/22

EXHIBIT "B"



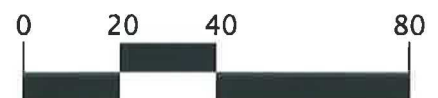
LEGEND:



① PERMANENT WALL EASEMENT
306 SQ. FT. ± (0.007 AC. ±)



② TEMPORARY CONSTRUCTION EASEMENT
3,333 SQ. FT. ± (0.076 AC. ±)



SW TUALATIN-SHERWOOD ROAD
SW LANGER FARMS PARKWAY TO SW TETON AVENUE

FILE NO: 07	SUBMITTAL DATE: APRIL 2, 2021	REV'D:
TAX LOT: 000301	ADDRESS: NO SITE ADDRESS	
TAX MAP: 2S129A		



DAVID EVANS
AND ASSOCIATES INC.

2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

TO: Sherwood City Council

FROM: Keith D. Campbell, City Manager

Through: Josh Soper, City Attorney

SUBJECT: Resolution 2022-015, Declaring a Sherwood City Council Seat Vacant

Issue:

Should the City Council declare a vacancy on the Sherwood City Council and initiate the processes to fill that vacancy?

Background:

After many years of service to the City of Sherwood in various capacities, Councilor Russell Griffin resigned from his position as a City Councilor on February 16, 2022. Section 31(b)(6) of the City Charter provides that a seat on the City Council becomes vacant upon declaration by the City Council after the incumbent's resignation from office. Sherwood Municipal Code (SMC) 2.04.032 provides that, upon becoming aware of a vacancy in an elective office, the City Council must promptly determine and declare the date of vacancy.

Section 32 of the City Charter provides that a vacancy shall be filled by appointment by a majority of Council within 45 days of the date of vacancy, which in this case means a deadline of April 15, 2022 because Council would by this resolution declare the vacancy on March 1, 2022. Councilor Griffin's seat on Council was up for election in November 2022, so under Section 32 of the Charter, the person appointed to fill this vacancy will serve until the person elected in November 2022 takes office in January 2023.

SMC 2.04.034 sets out procedures for the filling of Council vacancies, including a requirement that the City provide notice of the vacancy and allow interested persons to apply to be considered for appointment, as follows:

2.04.034 Appointment by Council

- A. In filling a vacancy, the council may make inquiries and hold interviews as it considers necessary for the appointment. The appointment may be made at a regular or special council meeting.
- B. The council will use the following procedures in the appointment process:
 - 1. Public notice to appropriate neighborhood organizations, civic groups, a newspaper of general circulation and other recognized groups;
 - 2. Deadline for submitting applications at least two weeks after the notice;
 - 3. Appointment from those applicants nominated and seconded for consideration by members of the council. The recorder will announce the results of each

ballot and will record each councilor's ballot. An applicant who receives a majority of the votes by the current council members will be appointed to the vacant position. If no applicant receives a majority vote on the first ballot, the council will continue to vote on the two applicants who receive the most votes until an applicant receives a majority of the councilors voting.

The attached resolution therefore:

1. Declares Councilor Griffin's seat on the City Council to be vacant.
2. Directs the City Manager, or his designee, to provide the notice required by SMC 2.04.034 in order to initiate the process of filling the vacancy by appointment.

Financial Impacts:

The City will incur costs associated with the notices required by SMC 2.04.034, anticipated to be on the order of \$100.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2022-015, Declaring a Sherwood City Council Seat Vacant.



RESOLUTION 2022-015

DECLARING A SHERWOOD CITY COUNCIL SEAT VACANT

WHEREAS, Section 31(b)(6) of the Sherwood City Charter provides that a seat on the Sherwood City Council becomes vacant upon declaration by the City Council after the incumbent's resignation from office; and

WHEREAS, City Councilor Russell Griffin notified the Sherwood City Council that he was resigning from his current City Council seat on February 16, 2022; and

WHEREAS, SMC 2.04.032 provides that, upon becoming aware of a vacancy in an elective office, the City Council must promptly determine and declare the date of vacancy; and

WHEREAS, Section 32 of the Sherwood City Charter provides that a vacancy shall be filled by appointment by a majority of Council within 45 days of the date of vacancy; and

WHEREAS, SMC 2.04.034 sets out procedures for the filling of Council vacancies, including a requirement that the City provide notice of the vacancy and allow interested persons to apply to be considered for appointment.

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

Section 1. The Sherwood City Council declares the City Council seat previously occupied by Russell Griffin to be vacant as of the adoption date of this Resolution.

Section 2. The City Manager, or designee, shall provide notice of the vacancy as required under SMC 2.04.034.B. The notice shall include a deadline for filing an application, which date shall be at least two weeks from the date of notice.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 1st of March, 2022.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Erika Palmer, Planning Manager

Through: Julia Hajduk, Community Development Director, Keith D. Campbell, City Manager, and Josh Soper, City Attorney

SUBJECT: Ordinance 2022-002, Amending multiple sections of the Sherwood Zoning and Community Development Code relating to Marijuana Uses (*First Reading*)

Issue:

Shall the City Council amend sections of the Sherwood Zoning and Community Development Code relating to marijuana uses?

Background:

Oregon voters passed Measure 91 in 2014 to legalize recreational marijuana. The Oregon legislature and the Oregon Liquor and Cannabis Commission (OLCC) have developed statewide regulations and processes to implement this measure.

The Oregon Legislature made significant changes to Measure 91 during the 2015 session in HB 3400 and HB 2041. One of the provisions included the ability of local jurisdictions to “opt-out” or ban all types of recreational marijuana licenses within a particular jurisdiction. Sherwood City Council decided to opt-out (Ordinance 2016-002) and to refer the question of whether to prohibit recreational marijuana producers, processors, wholesalers, and retailers to the voters of the City (Resolution 2016-017), who voted to approve the ban. A citizen ballot initiative to repeal the ban in 2017 was unsuccessful.

Another citizen ballot initiative, Sherwood Measure 34-299, allowing recreational marijuana facilities within Sherwood, was approved by voters in November 2020. On December 1, 2020, the City Council approved Ordinance 2020-011, amending the Sherwood Municipal Code as approved by Ballot Measure 34-299. The 2020 municipal code amendments included the following:

- Imposes a tax of three percent on the retail sale price of marijuana items by a recreational marijuana retailer in the area subject to the jurisdiction of the city.
- Updated definitions of Recreational Marijuana Businesses.
- Approval process, general standards for Recreational Marijuana Businesses, and specific standards for recreational marijuana retail sales facilities.

Subsequently, via Ordinance 2020-013, Council made various amendments to applicable sections of the City’s municipal code outside of the zoning and community development code, specifically to allow for the City’s local recreational marijuana tax program to be administered by the Oregon Department of Revenue, to provide consistency amongst recreational and medical marijuana business regulations, to incorporate hours of operation regulations into Chapter 5.30, and to make others housekeeping amendments.

This ordinance would make similar housekeeping amendments, as shown in Attachment 1 to this staff report in track changes, to Title 16, the Sherwood Zoning and Community Development Code, specifically:

- 16.10 Definitions
- 16.31 Industrial Land Use District
- 16.38 Special Uses
- 16.72 Procedures for Processing Development Permits

Summary of Changes

16.10 Definitions

- Added a definition for Major Commercial Plaza
- Cleaned up text in the definition of Marijuana Processing

16.31 Industrial Land Use District

- Included recreational marijuana facilities in the land use table as a permitted use with special standards in the General Industrial Zone

16.38 Special Uses

- Reformatted sections for clarity and consistency
- New construction of medical and recreational marijuana facilities shall comply with Site Planning requirements in Chapter 16.90.
- Under proximity restrictions, defined public plaza and active use parks and added major commercial plaza

16.72 Procedures for Processing Development Permits

- A medical marijuana dispensary that completes a conversion to a recreational licensee is a Type I review
- A recreational marijuana dispensary is a Type II review similar to the existing review type of a medical marijuana dispensary

The Sherwood Planning Commission held a work session to review and discuss the proposed amendments on January 11, 2022. On February 8, 2022, the Sherwood Planning Commission made a recommendation to forward the proposed amendments to City Council for approval.

Financial Impacts:

Planning staff will review new recreational facilities as a Type II land use review process with associated fees paid by the applicant.

Recommendation:

Staff respectfully recommends City Council hold the first hearing on Ordinance 2022-002, amending sections of the Sherwood Zoning and Community Development Code relating to marijuana uses. If needed, a second hearing on this Ordinance has been scheduled for March 15, 2022.

Attachments

1. Planning Commission staff report and proposed text amendments (Track Changes)
2. Ordinance with Exhibit 1

CITY OF SHERWOOD

Date: March 1, 2022

Planning Commission Recommendation to the City Council, Marijuana Code Clean-Up File No: LU 2022-01- PA

Recommendation of the Planning Commission

The Sherwood Planning Commission held a public hearing on February 8, 2022 to take testimony and consider the application (LU 2022-01-PA). No testimony on the hearing matter was taken, and the Commission voted to close the public hearing. After considering the application materials and the findings in the staff report, the Planning Commission voted to recommend the proposed text amendments to the City Council for adoption.



Erika Palmer
Planning Manager

Proposal: On December 1, 2020, the Sherwood City Council voted and approved Ordinance 2020-011, amending the Sherwood Municipal Code as approved by Ballot Measure 34-299, supported by the voters in November 2020. The 2020 code amendments included the following:

- Imposes a tax of three percent on the retail sale price of marijuana items by a recreational marijuana retailer in the area subject to the jurisdiction of the city.
- Updated definitions of Recreational Marijuana Businesses.
- Approval process, general standards for Recreational Marijuana Businesses, and specific standards for recreational marijuana retail sales facilities.

To ensure municipal code consistency and clarity for marijuana uses within Title 16 of the Sherwood Zoning and Community Development Code (SZCDC), text amendments to the following chapters are needed:

- 16.10 Definitions
- 16.31 Industrial Land Use District
- 16.38 Special Uses
- 16.72 Procedures for Processing Development Permits

A. Applicant: This is a city-initiated text amendment.

B. Location: The proposed amendments are to the text of the SZCDC and apply to the Industrial Land Use Zoning Districts.

C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is scheduled to consider the matter on February 8, 2022. At the close of this hearing, the Planning Commission will forward a recommendation to the City Council, who will consider the proposal and make the final recommendation whether to approve, modify, or deny the proposed text changes. The City Council public hearing is tentatively scheduled for March 8, 2022. Any appeal of the City Council's final decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).

- D. Public Notice and Hearing:** Notice of the February 8, 2022, Planning Commission hearing and tentative March 8, 2022, City Council hearing on the proposed amendment were published in *The Times* on January 20, 2022 and February 3, 2022. Notice was also posted in five public locations around town and on the website on January 20, 2022. Notice to the Oregon Department of Land Conservation and Development (DLCD) was submitted on December 22, 2021 and notice to agencies was sent via email on January 13, 2022. Staff sent a courtesy notice to the Chair of Sherwood's Police Advisory Committee of the proposed amendments on January 24, 2022.
- E. Review Criteria:** The required findings for Plan Amendments are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCD).
- F. Background:** Oregon voters passed Measure 91 in 2014 to legalize recreational marijuana. The Oregon legislature and the Oregon Liquor and Cannabis Commission (OLCC) have developed statewide regulations and processes to implement this measure.

The Oregon Legislature made significant changes to Measure 91 during the 2015 session in HB 3400 and HB 2041. One of the provisions included the ability of local jurisdictions to "opt out" or ban all types of recreational marijuana licenses within a particular jurisdiction. Sherwood City Council decided to place the issue on the ballot and let Sherwood voters decide whether to ban all or one of the recreational marijuana license types (Ord. 2016-02). In 2016 and 2017, Sherwood voters chose to ban all recreational marijuana license types.

In November 2020, Sherwood Measure 34-299, allowing recreational marijuana facilities within Sherwood, was approved by voters. On December 1, 2020, the City Council voted and approved Ordinance 2020-011, amending the Sherwood Municipal Code as approved by Ballot Measure 34-299. The 2020 code amendments included the following:

- Imposes a tax of three percent on the retail sale price of marijuana items by a recreational marijuana retailer in the area subject to the jurisdiction of the city.
- Updated definitions of Recreational Marijuana Businesses.
- Approval process, general standards for Recreational Marijuana Businesses, and specific standards for recreational marijuana retail sales facilities.

On January 11, 2022, the Planning Commission held a work session to review the proposed amendments. During the work session, a question was raised on why the hours of operation for marijuana businesses were stricken from the development code language. Since the work session, staff learned that the hours of operation for marijuana businesses are now listed in Section 5.30 of the Sherwood Municipal Code. The City Attorney recommends only listing the hours of operation in Chapter 5.30, Marijuana Businesses, of the Sherwood Municipal Code. If changes to the hours are proposed in the future, such a change would not have to go through the legislative land use process because the language is not within the Zoning and Community Development Code, Title 16 of the Sherwood Municipal Code. Sherwood City Council would review and take action on a proposed change through a hearings process. At the work session Planning Commission suggested adding the maximum square footage for medical and recreational facilities within the use table in Section 16.31.020. The maximum square footage, 3,000 square feet for both facilities, is listed under each use's standards in Section 16.38, Special Uses. The language describing the maximum square footage for medical marijuana dispensaries and recreational marijuana facilities in the two are worded slightly different. The recreational sale is based on retail activity, and the medical use is a transfer of medical products. Therefore, staff recommends not adding this footnote to the use table.

The proposed text amendments to the following chapters within Title 16, Sherwood Zoning and Community Development Code, are needed to ensure municipal code consistency and clarity.

- 16.10 Definitions
- 16.31 Industrial Land Use District
- 16.38 Special Uses
- 16.72 Procedures for Processing Development Permits

II. PUBLIC COMMENTS

As of this writing, no public comments have been received.

III. AGENCY COMMENTS

Notice to DLCD and Metro was sent on December 22, 2021, and an e-notice to agency partners was sent on January 13, 2022.

As of this writing, no comments have been received.

IV. REQUIRED FINDINGS FOR PLAN TEXT AMENDMENT

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

SZCDC 16.80.030 - Review Criteria

A. Text Amendment: An amendment to the text of the Comprehensive Plan or the Zoning and Community Development Code must be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment must be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan, and this Code, and with any applicable State or City statutes and regulations, including this Section.

Community Need

RESPONSE: The proposal seeks text amendments to chapters in Title 16, Sherwood Zoning and Community Development Code, in the City's municipal code. On December 1, 2020, the City Council voted and approved Ordinance 2020-011, amending the Sherwood Municipal Code as approved by Ballot Measure 34-299. The 2020 code amendments included the following:

- Imposes a tax of three percent on the retail sale price of marijuana items by a recreational marijuana retailer in the area subject to the jurisdiction of the city.
- Updated definitions of Recreational Marijuana Businesses.
- Approval process, general standards for Recreational Marijuana Businesses, and specific standards for recreational marijuana retail sales facilities.

The proposed text amendments to the following chapters within Title 16, Sherwood Zoning and Community Development Code, are needed to ensure municipal code consistency and clarity.

- 16.10 Definitions

- 16.31 Industrial Land Use District
- 16.38 Special Uses
- 16.72 Procedures for Processing Development Permits

FINDING: The Sherwood City Council and Planning Commission have identified the need for proposed amendments to ensure municipal code consistency and clarity for marijuana facilities.

Consistency with the Comprehensive Plan

RESPONSE: While this specific proposal does not include changes to the text of the Comprehensive Plan, it is a proposal that would amend language within the Development Code, which is a component of the larger Comprehensive Plan and is reviewed in that light. There do not appear to be any comprehensive plan requirements that would conflict with the proposed code language, as the Comprehensive Plan does not address or comment on specific types of land uses, like marijuana facilities, but instead identifies policy goals for the more general land uses of commercial and industrial uses. The proposed language continues to implement the land use goals and policies as they apply to Industrial zoning uses and land use designations and processes.

FINDING: The proposed amendments are not in conflict with the Sherwood 2040 Comprehensive Plan. The proposed amendments continue to implement the land use goals and policies and apply to Industrial zoning uses with special standards and processes.

Consistency with the City's Transportation System Plan

RESPONSE: The proposed text amendments are not inconsistent with the City's Transportation System Plan. The proposal would not present any impacts to the existing City transportation system, the Transportation System Plan, or how the city analyzes future transportation impacts. Transportation impacts are analyzed and addressed at the time of land use application submittal and review.

FINDING: The proposed text amendments are not inconsistent with the City's Transportation System Plan.

Consistency with Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

It is the purpose of this Goal to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

RESPONSE: The proposed amendments are in response to Ballot Measure 24-299 that was passed by Sherwood voters in November 2020. In December 2020, Council held a public hearing and adopted municipal code amendments to implement Ballot Measure 24-299 (ORD 2020-011).

Planning Commission held a work session to review and discuss the proposed amendments on January 11, 2022. A project page for the proposed amendments was created on January 20, 2022.

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2022, on the city's website that also provided the public notice and how to provide public comments to the Commission and City Council. The City of Sherwood's legislative amendment and hearing process provides numerous opportunities for citizens to be involved in all phases of the planning process. The amendments have been developed with the opportunity for public involvement and have been noticed in accordance with Sherwood Zoning and Community Development Code Chapter 16.72, Procedures for Processing Development Permits.

FINDING: The proposed amendments and the City's development code legislative process ensure the opportunity for public engagement.

Goal 2: Land Use Planning

It is the purpose of this Goal to establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

RESPONSE: The development of the proposed amendments has followed the City's established land use planning process and included public meetings, public outreach through information on the City's website, and opportunities for public comment. The proposed amendments to Title 16, Sherwood Zoning and Community Development Code, are in response to Ballot Measure 26-299, which Sherwood voters approved in 2020. The proposed amendments allow for consistency and clarity standards for all marijuana uses throughout Sherwood's Municipal Code.

FINDING: The proposed text amendments are consistent with Goal 2 and the City's Industrial Zones.

The following State Land Use Goals are not applicable to this proposal:

Goal 3: Agricultural Lands

Goal 4: Forest Lands

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 6: Air, Water and Land Resources Quality

Goal 7: Natural Hazards:

Goal 8: Recreational Needs

Goal 9: Economic Development

Goal 10: Housing

Goal 11: Public Facilities and Services

Goal 12: Transportation

Goal 13: Energy

Goal 14: Urbanization

Goal 15: Willamette River Greenway,

Goal 16: Estuarine Resources,

Goal 17: Coastal Shorelands,

Goal 18: Beaches and Dunes; and

Goal 19: Ocean Resources

Metro's Regional Framework Plan

The Functional Framework Plan Six Outcomes are statements adopted by the Metro Council that synthesize the 2040 Growth Concept and regional policies.

1. People live, work, and play in vibrant communities where their everyday needs are easily accessible.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that enhance their quality of life.
4. The region is a leader in minimizing contributions to global warming.
5. Current and future generations enjoy clean air, clean water, and healthy ecosystems.
6. The benefits and burdens of growth and change are distributed equitably.

Response: The proposed amendments are consistent with the City's Comprehensive Plan; therefore, the amendment is consistent with the 2040 Growth Concept and regional policies.

SZCDC Review Criteria 16.80.030.C – Transportation Planning Rule Consistency

FINDING: This amendment does not impact the state Transportation Planning Rule. The proposed amendment, as stated above, does not affect the City's Transportation Systems Plan. New land use applications are reviewed for transportation impacts at the time of submittal.

V. RECOMMENDATION

As proposed, the draft amendments to the following chapters of Title 16, Sherwood Zoning and Community Development Code, support and meet the intent of the City's Comprehensive Plan and all applicable state and regional criteria.

- 16.10 Definitions
- 16.31 Industrial Land Use District
- 16.38 Special Uses
- 16.72 Procedures for Processing Development Permits

PLANNING COMMISSION ALTERNATIVES

1. Approve the findings in this staff report and recommend approval to City Council.
2. Modify the findings and approve the staff report as modified in compliance with all applicable criteria and recommend approval to City Council.
3. Modify the findings and deny the proposed amendments based on the Commission's findings, and recommend denial of the proposal to City Council; or
4. Continue the Public Hearing to a date certain if more information is needed.

STAFF RECOMMENDATION

Based on the above findings and applicable code criteria, staff recommends that the Planning Commission forward a recommendation of approval of the proposed text amendments as

presented in Exhibit B to this staff report Case File LU 2022-01-PA, to the Sherwood City Council.

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE
Division I. - GENERAL PROVISIONS
Chapter 16.10 DEFINITIONS

Chapter 16.10 DEFINITIONS

Note – three asterisks (***) Indicates code has been omitted because it is not applicable

Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legally permitted businesses on the site

Marijuana Processing: A building or structure used in whole or in part for processing recreational marijuana as defined in ~~in~~ O.R.S. 475B et seq., as the processing, compounding or conversion of marijuana into cannabinoid products, ~~cannabinoid~~ concentrates or ~~cannabinoid~~ extracts, and which is licensed by the Oregon Liquor Control Commission. Processing may include packaging or labeling.

Marijuana Production: A building or structure used in whole or in part for producing recreational marijuana as defined in O.R.S. 475B et seq., as the manufacture, planting, cultivation, growing, or harvesting of marijuana, and which is licensed by the Oregon Liquor Control Commission. Producing does not include cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

Marijuana Retail Sales: A building or structure used in whole or in part for retail sales to a consumer of marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Testing Laboratories: A building or structure used in whole or in part for testing of marijuana items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Wholesale Operations: A building or structure used in whole or in part for wholesale distribution of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is licensed by the Oregon Liquor Control Commission.

Medical Marijuana Dispensary: A retail facility that is either (1) registered by the Oregon Health Authority or (2) designated as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475.B.131, and that is allowed under state law to receive marijuana, immature marijuana plants or usable marijuana products (such as edible products, ointments, concentrates or tinctures) and to transfer that marijuana, immature plants, or usable project to a person with a valid Oregon Medical Marijuana Program card (a patient or the patient's caregiver). A medical marijuana dispensary is not a "recreational [marijuana](#) retailer" as defined in Section 3.25.010 ~~or 5.30.010~~. A medical marijuana dispensary includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

Chapter 16.31 INDUSTRIAL LAND USE DISTRICTS¹

16.31.010 Purpose

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

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

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

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.

¹Editor's note(s)—Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation.

- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses	LI	GI	EI ¹
RESIDENTIAL			
• Single dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards	P	P	C
• Small-scale power generation facilities	P	P	P
• Large-scale power generation facilities	C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C
COMMERCIAL			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3}	C	C	C
Hospitality and lodging			
• Hotel/Motel	CJ ¹²	N	N
Motor vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	C ⁴
• Vehicle fueling stations or car wash facilities ⁵	C	C	C
• Junkyards and salvage yards	N	N	N
• Manufactured home sales and display area	N	N	N
Office and professional support services			
• Business and professional offices ³	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ³	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	P	P	P
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use ³	C	C	C
General retail - sales oriented			

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(Supp. No. 20, Update 1)

• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business ³	P	P	P
• Medical <u>and recreational</u> marijuana <u>facilities dispensary, not exceeding 3,000 square feet of gross square footage</u>	N	P ⁶	N
• Tool and equipment repair, rental and sales, including truck rental ⁷	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumber yards ³	C	P	N
Personal services			
• Health clubs and studios less than 5,000 square feet in size	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services ⁸	C	C	C
• Public or commercial parking (non-accessory)	N	N	N
• Veterinarian offices and animal hospitals	C	C	C
• Animal boarding/kennels and pet daycare facilities with outdoor recreation areas ⁸	C	C	C
Eating and drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ³	C	C	C
• Restaurants with drive-thru services	N	N	N
• On-site cafeteria that is secondary to, and serving employees of, a permitted use	P	P	P
INDUSTRIAL			
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code	P	P	P
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations	C	P	C
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N
• Distribution, warehousing and storage associated with a permitted use operating on the same site	P	P	P
• Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building ⁹	P	P	P
• Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building ⁹	N	P	C
• Mini-warehousing or self-storage	N	P	N
• Medical or dental laboratories, including biomedical compounding	P	P	P
• Laboratories (not medical or dental)	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards	C	P	C ⁴
• Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses ¹⁰	P	P	P
• Industrial laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
• Sawmills	C	C	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants	N	C	N

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(Supp. No. 20, Update 1)

• Solid waste transfer stations	N	C	N
The following uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City			
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community	N	N	N
• Pulp and paper mills	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces	N	N	N
• Meat, fish, poultry and tannery processing	N	N	N
• General purpose solid waste landfills, incinerators, and other solid waste facilities not otherwise permitted in this Code	N	N	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers ¹¹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

¹ See special criteria for the EI zone, 16.31.050 and the Tonquin Employment Area (TEA), 16.31.060.

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

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

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

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

⁶ See Special Criteria for Medical and Recreational Marijuana Facilities ~~Dispensary under Section in Chapter 16.38, Special Uses-020-~~

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

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

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

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

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

¹² See special standard criteria for hospitality and lodging uses within the Light Industrial Land Use District SZCDC 16.31.040.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 Development Standards

A. Generally

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

B. Development Standards

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

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

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

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

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016)

16.31.040 Special Standards Hospitality and Lodging Uses Within the Light Industrial Zone

A. Siting

1. Hotels/motels within the Light Industrial zone must be sited within 1/4 mile from the General Commercial and/or Retail Commercial zone.

B. Development and Design

1. The development of hotels/motels in the Light Industrial zone shall use the urban design standards in SZCDC Section 16.90.20.D.6.a—c. As an alternative to the standards in Section 16.90.20.D.6.a—c the commercial design review matrix may be applied (Section 16.90.020.D.6.d). A development must propose a minimum of sixty (60) percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c.
2. A hotel/motel shall provide a minimum of 200 square feet of interior floor area for conference and/or meeting rooms, exclusive of dining, breakfast and lobby areas.

(Ord. No. 2020-006 , § 2, 7-21-2020)

Editor's note(s)—Ord. No. 2020-006 , § 2, adopted July 21, 2020, amended the Code by renumbering former §§ 16.31.040—16.31.070 as §§ 16.31.050—16.31.080, and adding a new § 16.31.040.

16.31.050 Employment Industrial (EI) Restrictions

A. Use Restrictions

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

B. Land Division Restrictions

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.040. See editor's note, § 16.31.040.

16.31.060 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.050. See editor's note, § 16.31.040.

16.31.070 Community Design

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.060. See editor's note, § 16.31.040.

16.31.080 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.070. See editor's note, § 16.31.040.

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

1. Type I

The following quasi-judicial actions shall be subject to a Type I review process:

- a. Signs;
- b. Property line adjustments;
- c. Interpretation of similar uses;
- d. Temporary uses;
- e. Final subdivision and partition plats;
- f. Final site plan review;
- g. Time extensions of approval, per Sections 16.90.020; 16.124.010;
- h. Class A home occupation permits;
- i. Interpretive decisions by the city manager or his/her designee;
- j. Tree removal permit—Street trees over five inches DBH, per section 16.142.050.B.2 and 3;
- k. Adjustments;
- l. Re-platting, lot consolidations and vacations of plats;
- m. Minor modifications to approved site plans;
- n. Accessory dwelling units.
- [o. An existing Medical Marijuana Dispensary in compliance with Section 16.38.020 \(Medical Marijuana Dispensary\) which completes a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq.](#)

2. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

- a. Land Partitions
- b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted

Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.
- d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.
- e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.
- f. Homeowner's association street tree removal and replacement program extension.
- g. Class B Variance
- h. Street Design Modification
- i. Subdivisions between 4—10 lots
- j. Medical marijuana dispensary ~~permit~~
- k. Recreational marijuana dispensary

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE
Division II. - LAND USE AND DEVELOPMENT
Chapter 16.38 SPECIAL USES

Chapter 16.38 SPECIAL USES

*Note – three asterisks (***) Indicates code has been omitted because it is not applicable*

16.38.010 General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

(Ord. 86-851, § 3)

16.38.020 Medical Marijuana Dispensary

A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.
2. Registration and Compliance with Oregon Health Authority and Oregon Liquor Control Commission Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475B.858 or a current valid designation as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475B.131. Failure to comply with Oregon Health Authority and Oregon Liquor Control Commission regulations, as applicable, is a violation of this Code.

B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process, [in addition to any other land use review process required by this Code](#). A medical marijuana dispensary that has already obtained such approval and which is converting from Oregon Health Authority registration to Oregon Liquor Control Commission licensure with an exclusively medical designation, or vice versa, is not required to obtain additional land use approval from the City under this section solely as a result of such license conversion.

C. Standards

[1. All new construction of medical marijuana dispensaries shall comply with 16.90 Site Planning.](#)

~~1. Hours of Operation. A medical marijuana dispensary may not be open to the public before 10:00 a.m. and not later than 8:00 p.m. all days of the week.~~

~~1.2~~ 2. Security Measures Required

- a. Landscaping must be continuously maintained to provide clear lines of sight from a public right-of-way to all building entrances.
- b. Exterior lighting must be provided and continuously maintained.
- c. ~~Any~~ security bars installed on doors or windows ~~shall not be~~ visible from a public right-of-way ~~and shall must~~ be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.

d. No outdoor storage of marijuana is allowed at any medical marijuana dispensary.

23. Co-location Prohibited

a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.

b. A medical marijuana dispensary may not be located at the same address with any facility or business at which marijuana is inhaled or consumed

34. Mobile and Delivery Businesses Prohibited

a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.

b. A dispensary may not operate to deliver marijuana.

45. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.

56. Proximity Restrictions. A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

a. Residential Zones. A medical marijuana production, processing, testing laboratory or wholesale facility shall not be located within one thousand (1,000) feet of a Any single-family residential or multi-family residential zone.

b. Schools. Within one thousand (1,000) feet of a A public or private elementary or secondary school attended primarily by children under 19 years of age.

c. Public Plazas and Active Use Parks. Within one thousand (1,000) feet of a A public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.

d. A Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legally permitted businesses on the site.

6. One or more licensed medical marijuana dispensaries shall be permitted on the same tax lot, subject to the proximity restrictions in this section.

7. Medical marijuana dispensaries shall only be permitted in zones classified as General Industrial.

8. No medical marijuana dispensary may be located within the Old Town Overlay District.

9. No medical marijuana dispensary shall exceed an area of three thousand (3,000) square feet of publicly accessible areas associated with the transfer of medical marijuana.

A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

a. An educational institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.

b. Another medical marijuana dispensary.

c. A public park or plaza.

Formatted: List 2

(Ord. No. 2018-008, § 2, 10-2-2018; Ord. No. 2015-005, § 2, 5-5-2015)

16.38.030 Recreational Marijuana Facilities

A. Characteristics

1. Five types of recreational marijuana facilities are defined in Section 16.010.20.
2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.

B. Approval Process. Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, the Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.

1. An existing Medical Marijuana Dispensary in compliance with Section 16.38.020 (Medical Marijuana Dispensary) which completes a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq. shall be exempted from the requirement to complete a Type II process and shall only be required to complete a Type I process under 16.72.010.A1.

C. General Standards for Recreational Marijuana Facilities

1. All new construction of recreational marijuana facilities shall comply with 16.90 Site Planning.
 - a. ~~A medical marijuana dispensary which is in compliance with Section 16.38.020 (Medical Marijuana Dispensary) on or before April 1, 2020, and which maintains such compliance until completion of a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq. shall be exempted from 16.90 Site Planning for any new or modified recreational marijuana facilities.~~
2. In the case of production facilities, views from the exterior of the building into the production area are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.
3. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.
4. Public Access Prohibited. Access to any production, processing, testing laboratory ~~or~~ and wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
5. Security Measures Required
 - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
 - b. Exterior lighting shall be provided and continuously maintained.
 - c. ~~Any~~ Security bars installed on doors or windows ~~shall not be~~ visible from the public right-of-way ~~and~~ shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
 - d. No outdoor storage of marijuana is allowed at any recreational marijuana facilities.
6. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:
 - a. Installation of activated carbon filters on all exhaust outlets to the building exterior;

- b. Location of exhaust outlets a minimum of ~~ten 40~~ feet from the property line and ~~ten 40~~ feet above finished grade; and
 - c. Maintenance of negative air pressure within the facility; or
 - d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.
7. Proximity Restrictions. A recreational marijuana facility may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
- ~~a. Residential zones. A recreational marijuana production, processing, testing laboratory or wholesale sales facility shall not be located within one thousand (1,000) feet of a~~ Any single-family residential or multi-family residential zone. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
 - ~~b. Schools. Within one thousand (1,000) feet of a~~ A public or private elementary or secondary school attended primarily by children under 19 years of age.
 - ~~c. Public Plazas and Active Use Parks. Within one thousand (1,000) feet of a~~ A public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.
 - ~~d. A Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legally permitted businesses on the site.~~
8. One or more licensed Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) shall be permitted on the same tax lot, subject to the proximity restrictions under 16.38.030(D)(7) in this section.
- ~~98.~~ No recreational marijuana facility may be located within the Old Town Overlay District.
- ~~109.~~ Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) licensed by the Oregon Liquor Control Commission shall only be permitted in zones classified as General Industrial.
- ~~a. Exception. Any existing medical marijuana dispensary located in an area zoned Light Industrial which is in compliance with Section 16.38.020 (Medical Marijuana Dispensary) on or before April 1, 2020, will be an approved situs for a licensed recreational marijuana facility. This section expressly authorizes the operation of a licensed recreational marijuana facility in the following location-zoned Light Industrial:~~
 - ~~Tax Lot 25129A-000500—Parcel R0547705~~
 - ~~15025 SW Tualatin-Sherwood Rd, Sherwood, OR 97140~~
 - ~~b. The sale of any property listed at 16.38.030(9) (a) shall not terminate this exception and such exception shall run with the land. A purchaser of the applicable real estate may, but shall not be required, to undertake a "Change of Ownership" review by the Oregon Liquor Control Commission. A subsequent purchaser of the applicable real estate may seek a new recreational marijuana license from the Oregon Liquor Control Commission unconnected with the license maintained by the prior owner(s).~~

~~10. One or more licensed Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) shall be permitted on the same tax lot, subject to the proximity restrictions under 16.38.030(D)(7).~~

D. Specific Standards for Recreational Marijuana Retail Sales Facilities

~~1. All new construction of recreational marijuana retail facilities shall comply with 16.90 Site Planning, unless such facility is exempted from 16.90 Site Planning under 16.38.030(C)(1)(a).~~

~~2.1. Public Access Prohibited. Access to a retail sales facility shall be limited to employees, personnel, and customers over the age of 21.~~

- ~~a. A OHA-registered medical marijuana patient or caregiver at least 18 years of age shall be permitted to enter a retail sales facility for the purposes of purchasing medical marijuana.~~

~~3. Hours of Operation~~

- ~~a. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. Sunday through Thursday.~~
- ~~b. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 10:00 p.m. Friday and Saturday.~~
- ~~c. An individual facility may set hours within those specified, but may not be open outside those parameters.~~

~~4. Security Measures Required~~

- ~~a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.~~
- ~~b. Exterior lighting shall be provided and continuously maintained consistent with Section 16.154.~~
- ~~c. Any security bars installed on doors or windows visible from the public right of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.~~

~~325. Mobile and Delivery Businesses Prohibited~~

- ~~a. A recreational dispensary may not operate as a mobile business as defined in Section 16.10.020.~~
- ~~b. A recreational dispensary may not operate to deliver marijuana.~~

~~43. Drive-Through and Walk-Up. A recreational marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.~~

~~Mobile or Temporary Businesses Prohibited. A retail sales facility may not operate as a mobile or temporary business as defined in Section 16.10.020.~~

~~6. Drive-in or Drive-Through Facilities Only Permitted Where Authorized by OLCC. A retail sales facility may only operate a drive-in, or drive-through or "curbside delivery" retailer facility, as defined in Section 16.10.020. Nothing in this section shall prohibit a marijuana retailer from operating a delivery service which is compliant with state law and OLCC regulations concerning delivery by a recreational marijuana retailer.~~

~~7. Proximity Restrictions. A retail marijuana facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.~~

- ~~a. Schools. Within one thousand (1,000) feet of a public or private elementary or secondary school attended primarily by children under 19 years of age.~~

~~b. Other Retail Facilities. Within one thousand (1,000) feet of another retail recreational marijuana facility or any medical marijuana dispensary.~~

~~c. Public Plazas and Active Use Parks. Within one thousand (1,000) feet of a public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.~~

~~648. No recreational marijuana retail facility shall exceed an area of three thousand (3,000) square feet of publicly accessible areas associated with the retail sale of recreational marijuana. No additional size limitations on recreational retail marijuana facilities shall be imposed except as required by state law.~~

(Ord. No. 2020-011 , § 1, 12-1-2020)

~~***~~



ORDINANCE 2022-002

AMENDING MULTIPLE SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE RELATING TO MARIJUANA USES

WHEREAS, Sherwood Ballot Measure 34-299, allowing recreational marijuana facilities within Sherwood, was approved by voters in November 2020; and

WHEREAS, multiple sections of the Sherwood Zoning and Community Development Code (SZCDC) need to be updated for consistency and clarity relating to marijuana uses; and

WHEREAS, the Planning Commission held a work session on January 11, 2022, to review and discuss the proposed amendments; and

WHEREAS, the Planning Commission, after a public hearing notice was provided to a list of partner agencies, posted in locations in the City and on the City website, and advertised in The Times, a newspaper of general circulation in the City, held a public hearing on February 8, 2022, to review the proposed amendments and to gather additional testimony and evidence regarding the proposed amendments; and

WHEREAS, the Planning Commission recommends City Council to adopt the proposed amendments; and

WHEREAS, the City Council held a public hearing on the proposed amendments on March 1, 2022.

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

Section 1. After full and due consideration of the application, the Planning Commission recommendation, the record, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation, which is included as Attachment 1 to the staff report for this Ordinance, finding that the text of the indicated sections of the Sherwood Zoning and Community Development Code shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

Section 2. The proposed amendments to SZCDC Chapters, 16.10 Definitions, 16.31 Industrial Land Use Districts, 16.38 Special Uses, 16.72 Procedures for Processing Development Permits in Exhibit 1, attached to this Ordinance, are hereby **APPROVED**.

Section 3. This Ordinance shall become effective 30 days from its adoption

Duly passed by the City Council this March 1st, 2022.

Keith Mays, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

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

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE
Division I. - GENERAL PROVISIONS
Chapter 16.10 DEFINITIONS

Chapter 16.10 DEFINITIONS

*Note – three asterisks (***) Indicates code has been omitted because it is not applicable*

Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legally permitted businesses on the site

Marijuana Processing: A building or structure used in whole or in part for processing recreational marijuana as defined in O.R.S. 475B et seq., as the processing, compounding or conversion of marijuana into cannabinoid products, concentrates or extracts, and which is licensed by the Oregon Liquor Control Commission. Processing may include packaging or labeling.

Marijuana Production: A building or structure used in whole or in part for producing recreational marijuana as defined in O.R.S. 475B et seq., as the manufacture, planting, cultivation, growing, or harvesting of marijuana, and which is licensed by the Oregon Liquor Control Commission. Producing does not include cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

Marijuana Retail Sales: A building or structure used in whole or in part for retail sales to a consumer of marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Testing Laboratories: A building or structure used in whole or in part for testing of marijuana items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Wholesale Operations: A building or structure used in whole or in part for wholesale distribution of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is licensed by the Oregon Liquor Control Commission.

Medical Marijuana Dispensary: A retail facility that is either (1) registered by the Oregon Health Authority or (2) designated as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475.B.131, and that is allowed under state law to receive marijuana, immature marijuana plants or usable marijuana products (such as edible products, ointments, concentrates or tinctures) and to transfer that marijuana, immature plants, or usable project to a person with a valid Oregon Medical Marijuana Program card (a patient or the patient's caregiver). A medical marijuana dispensary is not a "recreational marijuana retailer" as defined in Section 3.25.010. A medical marijuana dispensary includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

Chapter 16.31 INDUSTRIAL LAND USE DISTRICTS¹

16.31.010 Purpose

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

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

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

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.

¹Editor's note(s)—Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation.

- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses	LI	GI	EI ¹
RESIDENTIAL			
• Single dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards	P	P	C
• Small-scale power generation facilities	P	P	P
• Large-scale power generation facilities	C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C
COMMERCIAL			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3}	C	C	C
Hospitality and lodging			
• Hotel/Motel	CJ ¹²	N	N
Motor vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	C ⁴
• Vehicle fueling stations or car wash facilities ⁵	C	C	C
• Junkyards and salvage yards	N	N	N
• Manufactured home sales and display area	N	N	N
Office and professional support services			
• Business and professional offices ³	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ³	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	P	P	P
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use ³	C	C	C
General retail - sales oriented			

Created: 2021-05-29 10:45:00 [EST]

(Supp. No. 20, Update 1)

• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business ³	P	P	P
• Medical and recreational marijuana facilities	N	P ⁶	N
• Tool and equipment repair, rental and sales, including truck rental ⁷	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumber yards ³	C	P	N
Personal services			
• Health clubs and studios less than 5,000 square feet in size	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services ⁸	C	C	C
• Public or commercial parking (non-accessory)	N	N	N
• Veterinarian offices and animal hospitals	C	C	C
• Animal boarding/kennels and pet daycare facilities with outdoor recreation areas ⁸	C	C	C
Eating and drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ³	C	C	C
• Restaurants with drive-thru services	N	N	N
• On-site cafeteria that is secondary to, and serving employees of, a permitted use	P	P	P
INDUSTRIAL			
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code	P	P	P
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations	C	P	C
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N
• Distribution, warehousing and storage associated with a permitted use operating on the same site	P	P	P
• Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building ⁹	P	P	P
• Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building ⁹	N	P	C
• Mini-warehousing or self-storage	N	P	N
• Medical or dental laboratories, including biomedical compounding	P	P	P
• Laboratories (not medical or dental)	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards	C	P	C ⁴
• Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses ¹⁰	P	P	P
• Industrial laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
• Sawmills	C	C	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants	N	C	N
• Solid waste transfer stations	N	C	N

Created: 2021-05-29 10:45:00 [EST]

(Supp. No. 20, Update 1)

The following uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City			
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community	N	N	N
• Pulp and paper mills	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces	N	N	N
• Meat, fish, poultry and tannery processing	N	N	N
• General purpose solid waste landfills, incinerators, and other solid waste facilities not otherwise permitted in this Code	N	N	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers ¹¹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

¹ See special criteria for the EI zone, 16.31.050 and the Tonquin Employment Area (TEA), 16.31.060.

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

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

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

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

⁶ See Special Criteria for Medical and Recreational Marijuana Facilities in Chapter 16.38, Special Uses

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

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

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

¹⁰ These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity

occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

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

¹² See special standard criteria for hospitality and lodging uses within the Light Industrial Land Use District SZCDC 16.31.040.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 Development Standards

A. Generally

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

B. Development Standards

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

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

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

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

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016)

16.31.040 Special Standards Hospitality and Lodging Uses Within the Light Industrial Zone

A. Siting

1. Hotels/motels within the Light Industrial zone must be sited within 1/4 mile from the General Commercial and/or Retail Commercial zone.

B. Development and Design

1. The development of hotels/motels in the Light Industrial zone shall use the urban design standards in SZCDC Section 16.90.20.D.6.a—c. As an alternative to the standards in Section 16.90.20.D.6.a—c the commercial design review matrix may be applied (Section 16.90.020.D.6.d). A development must propose a minimum of sixty (60) percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c.
2. A hotel/motel shall provide a minimum of 200 square feet of interior floor area for conference and/or meeting rooms, exclusive of dining, breakfast and lobby areas.

(Ord. No. 2020-006 , § 2, 7-21-2020)

Editor's note(s)—Ord. No. 2020-006 , § 2, adopted July 21, 2020, amended the Code by renumbering former §§ 16.31.040—16.31.070 as §§ 16.31.050—16.31.080, and adding a new § 16.31.040.

16.31.050 Employment Industrial (EI) Restrictions

A. Use Restrictions

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

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three acres shall be prohibited unless Section 16.31.050 applies.
2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a planned unit development approved by the city so long as the resulting division yields at least one lot or parcel of at least fifty (50) acres in size.

3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a planned unit development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.040. See editor's note, § 16.31.040.

16.31.060 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.050. See editor's note, § 16.31.040.

16.31.070 Community Design

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.060. See editor's note, § 16.31.040.

16.31.080 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.070. See editor's note, § 16.31.040.

Chapter 16.38 SPECIAL USES

*Note – three asterisks (***) Indicates code has been omitted because it is not applicable*

16.38.010 General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

(Ord. 86-851, § 3)

16.38.020 Medical Marijuana Dispensary

A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.
2. Registration and Compliance with Oregon Health Authority and Oregon Liquor Control Commission Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475B.858 or a current valid designation as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475B.131. Failure to comply with Oregon Health Authority and Oregon Liquor Control Commission regulations, as applicable, is a violation of this Code.

B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process, in addition to any other land use review process required by this Code. A medical marijuana dispensary that has already obtained such approval and which is converting from Oregon Health Authority registration to Oregon Liquor Control Commission licensure with an exclusively medical designation, or vice versa, is not required to obtain additional land use approval from the City under this section solely as a result of such license conversion.

C. Standards

1. All new construction of medical marijuana dispensaries shall comply with 16.90 Site Planning.
2. Security Measures Required
 - a. Landscaping must be continuously maintained to provide clear lines of sight from a public right-of-way to all building entrances.
 - b. Exterior lighting must be provided and continuously maintained.
 - c. Security bars installed on doors or windows shall not be visible from a public right-of-way and shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
 - d. No outdoor storage of marijuana is allowed at any medical marijuana dispensary.

3. Mobile and Delivery Businesses Prohibited
 - a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.
 - b. A dispensary may not operate to deliver marijuana.
4. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.
5. Proximity Restrictions: A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:
 - a. Residential Zones. Any single-family residential or multi-family residential zone.
 - b. Schools. A public or private elementary or secondary school attended primarily by children under 19 years of age.
 - c. Public Plazas and Active Use Parks. A public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.
 - d. A Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legally permitted businesses on the site.
6. One or more licensed medical marijuana dispensaries shall be permitted on the same tax lot, subject to the proximity restrictions in this section.
7. Medical marijuana dispensaries shall only be permitted in zones classified as General Industrial.
8. No medical marijuana dispensary may be located within the Old Town Overlay District.9. No medical marijuana dispensary shall exceed an area of three thousand (3,000) square feet of publicly accessible areas associated with the transfer of medical marijuana.

(Ord. No. 2018-008, § 2, 10-2-2018; Ord. No. 2015-005, § 2, 5-5-2015)

16.38.030 Recreational Marijuana Facilities

- A. Characteristics
 1. Five types of recreational marijuana facilities are defined in Section 16.010.20.
 2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.
- B. Approval Process. Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, the Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.
 1. An existing Medical Marijuana Dispensary in compliance with Section 16.38.020 (Medical Marijuana Dispensary) which completes a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq. shall be exempted from the requirement to complete a Type II process and shall only be required to complete a Type I process under 16.72.010.A1.
- C. General Standards for Recreational Marijuana Facilities

1. All new construction of recreational marijuana facilities shall comply with 16.90 Site Planning.
2. In the case of production facilities, views from the exterior of the building into the production area are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.
3. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.
4. Public Access Prohibited. Access to any production, processing, testing laboratory or wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
5. Security Measures Required
 - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
 - b. Exterior lighting shall be provided and continuously maintained.
 - c. Security bars installed on doors or windows shall not be visible from the public right-of-way and shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
 - d. No outdoor storage of marijuana is allowed at any recreational marijuana facilities.
6. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:
 - a. Installation of activated carbon filters on all exhaust outlets to the building exterior;
 - b. Location of exhaust outlets a minimum of ten feet from the property line and ten feet above finished grade; and
 - c. Maintenance of negative air pressure within the facility; or
 - d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.
7. Proximity Restrictions. A recreational marijuana facility may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
 - a. Residential zones. Any single-family residential or multi-family residential zone.
 - b. Schools. A public or private elementary or secondary school attended primarily by children under 19 years of age.
 - c. Public Plazas and Active Use Parks. A public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.
 - d. A Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legally permitted businesses on the site.

8. One or more licensed Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) shall be permitted on the same tax lot, subject to the proximity restrictions in this section.
 9. No recreational marijuana facility may be located within the Old Town Overlay District.
 10. Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) licensed by the Oregon Liquor Control Commission shall only be permitted in zones classified as General Industrial.
- D. Specific Standards for Recreational Marijuana Retail Sales Facilities
1. Public Access Prohibited. Access to a retail sales facility shall be limited to employees, personnel, and customers over the age of 21.
 - a. A OHA-registered medical marijuana patient or caregiver at least 18 years of age shall be permitted to enter a retail sales facility for the purposes of purchasing medical marijuana.
 2. Mobile and Delivery Businesses Prohibited
 - a. A recreational dispensary may not operate as a mobile business as defined in Section 16.10.020.
 - b. A recreational dispensary may not operate to deliver marijuana.
 3. Drive-Through and Walk-Up. A recreational marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.
 4. No recreational marijuana retail facility shall exceed an area of three thousand (3,000) square feet of publicly accessible areas associated with the retail sale of recreational marijuana.

(Ord. No. 2020-011 , § 1, 12-1-2020)

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

1. Type I

The following quasi-judicial actions shall be subject to a Type I review process:

- a. Signs;
- b. Property line adjustments;
- c. Interpretation of similar uses;
- d. Temporary uses;
- e. Final subdivision and partition plats;
- f. Final site plan review;
- g. Time extensions of approval, per Sections 16.90.020; 16.124.010;
- h. Class A home occupation permits;
- i. Interpretive decisions by the city manager or his/her designee;
- j. Tree removal permit—Street trees over five inches DBH, per section 16.142.050.B.2 and 3;
- k. Adjustments;
- l. Re-platting, lot consolidations and vacations of plats;
- m. Minor modifications to approved site plans;
- n. Accessory dwelling units.
- o. An existing Medical Marijuana Dispensary in compliance with Section 16.38.020 (Medical Marijuana Dispensary) which completes a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq.

2. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

- a. Land Partitions
- b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted

Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.
- d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.
- e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.
- f. Homeowner's association street tree removal and replacement program extension.
- g. Class B Variance
- h. Street Design Modification
- i. Subdivisions between 4—10 lots
- j. Medical marijuana dispensary
- k. Recreational marijuana dispensary

3. Type III

The following quasi-judicial actions shall be subject to a Type III review process:

- a. Conditional Uses
- b. Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.
- c. Subdivisions between 11—50 lots.

4. Type IV

The following quasi-judicial actions shall be subject to a Type IV review process:

- a. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.
- b. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.
- c. Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity.
- d. Site Plans subject to Section 16.90.020.D.6.f.
- e. Industrial Site Plans subject to Section 16.90.020.D.7.b.
- f. Subdivisions — over 50 lots.
- g. Class A Variance

5. Type V

The following legislative actions shall be subject to a Type V review process:

- a. Plan Map Amendments
- b. Plan Text Amendments
- c. Planned Unit Development — Preliminary Development Plan and Overlay District.

B. Hearing and Appeal Authority

1. Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.
2. Each quasi-judicial development permit application shall potentially be subject to two (2) levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision, unless an appeal is properly filed within fourteen (14) days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.
3. The quasi-judicial Hearing and Appeal Authorities shall be as follows:
 - a. The Type I Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.
 - (1) The Planning Director's decision shall be made without public notice or public hearing. Notice of the decision shall be provided to the applicant.
 - (2) The applicant may appeal the Planning Director's decision.
 - b. The Type II Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.
 - (1) The Planning Director's decision shall be made without a public hearing, but not until at least fourteen (14) days after a public notice has been mailed to the applicant and all property owners within 1,000 feet of the proposal. Any person may submit written comments to the Planning Director which address the relevant approval criteria of the Zoning and Development Code. Such comments must be received by the Planning Department within fourteen (14) days from the date of the notice.
 - (2) Any person providing written comments may appeal the Planning Director's decision.
 - c. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.
 - (1) The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.
 - (2) Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.
 - d. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.
 - (1) The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

- (2) Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.
 - e. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).
- C. Approval Criteria
- 1. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.
 - 2. In addition to Section 1 above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.

(Ord. No. 2019-003, § 2, 3-5-2019; Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-05, § 2, 4-6-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 2003-1148, § 3; 2001-1119; 99-1079; 98-1053)

16.72.020 Public Notice and Hearing

A. Newspaper Notice

Notices of all public hearings for Type III, IV and V land use actions required by this Code shall be published in a newspaper of general circulation available within the City two (2) calendar weeks prior to the initial scheduled hearing before the Hearing Authority and shall be published one additional time in the Sherwood Archer, Sherwood Gazette or similarly local publication, no less than 5 days prior to the initial scheduled hearing before the hearing authority.

B. Posted Notice

- 1. Notices of all Type II, III, IV and V land use actions required by this Code shall be posted by the City in no fewer than five (5) conspicuous locations within the City, not less than fourteen (14) calendar days in advance of the staff decision on Type II applications or twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.
- 2. Signage must be posted on the subject property fourteen (14) calendar days in advance of the staff decision on Type II applications and twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.
 - a. on-site posted notice shall provide a general description of the land use action proposed, the project number and where additional information can be obtained.
 - b. On-site posted notice shall be designed to be read by motorists passing by; the exact size and font style to be determined by the City.
 - c. On-site posted notice shall be located on the property in a manner to be visible from the public street. For large sites or sites with multiple street frontages, more than one sign may be required.

C. Mailed Notice

1. For Type II, III, IV and V actions specific to a property or group of properties, the City shall send written notice by regular mail to owners of record of all real property within one thousand (1,000) feet from the property subject to the land use action. Written notice shall also be sent to Oregon Department of Transportation (ODOT), Metro, the applicable transit service provider and other affected or potentially affected agencies. If the subject property is located adjacent to or split by a railroad crossing ODOT Rail Division shall also be sent public notice.
2. Written notice to property owners shall be mailed at least fourteen (14) calendar days prior to a decision being made on a Type II land use action and at least twenty (20) calendar days in advance of the initial public hearing before the Hearing Authority. If two (2) or more hearings are required on a land use action, notices shall be mailed at least ten (10) calendar days in advance of the initial hearing before the Commission or Council.
3. For the purposes of mailing the written notice, the names and addresses of the property owners of record, as shown on the most recent County Assessor's records in the possession of the City, shall be used. Written notice shall also be mailed to homeowners associations when the homeowners association owns common property within the notification area and is listed in the County Assessor's records.
4. For written notices required by this Code, other than written notices to property owners of record, the City shall rely on the address provided by the persons so notified. The City shall not be responsible for verifying addresses so provided.
5. If a zone change application proposes to change the zone of property which includes all or part of a manufactured home park, the City shall give written notice by first class mail to each existing mailing address for tenants of the manufactured home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. Such notice costs are the responsibility of the applicant.

D. Failure to Receive Notice

1. The failure of a property owner or other party to an application to receive notice of a public hearing as provided in Code of this Chapter or to receive notice of continuances and appeals as provided by this Code due to circumstances beyond the control of the City, including but not limited to recent changes in ownership not reflected in County Assessors records, loss of the notice by the postal service, or an inaccurate address provided by the County Assessor or the party to the application, shall not invalidate the applicable public hearing or land use action. The City shall prepare and maintain affidavits demonstrating that public notices were mailed, published, and posted pursuant to this Code.
2. Persons who should have received notice of a proposed land use action but can prove, to the City's satisfaction that notice was not received due to circumstances beyond their control, may be permitted, at the City's discretion, to exercise the right to appeal the action as per Chapter 16.76. All appeals filed under such conditions shall cite the circumstances resulting in the non-receipt of the notice.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2003-1148, § 3; 99-1079; 98-1053; 91-922, § 3; Ord. 86-851)

16.72.030 Content of Notice

Public notices shall include the following information:

- A. The nature of the application and proposed use(s).
- B. A list of the applicable Code or Comprehensive Plan criteria to be applied to the review of the proposed land use action.

- C. The location and street address of the property subject to the land use action (if any).
- D. The date, time, place, location of the public hearing.
- E. The name and telephone number of a local government representative to contact for additional information.
- F. The availability of all application materials for inspection at no cost, or copies at reasonable cost.
- G. The availability of the City planning staff report for inspection at no cost, or copies at a reasonable cost, at least seven (7) calendar days in advance of the hearing.
- H. The requirements for the submission of testimony and the procedures for conducting hearings, including notice that failure to raise an issue accompanied by statements or evidence sufficient to offer the City, applicant or other parties to the application the opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; 91-922)

16.72.040 Planning Staff Reports

Recommended findings of fact and conditions of approval for each land use action shall be made in writing in a City planning staff report. Said staff report shall be published seven (7) calendar days in advance of the initial required public hearing before the Hearing Authority. Copies shall be provided to the applicant and the Hearing Authority no later than seven (7) calendar days in advance of the scheduled public hearing. Staff reports shall be available to the public for inspection at no cost. Copies of the staff report shall be provided to the public, upon request, at a cost defined by the City's schedule of miscellaneous fees and charges.

(Ord. 91-922, § 3)

16.72.050 Conduct of Public Hearings

A. Hearing Disclosure Statements

The following information or statements shall be verbally provided by the Hearing Authority at the beginning of any public hearing on a land use action:

1. The findings of fact and criteria specified by the Code that must be satisfied for approval of the land use action being considered by the Hearing Authority.
2. That public testimony should be limited to addressing said findings of fact and criteria, or to other City or State land use standards which the persons testifying believe apply to the proposed land use action.
3. That failure to raise an issue, or failure to raise an issue with sufficient specificity so as to provide the City, applicant, or other parties to the application with a reasonable opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).
4. The rights of persons to request, as per this Code, that a hearing be continued or that the hearing record remain open.
5. That all persons testifying shall be deemed parties to the application, and must provide their name and full mailing address if they wish to be notified of continuances, appeals, or other procedural actions as required by this Code.

B. Persons Testifying

Any person, whether the applicant, a person notified of the public hearing as per Section 16.72.020, the general public, or the authorized representative of any of the foregoing persons, may testify at a public hearing on a land use action. Testimony may be made verbally or in writing. The applicant, the applicant's representative, or any person so testifying, or that person's authorized representative, shall be deemed a party to the application, and shall be afforded all rights of appeal allowed by this Code and the laws of the State of Oregon.

C. Hearing Record

1. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The local Hearing Authority shall grant such request by continuing the public hearing pursuant to paragraph 2 of this section or leaving the record open for additional written evidence or testimony pursuant to paragraph 3 of this section.
2. If the hearing authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven (7) days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.
3. If the Hearing Authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Hearing Authority shall reopen the record pursuant to subsection 6 of this Section.
4. A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.427 or 227.178, unless the continuance or extension is requested or agreed to by the applicant.
5. Unless waived by the applicant, the local government shall allow the applicant at least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.
6. When a Hearing Authority reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

D. Ex-parte Contacts

Ex-parte contacts with a member of the Hearing Authority shall not invalidate a final decision or action of the Hearing Authority, provided that the member receiving the contact indicates the substance of the content of the ex parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 99-1079, § 3; 91-922, § 3)

16.72.060 Notice of Decision

Within seven (7) calendar days of a land use action by the Hearing Authority, the City shall notify the applicant in writing of said action. This notice of decision shall list the terms and conditions of approval or denial, and explain the applicant's rights of appeal.

(Ord. 91-922, § 3)

16.72.070 Registry of Decisions

The City shall maintain a registry of all land use actions taken in the preceding twelve (12) months. This registry shall be kept on file in the City Recorder's office and shall be made available to the public for inspection at no cost. Copies of the registry shall be provided to the public, upon request, at a cost defined by the City's fee schedule.

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

16.72.080 Final Action on Permit or Zone Change

Except for plan and land use regulation amendments or adoption of new regulations that must be submitted to the Director of the State Department of Land Conservation and Development under ORS 197.610(1), final action on a permit, appeal, or zone change application shall be taken within one hundred and twenty (120) days of the application submittal. The one hundred and twenty (120) days may be extended for a reasonable period of time at the request of the applicant. An applicant whose application does not receive final consideration within one hundred and twenty (120) days after the application was accepted by the City may seek a writ of mandamus to compel issuance of the permit or zone change or a determination that approval would violate the City's Comprehensive Plan or land use regulations.

(Ord. 91-922, § 3)