

**City of Sherwood, Oregon
City Council Meeting**

March 10, 1993

1. **Call to Order:** Mayor Walter Hitchcock called the City Council meeting to order at 7:40 p.m.
2. **Roll Call:** Councilmembers present were: Mayor Walter Hitchcock, William Boyle, Barry Kennedy, Mark Cottle and Ken Shannon. Staff members present were: City Manager Jim Rapp, City Recorder Polly Blankenbaker, Public Works Director Tad Milburn, Police Chief Larry Laws, and Secretary Kathy Cary.
3. **Announcements:**
 - a. Community Calendar.

Mayor Hitchcock noted that there were no announcements other than those on the Community Calendar.
4. **Public Hearing:**

No public hearings were scheduled.
5. **Oral Communications:**

No attendees expressed a desire to speak.
6. **Presentations:**

No presentations were scheduled.
7. **Staff Report:**

Mr. Rapp advised that the public information project is proceeding, and that City Consultant Debie Garner has completed a draft of the first newsletter. He stated that Ms. Garner had interviewed residents, and some interesting views have emerged. Mr. Rapp commented that the proposed "coffee meetings" are being set-up and that the Gazette had included an article suggesting that persons wishing to attend should call City Hall; however, no calls have been received to date. Mr. Rapp advised that Ms. Garner would like to schedule "training" sessions to better prepare Councilmembers for the coffees. He requested that Councilmembers provide a convenient meeting training time. Messrs. Hitchcock, Cottle, Boyle and Shannon indicated they could attend an afternoon training session.

Mr. Rapp requested that Council set a date for the field trip to the proposed storm water treatment facility sites and recent open space acquisitions. Councilmembers concurred on Saturday, April 3, 8:00 a.m., beginning at City Hall.

Mr. Rapp reported that his recent trip to Washington DC regarding the Tualatin River National Wildlife Refuge was very positive. He felt that there is a very strong possibility the National Wildlife Refuge will be funded this year.

Mrs. Blankenbaker reported that she had attended a meeting with the Unified Sewerage Agency and Washington County Department of Assessment and Taxation on the future of storm water utility charges. Mrs. Blankenbaker advised that as a result of the tax court ruling on the City of Roseburg storm water charge that USA's charges may be in jeopardy. She noted that if the State Supreme Court upholds the Roseburg decision, that USA feels its local charge will have to be certified as a tax.

Mayor Hitchcock inquired if the court decision is upheld by the Supreme Court, will that affect the sanitary sewer charges as well. Mr. Rapp responded that if the decision is upheld by the Supreme Court the charges could apply to the sanitary sewer charges as well. Mrs. Blankenbaker advised that if the court upholds the Roseburg decision and if the City continues with the charge, the City will have to certify its storm water charge as a tax to the Washington County Department of Assessment and Taxation by July 15, and that staff is proceeding with necessary preparations to comply.

Mr. Milburn reported he had attended the Oregon Association of Water Utilities Conference in Springfield, and noted that the City will need to budget approximately \$15,000 for chemical testing of water in 1993-94. Councilman Kennedy inquired whether the City has any water lines which contained asbestos. Mr. Milburn responded that the City has been testing, but none of the tests have indicated the presence of asbestos.

Mr. Rapp reported that the Sherwood Oriental Theater re-opening was tentatively set for May and that he is talking with the owner to hold a grand opening in concert with the June 5th weekend.

Police Chief Laws reported he had attended a WCCCA meeting and that there will be an increase in police dispatch costs in 1993-94. He noted that dispatch will go on line with the "800" system in September. Chief Laws advised that one problem still to be resolved is who will be responsible for the maintenance of the system.

Councilman Kennedy inquired if Chief Laws had met with the School District to contemplate how to handle increased crime problems caused by the potential effects of Measure 5. Mr. Laws replied that he is working with the School District to deter any increased activity.

8. Unfinished Business:

a. Consideration: Appeal of Planning Commission's Decision to Approve with Conditions a Site Plan for Cascade Columbia Chemical Distribution Warehouse (City File No. SP 92-7):

Mayor Hitchcock advised that the public hearing on this appeal had been closed and the conditions imposed by the Planning Commission and suggested by the Council will now be discussed. He noted that Tualatin Valley Fire and Rescue (TVFR) has agreed to monitor and administer some conditions on behalf of the City, since the City is not staffed to handle certain technical issues.

Councilman Cottle advised that he contacted a consultant who advised that the volume and effect of water on chemical fires can be analyzed by computer and suggested the consultant be retained if necessary. Mayor Hitchcock responded that he believed the issue was already covered in Item 24C of the draft "SP 92-7 Findings, Conclusions and Order" document in the Council packet.

Councilman Kennedy inquired as to what are the options of voting and the procedures to be followed. Mayor Hitchcock responded that Council will consider each individual condition, then either approve as is, modify as necessary, or delete the condition. The Council will then make a final decision to approve or deny as amended. Councilmembers concurred that further comments will not be received from either proponents or opponents, at least not until after each condition had been reviewed individually.

Councilmembers also concurred that wherever the words "Fire Marshal" or "Fire Department" appear, the wording will be changed to: "Tualatin Valley Fire and Rescue (TVFR)". All other acronyms for agencies were also to be spelled out. Councilmembers discussed the following conditions and took action as noted:

1. Roofing and skirting materials and siding, if necessary, shall be extended over covered storage areas, including Buildings B, C, and D, and the drumming area, to provide additional rain protection as approved by City staff.

Action: No change.

2. All chemical transfer activities shall be totally enclosed, except where the Tualatin Valley Fire and Rescue (TVFR) determines such enclosures will be detrimental to the public or facility safety. If TVFR cannot determine the appropriate course of conduct, an analysis shall be prepared by a qualified, independent consultant retained by the City, and paid for by the applicant, results of which shall be reviewed and approved by TVFR.

Action: Mr. Cottle moved, seconded by Mr. Boyle, that Item 2 be amended to read as above. Motion carried unanimously.

3. Proof shall be provided to TVFR that facility personnel are trained at First Responder Operator level as certified by Occupational Safety Health Act, and qualified at First Aid/CPR level.

Action: No change.

4. If the TVFR's annual review of the materials inventory list of all chemical substances stored on site is discontinued, the City may hire a qualified professional, at the applicant's expense, to annually review the inventory to ensure compliance with State requirements.

Action: Mr. Cottle moved, seconded by Mr. Boyle, that Item 4 be changed to read as above. Motion carried with Mr. Kennedy voting no.

5. An electronic surveillance system shall be provided to monitor all chemical storage activities and facility security by an Underwriters Laboratory (UL) approved central station regarding the operation and security of this facility. This system shall provide for monitoring of the retention areas, tank levels, and intrusion by unauthorized personnel during non-operating hours. Chemical sensing devices shall be installed to detect flammable air/chemical mixtures caused by ruptured drums or other spill accidents, and to activate the alarm system. Provide sensing devices that will automatically activate fire suppression systems and contact the central station in the event of a fire. All electronic systems

shall have battery back-up. Owner shall provide a plan for immediate response in the event of any alarm or intrusion. Alarm system and response program shall be reviewed and approved jointly by City Police, City staff, and TVFR.

Action: Mr. Cottle moved, seconded by Mr. Boyle, that Item 5 be changed to read as above. Motion carried unanimously.

6. Proof of compliance with all applicable Federal, State and local regulations shall be provided.

Action: Mr. Cottle moved, seconded by Mr. Boyle, that Item 6 be changed to read as above. Motion carried unanimously.

7. Environmental Performance Standards.

Action: Mr. Cottle moved, seconded by Mr. Boyle, that Item 7, as approved by the Planning Commission, regarding certification of compliance with City environmental performance standards be deleted in its entirety. Motion carried unanimously.

8. On an annual basis, TVFR shall review and approve the facility's emergency response plan. If such service is discontinued, the City may annually hire, at the applicant's expense, a consultant to analyze the facility's emergency response equipment and materials program as required by State and local agencies responsible for monitoring safety.

Action: Mr. Cottle moved, seconded by Mr. Boyle, that Item 8 be changed to read as above. Motion carried unanimously.

9. As required by the City and Unified Sewerage Agency (USA), a storm water pollution prevention plan specifying physical features, and operational practices and procedures, to contain and manage contamination incidents shall be provided.

Action: No change.

10. A driveway access permit to Tualatin-Sherwood Road shall be obtained from Washington County.

Action: No change.

11. A non-remonstrance agreement with Washington County and the City for future public improvements shall be executed and recorded.

Action: No change.

12. Additional right-of-way shall be dedicated along the full frontage of Tax Lot 200:2S128C to provide Tualatin-Sherwood Road with a right-of-way width of 45 feet from center line.

Action: No change.

13. A one-foot deep non-access reserve strip shall be recorded along the full frontage of Tax Lot 200:2S128C, except at the County approved driveway access.

Action: No change.

14. All City and Unified Sewerage Agency (USA) requirements and standards regarding water supply, erosion control, storm and sanitary sewers, and on-site water quality facilities shall be complied with.

Action: No change.

15. The final approved site plan shall illustrate the specific use and functions of all buildings and tanks. Facilities identified as "future" on the site plan and not constructed as part of the initial building permit shall be subject to additional site plan review, and are not subject to this approval.

Action: No change.

16. Relocate the main driveway access onto Tualatin-Sherwood Road to a point approximately 200 feet east of the edge of the rail right-of-way to ensure eastbound double-trailer trucks can fully clear the rail line before having to begin to make turning movements, subject to City obtaining concurrence of the County.

Install an on-demand traffic signal on Tualatin-Sherwood Road for vehicles entering and exiting the facility, subject to City obtaining concurrence of the County. If the County does not concur within sixty (60) days, the issue shall be returned to the City Council for further consideration.

Provide an all-weather emergency access road, separate from the main driveway access, to the rear of the site with its own exit onto a public street to the satisfaction of TVFR. If site or ownership restrictions make this impractical, re-site the facility as necessary to permit such secondary access.

Action: Mr. Cottle moved, seconded by Mr. Kennedy, that Item 16 be changed to read as above. Motion carried unanimously.

17. Rail Service.

Action: Mr. Cottle moved, seconded by Mr. Kennedy, that Item 17, as approved by the Planning Commission, regarding abandonment of rail service be deleted. Motion carried unanimously.

18. Comply with, and submit appropriate plans where required, all City site development standards including landscaping, off-street parking and loading, on-site circulation, on-site outdoor storage, lighting, and signage.

Action: No change.

19. Native plant species shall be used in combination with the maximum feasible retention of existing trees and vegetation to create full sight-obscuring landscaped screening of the facility from Oregon Street, Tualatin-Sherwood Road and Rock Creek wetlands. A separate landscape plan achieving this end shall be submitted for the City's review and approval prior to issuance of any building permits.

Action: No change.

20. The City shall review and approve the preliminary design of the storm water drainage/treatment systems to ensure protection of Rock Creek.

Action: No change.

21. All facilities for the containment and treatment of chemical spills shall be designed and operated to be drained by pumping rather than through gravity feed valved systems.

Action: Mr. Cottle moved, seconded by Mr. Kennedy, that Item 21 be revised to read as above. Motion carried unanimously.

22. Revise the site plan in accordance with all the preceding conditions and resubmit to the City staff for review and approval for compliance with those conditions.

Action: Mr. Cottle moved, seconded by Mr. Shannon, that Item 22 be changed to read as above and is to become the final condition of approval. Motion carried unanimously.

23. To the extent that any of the conditions imposed herein conflict with the requirements of any oversight agency, including but not limited to Oregon Department of Environmental Quality (DEQ), Environmental Protection Agency (EPA), and TVFR, any necessary changes shall be returned to the City for further review and approval.

Action: Mr. Cottle moved, seconded by Mr. Shannon, that Item 23 be revised to read as above. Motion carried unanimously.

- 24A. Chemical storage and handling and truck parking areas shall be paved and underlaid by an impervious membrane to protect from spills and leakage. The entire paved surface is to be designed to drain into a central containment area, which shall include inspection port or ports to help detect any leakage through the paved surfaces.

Action: Mr. Boyle moved, seconded by Mr. Cottle, that Item 24A be revised to read as above. Motion carried unanimously.

- 24B. All storm water and other discharges from areas defined in Condition No. 24A, excluding roof run-off, shall be discharged directly into the Rock Creek sanitary sewer after collection in containment areas and appropriate testing and treatment as defined by USA, and other appropriate agencies.

Action: Mr. Cottle moved, seconded by Mr. Kennedy, that Item 24B be revised to read as above. Motion carried unanimously.

- 24C. Storm water containment areas shall be sized to handle rain fall from a six (6) day storm event of a ten (10) year storm intensity, plus contingency capacity accommodating the addition of fire suppression water to such flows. The specific sizing of containment areas shall be determined through consultation between TVFR and the applicant, to TVFR's satisfaction.

Action: No change.

25A. Empty chemical storage drums shall be separated and handled based on original contents in accordance with Fire Code material separation standards, to TVFR's satisfaction.

Action: No change.

25B. The facility site plan shall be amended to illustrate and designate empty drum storage areas. The facility shall be managed so that empty drums or other materials are not stored in parked trucks or empty trailers and are handled and stored in the same essential manner as full drums, subject to inspection by TVFR.

Action: No change.

26A. Storage and handling of all gaseous products are prohibited, except for those used incidentally in the routine operation and maintenance of the facility. Prior to the addition of any chemical products that are not within the same classification, as defined by Fire Code, of those products listed in the original approval, the applicant must obtain the permission of the City and TVFR.

Action: No change.

26B. A computerized chemical inventory system identifying and controlling chemical storage locations and volumes, and streamlining inspections, shall be installed and maintained. TVFR shall review and approve the system proposed for installation, and may conduct inventory inspections on an as needed basis.

Action: A motion to delete Item 26B was defeated by a vote of three nos and two yes. No changes were made.

27. An emergency response plan that includes fire suppression devices, evacuation plans, and maximum protection for the environment and nearby residents shall be approved by the City and TVFR prior to issuance of any building permits. If sirens or other off-site warning devices are deemed appropriate, they shall be installed and maintained by the applicant. The emergency response plan shall include consultation with and recommendations from appropriate area health care providers. Subsequent to occupancy, modifications to the emergency response plan necessitated by changes to the facilities physical plant or operations shall be reviewed and approved by TVFR in consultation with the City.

Action: Mr. Cottle moved, seconded by Mr. Kennedy that Item No. 27A be revised to read as above. Motion carried unanimously.

28A. An annual inspection shall be conducted by a qualified independent consultant retained by the City and paid by the applicant, the results of which shall be reviewed by the TVFR and other appropriate agencies. Recommended repairs shall be done by the applicant in a timely manner. The purpose of this inspection is to identify failures or potential failures in the structures, equipment, containment, and primary and secondary impervious layers. It is also to ensure that no chemicals have escaped from the containment area by sampling the adjacent land and as appropriate.

Action: Mayor Hitchcock moved, seconded by Mr. Boyle, that Item 28A be revised to read as above. Motion carried with Mr. Cottle voting no.

28B. An annual site and facility inspection shall be performed by TVFR, which will subsequently provide a report to the City on compliance with all City conditions of approval, and with recommendations for any changes or improvements. The City may request more frequent inspections as needed.

Action: No change.

29. Security fencing shall be provided around the entire perimeter of the facility inside the tree line, with the provision that fencing systems shall permit fire, police and other public safety personnel and equipment access in the case of emergency.

Action: No change.

30A. Poisonous Fumes.

Action: Mr. Cottle moved, seconded by Mr. Boyle, that Item 30A regarding chemical fumes as suggested by Mayor Hitchcock be deleted. Motion carried unanimously.

30B. All storage buildings shall be sprinklered except for areas where chemicals are water reactive, and then other appropriate automatic fire suppression devices shall be installed.

Action: Mr. Cottle moved, seconded by Mr. Boyle that Item 30B be revised as noted above. Motion carried unanimously.

Mr. Cottle moved, seconded by Mr. Boyle, that the engineer's certification previously required by deleted Item 7 would be deemed satisfied if all the foregoing conditions were met. Motion carried unanimously.

Mayor Hitchcock announced that Council would now make a decision on SP 92-7 Findings, Conclusions and Order as amended. He instructed the applicant to contact staff to clarify any conditions, and if it is determined that any condition requires a further revision, the Council would potentially reconsider individual items.

There being no further discussion among Councilmembers, Mayor Hitchcock moved, seconded by Mr. Cottle, that the SP 92-7, Findings, Conclusion and Order be approved as amended. The motion carried with Messrs. Hitchcock, Boyle and Cottle voting yes; Messrs. Kennedy and Shannon voting no.

Council authorized Mr. Rapp to reorder findings and conditions to make them more readable, provided the substance of the conditions were not changed.

Mayor Hitchcock called for a ten-minute recess at 9:55. The meeting reconvened at 10:00, and the following actions were taken:

b. Appointment: Interim Replacement for Seat on City Budget Committee:

Mayor Hitchcock requested that the Council appoint former Mayor Rick Hohnbaum to temporarily fill the current vacancy on the Budget Committee. Council concurred unanimously.

9. New Business:

a. Consideration: Ordinance No. 93-957, Adoption of Current Tualatin Valley Fire and Rescue Fire Codes.

Councilman Boyle moved, seconded by Mr. Cottle, that Ordinance No. 93-957, adopting the current Tualatin Valley Fire and Rescue Fire Codes be approved. Motion carried unanimously.

10. Consent Agenda:

- a. Approval: City Bill Payments for February 1993.**
- b. Approval: City Council Minutes: February 24, 1993.**
- c. Approval: Resolution No. 93-539, Directing that a Public Hearing be Held on Vacation of Sanitary Sewer Easement in Whispering Firs Subdivision (City File No. SV 93-1).**

Mayor Hitchcock requested that the minutes of the February 24 Council meeting be corrected on Page 6 to indicate the prior Council meeting was on February 10. Motion carried unanimously.

Mr. Cottle moved, seconded by Mr. Boyle, that the Consent Agenda be approved as amended. Motion carried unanimously.

11. Correspondence:

a. Letter from METRO re: Voluntary Dues Assessment

Mayor Hitchcock requested that the letter from Metro regarding voluntary dues assessment be tabled indefinitely. Council concurred unanimously.

Mr. Rapp reported that Dr. Ethan Seltzer, Portland State University Institute of Portland Metropolitan Studies, had notified him that the Institute is preparing a research project on "Sustainable Growth" in metropolitan communities and that Sherwood might serve as the prototype of the project.

12. Board and Commission Reports:

- a. Library Advisory Board Minutes: January 4, 1993.**
- b. Parks Advisory Board minutes: February 18, 1993.**
- c. Planning Commission minutes: February 16 1992.**
- d. Senior Center Board minutes: December 15, 1992.**
- e. City Safety Committee minutes: February 10, 1993.**

Councilmembers accepted the above reports, no action was required.

13. Other Business:

No other business was presented.

14. Councilmembers Comments:

Mr. Shannon reported that he will be attending the next meeting of the Senior/Community Center Board on Tuesday.

Mr. Kennedy reported that he attended the Washington County Cooperative Library Advisory Board meeting and that he had handouts on the upcoming Library Levy.

Mr. Boyle suggested that the library services offered by the School District and the City be evaluated to determine if they are duplicative. Council concurred. Mr. Boyle also reported that he will be attending the Washington County Consolidated Communication Agency meeting to discuss the effects of budget cuts.

Mayor Hitchcock reported that he attended the workshop on the results of the Visual Preference Survey. He noted that a designed community is most favored, and automobiles and parking lots are least favored.

Mr. Kennedy requested that a public hearing before Council be held to discuss Tri-Met service inside Sherwood; specifically, locations of stations and routes. Mr. Rapp stated that he had received a letter from Tri-Met which indicated Tri-Met will put a transit connection to I-5 into their plans. Tri-Met has agreed to change some of the routes in Sherwood.

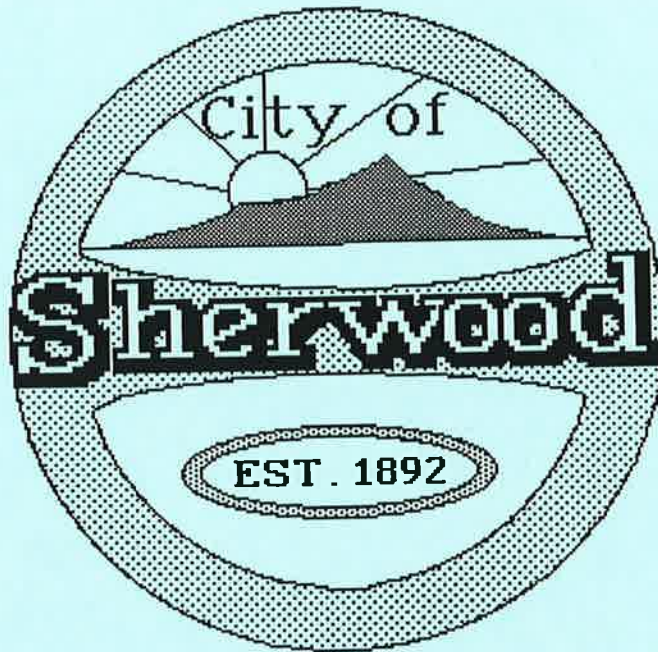
Mayor Hitchcock noted that the City of Beaverton is holding the Eighth Annual Mayors' Prayer Breakfast on Wednesday, April 28, 1993, at the Greenwood Inn in Beaverton, and all of the Councilmembers are invited to attend. Mr. Kennedy expressed interest in attending.

15. Adjournment:

There being no further items before the Council, the meeting adjourned at 10:30 p.m.

Respectfully submitted,

Kathy Cary
Secretary



City of Sherwood, Oregon
Regular City Council Meeting

March 10, 1993

7:30 PM

Sherwood Senior/ Community Center
855 No. Sherwood Blvd.

**City of Sherwood, Oregon
Regular City Council Meeting**

March 10, 1993
7:30 p.m.
Sherwood Senior/Community Center
855 North Sherwood Blvd.

1. Call to Order (7:30 p.m.)

2. Roll Call

3. Announcements

a. Community Calendar

4. Public Hearings

None Scheduled

5. Oral Communications

Oral communications are limited to items not on the printed agenda, and to three minutes per person. Items requiring additional time may, at the Council's discretion, be placed on the agenda or scheduled for a future meeting.

6. Presentations

Presentations are reserved for reports by individuals and/or groups on matters of special interest to the Council. Presentations generally must be scheduled in advance.

None Scheduled

7. Staff Reports

8. Unfinished Business

a. Consideration: Appeal of Planning Commission's Decision to Approve with Conditions a Site Plan for Cascade Columbia Chemical Distribution Warehouse (City File No. SP92-7). **NOTE: The public hearing on this item was closed on February 10, 1993.**

b. Appointment: Interim Replacement for Seat on City Budget Committee

9. New Business

- a. Consideration: Ordinance No 93-957, Adoption of Current Tualatin Valley Fire and Rescue Fire Codes

10. Consent Agenda

Consent agenda items are considered routine, and are adopted by one motion, unless a Councilmember requests that an item be voted on separately. If any item is removed from the consent agenda, the Mayor will indicate when it will be considered.

- a. Approval: City Bill Payments for February, 1993
- b. Approval: City Council Minutes: February 24, 1993
- c. Approval: Resolution No. 93-539 Directing that a Public Hearing be Held on Vacation of Sanitary Sewer Easement in Whispering Firs Subdivision (City File No. SV 93-1)

11. Correspondence (items potentially requiring Council action indicated by **)

- a. Letter from METRO re: Voluntary Dues Assessment **

12. Board and Commission Reports

Oral board and commission reports are limited to three minutes per board liaison and should provide information in addition to printed board minutes or reports.

- a. Library Advisory Board minutes: January 4, 1993
- b. Parks Advisory Board minutes: February 18, 1993
- c. Planning Commission minutes: February 16, 1993
- d. Senior Center Board minutes: December 15, 1992
- e. City Safety Committee minutes: February 10, 1993

13. Other Business

14. Councilmembers Comments

Councilmembers may make comment on the City's business, report on their activities on behalf of the City, or raise other matters of concern.

Walt Hitchcock: FOCUS, Western Bypass
Mark Cottle: Parks, Frontier Leather
Bill Boyle: WCCCA, WCCAC, Wildlife Refuge
Barry Kennedy: WCCLS, Library
Ken Shannon: Planning, Wildlife Refuge, Senior Board

15. Adjournment

"For your information" (FYI) items included at back of agenda packets.