



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, October 15, 2024**

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

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

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

**URA Board of Directors Meeting**  
(Following the Regular 7:00 pm City Council Meeting)

**City Council Executive Session**  
(ORS 192.660(2)(e), Real Property Transactions  
(Following the URA Board of Directors Meeting)

This meeting will be live streamed at  
<https://www.youtube.com/user/CityofSherwood>

## AMENDED AGENDA



Home of the Tualatin River National Wildlife Refuge

### **6:00 pm CITY COUNCIL WORK SESSION**

1. **Pedestrian Bridge Art Update**  
(Kristen Switzer, Assistant City Manager)
2. **Police Policy Updates**  
(Ty Hanlon, Police Chief)
- ~~3. **Dahlke Alignment Study Update**  
(Eric Rutledge, Community Development Director)~~
4. **Sherwood West Update**  
(Eric Rutledge, Community Development Director)

### **7:00 PM REGULAR SESSION**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
  - A. **Approval of October 1, 2024, City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
6. **CITIZEN COMMENTS**
7. **PUBLIC HEARING**
  - A. **Ordinance 2024-004, Amending sections of the Sherwood Zoning and Community Development Code for Food Cart Pods** (Joy Chang, Senior Planner) *(Second Hearing)*
8. **CITY MANAGER REPORT**
9. **COUNCIL ANNOUNCEMENTS**
10. **ADJOURN to URA BOARD OF DIRECTORS MEETING (See URA Board Agenda)**
11. **RECONVENE CITY COUNCIL - EXECUTIVE SESSION**
  - A. **ORS 192.600(2)(e), Real Property Transactions** (Sebastian Tapia, City Attorney)
12. **ADJOURN**

### **AGENDA**

#### **SHERWOOD CITY COUNCIL October 15, 2024**

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

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

**URA Board of Directors Meeting  
(Following the Regular Council Meeting)**

**City Council Executive Session  
(ORS 192.660(2)(e), Real Property  
Transactions  
(Following the URA Board Meeting)**

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

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## AMENDED AGENDA

**How to Provide Citizen Comments and Public Hearing Testimony:** Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to [Cityrecorder@Sherwoodoregon.gov](mailto:Cityrecorder@Sherwoodoregon.gov) and 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. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at [Cityrecorder@Sherwoodoregon.gov](mailto:Cityrecorder@Sherwoodoregon.gov) or 503-625-4246 at least 24 hours in advance of the meeting start time in order 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.

**How to Find out What's on the Council Schedule:** City Council meeting materials and agenda are posted to the City web page at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov), 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](mailto:Cityrecorder@Sherwoodoregon.gov)

**ADA Accommodations:** 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](mailto:Cityrecorder@Sherwoodoregon.gov) at least 48 hours in advance of the scheduled meeting time. Assisted Listening Devices available on site.



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**October 1, 2024**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Tim Rosener called the meeting to order at 5:32 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, Keith Mays, and Doug Scott.
3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia (remote), Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, HR Director Lydia McEvoy, IT Director Brad Crawford, Economic Development Manager Bruce Coleman, Planning Manager Sean Conrad, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

**OTHERS PRESENT:** First Forty Feet consultants Jason Graf and Will Grimm.

**4. TOPIC:**

**A. Intro to Oldtown Strategic Plan**

Planning Manager Sean Conrad provided background information and stated continuation of revitalization development of Old Town was a Council goal and a key deliverable was the Old Town Strategic Action Plan. He stated that staff had prepared an RFP and introduced First Forty Feet consultants Jason Graf and William Grimm. They presented the "Sherwood Old Town Strategic Action Plan" PowerPoint presentation (see record, Exhibit A) and stated that a part of their process was to get Council's thoughts and insights as well as business and community feedback to begin their process. Mr. Grimm recapped activities they had undertaken to get a feel for the Sherwood community to be used in their analysis. They provided background information on their firm. Mr. Graf addressed page 5 of the presentation and explained the scope and focus of the area they would be studying. He outlined that the Strategic Plan should reflect the interests of main street businesses, the community's vision, and decision-makers and would be the road map with actionable steps focused on a five-year timeframe. He recapped their objectives on page 6 of the presentation and stated they included community engagement and visioning; economic development and business growth; strategic site development; and incentives and tools guiding development. He stated engagement with the Council and the Sherwood Main Street group was critical and they would communicate with the broader community as well. He reported that there would be a Project Advisory Committee comprised of people that were familiar with the community. Mr. Graf recapped the process and timeline on page 7 of the presentation and explained that once the Project Advisory Committee was established, a meeting schedule would be



developed. He stated they would review and identify opportunities and challenges and then create specific strategies which would be assessed by Council, the Project Advisory Committee, and the Downtown Association. Mr. Graf spoke on their initial impressions of Old Town and the economic development work that had been completed thus far and asked for Council's feedback on what they considered the heart of Old Town. Council President Young referred to the Arts Center and Councilor Giles spoke on Symposium and stated he considered the nine-block area to be Old Town. Mr. Graf asked what the "signature street" was of Old Town and comments were received that it was Railroad Street. Mayor Rosener commented that he felt that Sherwood did not have a single "main street" unlike other cities with a main drag and stated that it was more spread-out giving Sherwood more opportunities to do things. Discussion followed regarding the nine-block radius of downtown and having residential on one side and commercial use on the other side. Councilor Scott referred to the residential side and not wanting to change a lot there to help maintain its character and spoke of the pathway next to City Hall and extending the walkway to Veteran's Park. He referred to the mixed-use side and stated that it was not just about the infill of vacant properties, but also the under-developed properties in order to get to a critical mass of businesses and residents in Old Town. He commented that getting to that critical mass of activity, both internally and externally, along with the redevelopment of underutilized properties would be key to its success. Councilor Brouse commented that she felt that the heart of Sherwood was Railroad Street, Sherwood Boulevard, 2<sup>nd</sup> Street over to Main Street and that block area and everything that happened in-between. Councilor Standke stated he lived near Old Town and provided the example of his family walking via Columbia to Railroad to the Veteran's Memorial Park and back down 1<sup>st</sup> Street to City Hall and to the walkway next to City Hall. He stated he did not believe there was solely one place in Old Town as it was small enough that you "could do it all." Councilor Brouse referred to Mr. Graf's question of "What qualities of Old Town do you most value?" and stated that, "it's gathering, it's community, it's a place to converse...it's collaborative." Councilor Giles spoke on discoverability and provided an example of walking in town and not knowing what he would find. Council President Young commented regarding the character of Old Town and undesirable types of development in the area. Councilor Brouse commented that she felt that Park Street was the most unique street in the community. Councilor Giles referred to Gas Pump Park and how Stella Olsen Park was not technically in Old Town, but it was within walking distance of Old Town and was the site of many city events. Mr. Graf referred to Stella Olsen Park and "edge assets" and the ability for people to explore and discover as they walked through the connected areas of town. Mayor Rosener noted that Sherwood had four schools within a walkable range of the downtown core and that Sherwood had a high ratio of school-aged kids to households. Mr. Graf referred to page 10 of the presentation and spoke on their initial impressions of Old Town and what the "arrival" was like from the various entry points of the city. He stated that the rail line created a barrier of sorts and that the sense of "arrival" was a bit convoluted from that direction. He referred to other areas of approach and commented that the "core" was not always identifiable and spoke on Railroad Street feeling like the edge versus the core/front door. Discussion occurred regarding the partial closure of Railroad Street during the pandemic which allowed businesses to expand into the street and the desire from some to close it permanently. Mr. Graf referred to page 12 of the presentation and spoke on vacant sites and city-owned properties and stated that Pine Street was an important piece. Mayor Rosener referred to the promenade that ran through Old Town and spoke on the potential draw it could be. He stated he envisioned the walkway continuing down to Veteran's Memorial Park which would open up the backs of the buildings, restaurants, and shops and commented that the vision could be something new and did not have to be an existing street. Discussion occurred regarding the need for connections and the need to clean up the trash cans in the alleyways if Mayor Rosener's idea were to proceed. Mr. Graf stated that Pine Street was an important connection that had a beginning and an end, and there was an opportunity to make 3<sup>rd</sup> Street an anchor over time. He said there were infill opportunities on 1<sup>st</sup> Street and referred to the term of "100% Corner," and said

that Railroad and Pine was also a possibility, but to him, he felt that 1<sup>st</sup> and Pine was “the heart.” Mr. Graf stated that encouraging development would have a reciprocal positive impact in downtown and commented that the Cannery project properties and Public Works area would provide significant opportunities. Councilor Mays clarified that there was an additional vacant parcel near Public Works. Discussion occurred regarding the utilization of the Field House. Mr. Graf outlined that the starred properties on page 13 of the presentation represented city-owned properties, and the pink lines represented possible future expansion of residential to commercial use properties. Mayor Rosener referred to the current Public Works location and commented that once the new Public Works facility was completed, there was an opportunity to extend Columbia Street to expand commercial opportunities in that area. Mr. Graf commented that extending Columbia Street to Oregon Street would open up the area and provide a new route into Old Town and discussion occurred. Discussion occurred regarding the currently vacant property on Langer Farms Parkway and Oregon Street and the need to complete a review of the zoning of nearby properties during the Comprehensive Planning process. Councilor Mays stated that the currently vacant property on Langer Farms Parkway and Oregon Street could be zoned for high-density residential which would allow people to live near a major retail and transportation area. Mr. Graf asked Council what their priorities were for city-owned parcels and Councilor Mays referred to the lot on 3<sup>rd</sup> Street and Pine and Sherwood Boulevard lot and commented that the lot had been difficult to plan for or develop. Councilor Giles referred to the Old School House property and stated he wanted to turn it into a food cart pod and Councilor Brouse stated she agreed. Mayor Rosener stated that his goal was to increase foot traffic, more lunchtime business, more mercantile shops, etc. and he suggested a boutique hotel would compliment the area and spoke on possible economic development tools the city could use to help influence the types of businesses in Old Town. Mr. Graf stated that they would review the development capacity for the sites and conduct a market analysis. He explained that once that was done, they would determine how achievable it would be and if the city’s zoning codes and regulations needed to be changed in order to do so. Council President Young referred to SB 1537 and the need to be cautious of the impacts of that legislation and discussion occurred. Community Development Director Rutledge stated that staff would review code and/or incentives to either require or guide the process to mitigate against the impacts of SB 1537. Councilor Giles commented that he was not looking to solve the housing shortage in Old Town and explained that he was more interested in “temporary people” who would visit Sherwood from outside the city and commented that Old Town did not have the traffic capacity to support a high density and discussion occurred. Mayor Rosener referred to the Sherwood West Concept Plan’s Hospitality Zone and stated that he wanted the Old Town work to compliment the Sherwood West Concept Plan. Mr. Graf provided an overview of the various building styles seen around Old Town on page 16 of the presentation and spoke on forms and the ability to create a rhythm via the form of the building and the materials used. Council discussed creating a unified style and Community Development Director Rutledge explained that the mixed-use code had been updated, but the Old Town design standards had not been updated as of yet. Mayor Rosener referred to the idea of a unified style and asked that they honor Sherwood’s history and spoke on Sherwood’s brick manufacturing history. Councilor Giles referred to the various building styles seen around Old Town and asked if it were possible to create a cohesive style moving forward so Old Town was visually unified as time went on and referred to ways to incentivize façade replacement. Councilor Scott commented that it was important to update the design code first, then go back and fix what needed fixing. Councilor Standke spoke on Council’s desire to draw more people into Old Town and asked if the lack of parking would be addressed. Councilor Scott suggested one-way streets with angled-in parking on both sides or building strategic parking on the perimeter of Old Town. Mr. Graf explained that one-way streets frustrated drivers and Mr. Rutledge commented that parking would be reviewed as a part of the study. Councilor Standke asked how success would be measured. An audience member commented that there was a balance between repurposing unutilized properties while also maintaining the integrity of the historic preservation of the town.

He continued that this could be made thematic or congruous through messaging and how that message was expressed via buildings. He stated that there was money available now for historic preservation projects and spoke on the preservation of the more utilized historic Old Town buildings. Councilor Scott commented that he would welcome community feedback on which historic Old Town buildings should be preserved. Council President Young referred to the Project Advisory Committee and asked which Councilors would serve on the committee. Community Development Director Rutledge explained that staff would bring a resolution to Council at their October 15<sup>th</sup> meeting to formally select the Project Advisory Committee. He explained that a Planning Commission member would also serve on the committee along with business and property owners and potentially some residents. Council President Young suggested that Councilor Scott and Councilor Standke serve on the Committee.

## **B. City Website Update**

IT Director Brad Crawford presented a project timeline overview and website examples (see record, Exhibit B) and explained that before the new website was launched, an internal update to the current site was being completed which made the website ADA compliant. He stated that the new website would likely launch six months from now with the testing phase set to start in March 2025. He reported that 15 staff members were a part of the new website committee and had reviewed several different website examples provided by the vendor and staff had completed site mapping. Mayor Rosener asked what was the guiding principle for staff during the site mapping process. Mr. Crawford explained that staff had scraped the current website and pulled the individual pages out and ran them through some accessibility tools to determine what the best navigation was. He outlined that the pages concerning citizen engagement and finding services were prioritized for easy navigation and placed on the front page of the website. He provided an overview of website wireframes layouts and features. Mayor Rosener asked how staff would manage the data included on the website so information was kept up to date. IT Director Crawford replied that a website standards guide would need to be drafted and explained that each webpage would include an expiration date which when triggered, would alert staff that the webpage needed to be reviewed, updated, or unpublished. Council discussed how they wanted the website to prioritize the most current year during a search. Mr. Crawford provided an overview of the available frontpage mockups and ADA tools that were available, discussion occurred, and Council voiced that they preferred the webpage with the oval logo with the quick links located at the top of the page.

## **C. Sherwood West Update**

Community Development Director Eric Rutledge presented the “Sherwood West Urban Growth Boundary Expansion Discussion” PowerPoint presentation (see record, Exhibit C) and provided a recap of the project timeline to date. He stated that October 8<sup>th</sup> was the target date for Metro Council to provide direction to Metro staff and would be a work session. He outlined that the UGB expansion request had been through the Metro Technical Advisory Committee (MTAC) and Metro staff asked the committee, “Do you agree with the recommendation to expand the UGB to include the Sherwood West Urban Reserve?” and Mr. Rutledge reported that the vote passed in favor, but it was not unanimous. He noted that there was a failed motion to increase density and require Title 4 Regionally Significant Industrial 2 designation. He stated that MTAC ultimately moved forward with the Metro COO recommendation with notes. He provided an overview of the suggested conditions of approval as: minimum number of homes and residential density; housing affordability requirements; transit-oriented development; climate and emissions; Title 4 Industrial Land; caution against burdensome conditions of approval; and caution against requiring Sherwood West to address the region's problems. Councilor Giles asked for clarification on what the failed motion would have meant had it gone

through and Mr. Rutledge explained that it likely would have meant that there would be lot size restrictions for Industrial land and would limit the amount of Commercial land. He outlined the recommendations from the Metro Committee on Racial Equity as: conduct community needs assessment for public amenities; conduct community engagement in the region's most spoken languages, complete culturally specific outreach to under-engaged communities; develop housing plan that includes mixed levels of affordability that corresponded to regional and state housing goals and align housing affordability with salaries of projected new jobs. He reported that there was a failed motion at the Metro Policy Advisory Committee meeting to require a minimum of 12 units per acre and designate mixed-employment zone as Regionally Significant land. He stated that ultimately, the Metro Policy Advisory Committee recommended the approval of the Metro COO recommendation. Mayor Rosener added that it was also stated that there should be no conditions of approval that would require Sherwood to do anything more than what was cited in the Sherwood West Concept Plan. Director Rutledge recapped that the Metro Policy Advisory Committee voted to approve the Metro COO recommendation with three amendments and outlined them as: adopt the high growth forecast instead of the baseline forecast; Metro shall not impose any additional requirements on the City of Sherwood that are not articulated in their Concept Plan; and agree to create a task force to report to Metro Council on opportunities for growth and capacity models that are more reflective of market realities with the goal of working with local jurisdictions and private sector partners to address employment land challenges identified through UGB processes. He recapped the Metro Council public hearing testimony on page 7 of the presentation and outlined that there was more testimony in support than in opposition, support was shown by Sherwood West property owners, real estate professionals, and economic development organizations. Mr. Rutledge explained that Metro Council would now deliberate on whether to expand the boundary, whether or not to adopt the high growth forecast or the baseline forecast, and whether or not any conditions of approval were necessary. He outlined that proposed Resolution 2024-065 was on the City Council agenda for the regular session following this work session and explained that the resolution would authorize the Mayor to modify the Sherwood West UGB expansion application to mixed-employment and hospitality land only. Mayor Rosener noted that if time permitted, an emergency Council meeting would be called to discuss their options. Mayor Rosener asked if the city was allowed to do an industrial ask at any time and Councilor Mays replied that was correct. Mayor Rosener asked if the hospitality land would fall under that as well and Mr. Rutledge replied he would look into it and discussion occurred.

## 5. ADJOURN

Mayor Rosener adjourned the work session at 7:10 pm and convened a regular session.

## REGULAR SESSION

1. **CALL TO ORDER:** Mayor Tim Rosener called the meeting to order at 7:15 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, Keith Mays, and Doug Scott.
3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia (remote), Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, IT Director Brad Crawford, City Engineer Jason Waters, Police Chief Ty Hanlon, and City Recorder Sylvia Murphy.

**4. APPROVAL OF AGENDA:**

**MOTION: FROM COUNCILOR MAYS TO APPROVE THE AGENDA. SECONDED BY COUNCIL PRESIDENT YOUNG. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.**

Mayor Rosener addressed the next agenda item.

**5. CONSENT AGENDA:**

**A. Approval of September 17, 2024, City Council Meeting Minutes**

**B. Resolution 2024-066, Authorizing the City Manager to sign a Contract with Kittelson & Associates for the Transportation System Plan (TSP) Update Project**

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

Mayor Rosener addressed the next agenda item.

**6. CITIZEN COMMENT:**

Sherwood resident Maria Berglund came forward and expressed her concerns about the safety of the Archer Glen Elementary crosswalk. She stated that Sunset was a very busy road and stated she had seen an increase in aggressive behavior from drivers since the start of the school year. She asked that more be done to protect those utilizing the crosswalk and spoke on pedestrian safety measures in surrounding school zones. She reported that she had voiced her concerns to the Traffic Safety Committee and had spoken with local parents and Archer Glen staff. She recapped her four safety improvement suggestions as: a cement island in the middle of the road with bulb outs at the ends of the crosswalk to make the crosswalk shorter, reduce the speed on Sunset to 25 mph, place speedhumps in front of Archer Glen, and add lighting to make pedestrians more visible to drivers during low-light hours. Council President Young commented that she had been in contact with Ms. Berglund and other parents about their concerns and stated that the safety issues needed to be addressed. Councilor Scott asked that a work session be scheduled to review school crossing safety for all Sherwood schools. Mayor Rosener stated he agreed that something needed to be done. Councilor Mays asked if the Traffic Safety Committee had created a recommendation based on Ms. Berglund's concerns and asked that it be shared with Council. City Manager Sheldon replied that he and Chief Hanlon would look into the Traffic Safety Committee's notes and report back to Council. Ms. Berglund reported that the Traffic Safety Committee had discussed the topic twice.

Sherwood residents Rand Yen and Lanton Bauman came forward and Mr. Bauman explained Councilor Giles had recently visited their school and spoke about the possibility of food trucks coming to Sherwood. Mr. Bauman suggested that a food cart pod near the high school would be an ideal location so students would not have to drive to get food. He stated that Old Town was another ideal location because it would draw people into Sherwood to shop. Mr. Yen stated that he wished to open a small business and spoke on the need for the city to give small businesses a chance and suggested a year-round farmers market. Councilor Giles commented that he would discuss Mr. Yen's small business incubator idea with the Sherwood Chamber of Commerce. Mayor Rosener stated that he liked the idea of a year-round farmers market.

Mayor Rosener addressed the next agenda item.

## 7. NEW BUSINESS:

### **A. Resolution 2024-065, Authorizing the Mayor to modify the Sherwood West UGB expansion application to mixed-employment and hospitality land only**

Community Development Director Eric Rutledge presented the “Sherwood City Council Resolution 2024-065 New Business” PowerPoint presentation (see record, Exhibit D) and stated that the resolution would modify the Sherwood West expansion proposal to only include Industrial and Hospitality land. He recapped that the city had engaged in a two-year planning process with the Sherwood community, CAC, Planning Commission, and City Council where they determined a total average density of 9.2 units per net acre, or 3,117 new homes in the Sherwood West area. He reported that the Metro COO recommended that the Metro Council adopt the baseline forecast for growth, which resulted in a deficit of capacity within the UGB for between 1,000-5,300 homes. He stated that there was the potential condition for approval that would require a higher average density than 9.2 units per acre and had not been developed in consultation with the Sherwood community and was therefore not supported by Sherwood City Council. He noted that there was also a possible condition of approval around housing affordability and explained that these types of conditions were likely to delay housing production, not increase it. Mr. Rutledge stated that there were other conditions of approval that would change the outcome of the plan and the vision that the Sherwood community set, and those types of conditions were not supported by the Sherwood City Council. He stated that it may be in the best interest of the City of Sherwood and the Sherwood community to modify the UGB expansion application if the accepted Concept Plan's vision could not be achieved. He provided an overview of the applicable areas the proposed resolution would apply to on page 4 of the presentation. He reported that it would apply to a 277-acre Mixed Employment Zone and an 80-acre Hospitality Zone and noted that this would not change the baseline Concept Plan should the city decide to do a UGB expansion in the future. Mr. Rutledge recapped that the proposed resolution would authorize the Mayor to modify the Sherwood West UGB expansion if the conditions of approval were likely to result in a substantial change to the vision set by the Sherwood community for the Sherwood West Concept Plan. He noted that the resolution included an updated infrastructure financing plan and updated Title 11 findings. Mayor Rosener clarified that Sherwood's current density was between 7-8 units per acre and the 9.2 density was a probable final buildout density for the Sherwood West area. He explained that the proposed resolution was necessary because the approval of the city's UGB expansion request was a Metro decision, and he hoped the city could come to an agreement with Metro without having to utilize this resolution. With no further discussion, the following motion was received.

**MOTION: FROM COUNCILOR MAYS TO APPROVE RESOLUTION 2024-065, AUTHORIZING THE MAYOR TO MODIFY THE SHERWOOD WEST UGB EXPANSION APPLICATION TO MIXED-EMPLOYMENT AND HOSPITALITY LAND ONLY. SECONDED BY COUNCILOR GILES.**

Prior to the vote, Councilor Scott commented that he hoped that the resolution would not need to be utilized and that the Sherwood West Concept Plan could move forward because he was excited about it. Councilor Giles confirmed the preferred order of actions from Mayor Rosener should either Resolution 2024-065 or Resolution 2024-064 need to be utilized. Mayor Rosener commented that it would be dependent on what the Metro conditions were, but confirmed that if time allowed, a City Council meeting would be called to discuss it. Council President Young commented that she thought this was a great tool and expressed her desire for Portland to refrain from interjecting in the planning of other communities.

**MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.**

Mayor Rosener addressed the next agenda item.

**8. CITY MANAGER REPORT:**

City Manager Craig Sheldon reported that Economic Development Manager Bruce Coleman's last day would be October 4<sup>th</sup>, and a retirement party would be held on October 3<sup>rd</sup> at the Arts Center. City Manager Sheldon thanked Mr. Coleman for his work over the past five years. Councilor Scott reported that Coffee with a Cop would be held on October 2<sup>nd</sup> at Symposium. Mr. Sheldon reported on his attendance at the recent ICMA conference.

Mayor Rosener addressed the next agenda item.

**9. COUNCIL ANNOUNCEMENTS:**

Councilor Giles spoke on the need for better educational opportunities for students to learn about local government. He thanked Rand Yen and Lanton Bauman for coming to this meeting and speaking.

Councilor Brouse reported that she attended the Housing Advisory Committee meeting where they discussed their Comprehensive Plan. She reported she would attend the Regional Water Providers Consortium committee meeting. She reported the Sherwood Wine Festival would be held on November 2<sup>nd</sup>. She recapped upcoming Chamber of Commerce events. She reported that the Senior Center was seeking volunteer drivers.

Councilor Mays reported that the Cultural Arts Commission had not met. He reported he attended the most recent WCCCA meeting.

Councilor Scott reported that the Parks and Recreation Advisory Board would meet on October 7<sup>th</sup>. He commented that the City of Portland and Multnomah County both had lower densities than Sherwood.

Councilor Standke reported he attended the most recent Planning Commission meeting where they approved LU 2024-009.

Councilor Scott, Mayor Rosener, and Council President Young spoke on the creation and fulfillment of the Economic Development Manager position and their happiness with Mr. Coleman's work over the past five years.

Council President Young reported that she would attend the Region 1 Committee on Transportation meeting. She recapped recent Sherwood Police Foundation support for the Sherwood Police Department. She welcomed State Representative candidate Jason Fields.

Mayor Rosener reported on the various meetings he had regarding the city's UGB expansion request. He reported on his recent trip to Washington D.C. to lobby on behalf of Sherwood and commented that over the past five years, the city had secured around \$4 million in federal funding and \$5 million in EPA funding. He reported he met with the FCC as a part of the intergovernmental advisory council for the FCC. He reported

that he attended the most recent MPAC meeting. He reported that he met with Washington County Commissioners to discuss MSTIP funding. He reported that Pirates of Pinehurst would begin on October 3<sup>rd</sup>.

**10. ADJOURN:**

Mayor Rosener adjourned the regular session at 7:55 pm.

Attest:

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Sylvia Murphy, MMC, City Recorder

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Tim Rosener, Mayor



Agenda Item: Public Hearing (*Second Reading*)

**TO:** Sherwood City Council

**FROM:** Joy L. Chang, Senior Planner

Through: Sean Conrad, Planning Manager, Eric Rutledge, Community Development Director,  
Craig Sheldon, City Manager, and Sebastian Tapia, Interim City Attorney

**SUBJECT:** Ordinance 2024-004, Amending sections of the Sherwood Zoning and Community Development Code for Food Cart Pods (*Second Reading*)

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**Issue:**

Shall the City Council amend sections of the Sherwood Zoning and Community Development Code (SZCDC) to allow for Food Cart Pods?

**Background:** In the Fall of 2022, the City Council had a work session on Mobile Food Vendors, “Trucks, Carts, and Pods.” The presentation presented an overview of Sherwood’s current development code, how food vendors including food carts can be permitted, and discussed the common types of food cart operations; 1) *Truly Mobile Food Vendors*; 2) *Accessory to a Primary Use*; and 3) *Mobile Food Unit Sites (aka “Cart Pods”)*. A quick look at how surrounding jurisdictions permit food carts was also addressed.

After discussing the common types of food cart operations, Council directed staff to return with options for Food Cart Pod sites. In May of 2023, Council held another work session on Mobile Vendors and staff presented zoning designations within the City that could be considered to allow this type of use. The zoning designations included the Retail Commercial Zone, including the Old Town Overlay District. At this work session, Council emphasized that Food Cart Pod sites should be a destination with multiple carts, a large permanent eating/drinking pavilion, and permanent bathroom facilities are needed. If located in Old Town a pavilion should incorporate the design elements of the zone. Council asked staff to develop draft code language to review and discuss.

At the July 18, 2023, Council work session staff presented draft code language to the Council to review and provide comments on. Council provided the following comments and questions:

- Allow food carts pods in the General Commercial Zone
- Food Cart pods are not allowed on city-owned property
- Should certain paint colors be required for food carts/trucks onsite?

The Planning Commission held their work session on Food Cart Pods on August 8, 2023 and discussed concerns related to design elements, buffering, noise, landscaping, and signage. Draft code amendments were also discussed.

In the Spring of 2024, the City Council held its final work session on Food Cart Pods to discuss the latest code amendments. As proposed, a food cart pod would consist of a minimum of five food carts, a permanent restroom, and a permanent pavilion or enclosed building.

Amendments are made to Sherwood Municipal Code, Title 16 (Zoning and Community Development Code) with a new Chapter 16.39 Food Cart Pods and amendments to Commercial Use Table of Section 16.22.020 by allowing Food Cart Pods as a Conditional Use Permit within the General Commercial and Retail Commercial zones.

The Sherwood Planning Commission held its first public hearing on August 13, 2024, took public testimony, and considered the application (LU 2024-014 PA Food Cart Pods). Opportunity for public testimony was provided, but no one choose to speak. With minor modifications to staff's findings and proposed amendments, the Commission voted to close the public hearing. After considering the application materials, the proposed amendments, and the amended findings in the staff report, the Planning Commission voted unanimously in favor of recommending the proposed text amendments to the City Council.

On September 17, 2024, City Council held its first public hearing on the proposed Food Cart Pods ordinance. Staff provided a verbal staff report and answered questions on the proposed amendments. Opportunity for public testimony was provided, but no one testified.

Staff is recommending that Council open the second public hearing, take any public testimony that may be offered, and then close the hearing. Council may then approve the proposed amendments as presented.

**Financial Impacts:**

There is no immediate financial impact to the City.

**Recommendation:**

Staff respectfully recommends City Council hold the second hearing on Ordinance 2024-004, amending sections of the Sherwood Zoning and Community Development Code for Food Cart Pods.

**Attachment**

1. Planning Commission Recommendation to Council
2. Ordinance with Exhibit 1

## CITY OF SHERWOOD

Date: September 6, 2024

### Planning Commission Recommendation to the City Council Food Cart Pods

File No: LU 2024-014- PA

#### Recommendation of the Planning Commission

The Sherwood Planning Commission held its first public hearing on August 13, 2024, took public testimony, and considered the application (LU 2024-014 PA Food Cart Pods). Opportunity for public testimony was provided, but no one choose to speak. With minor modifications to staff's findings and proposed amendments, the Commission voted to close the public hearing. After considering the application materials, the proposed amendments, and the amended findings in the staff report, the Planning Commission voted unanimously in favor of recommending the proposed text amendments to the City Council.



Joy L. Chang  
Senior Planner

**Proposal:** The City is proposing to amend the Sherwood Zoning and Community Development Code by allowing Food Cart Pods in certain zones as a Conditional Use Permit. Allowing mobile food units can provide opportunities for small scale entrepreneurship and provide unique eating establishments and community gathering spaces for the public. The proposed amendments would allow the development of food cart pods subject to the following:

- Allow in the General Commercial (GC) and Retail Commercial (RC) zones
- Process as a Type IV Site Plan Review with a concurrent Type III Conditional Use Permit
- Development and Design Standards
  - Minimum of five (5) food carts required
  - Permanent restroom sized for the site
  - Minimum 1,000 square foot enclosed building or pavilion
  - Permanent utility connections (water, sewer, electricity)
  - Design Standards for the proposed building or pavilion
  - Minimum setback standards for permanent structures and food carts
  - Screening from residential properties
  - Vehicular and bicycle parking

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

**B. Location:** City Wide

**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 August 13, 2024. 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 language. The City Council public hearings are tentatively scheduled for September 17, 2024

and October 15, 2024. 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 August 13, 2024, Planning Commission hearing and tentative September 17, 2024, City Council hearing on the proposed amendment were published in *The Times* on July 25 and August 8, 2024. Notice was also posted in five public locations around town and on the website on July 17, 2024. Notice to the Oregon Department of Land Conservation and Development (DLCD) was submitted on July 9, 2024, and notice to agencies was sent via email on July 15, 2024.
- E. Review Criteria:** The required findings for Plan Amendments are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).
- F. Background:** In the Fall of 2022, the City Council had a work session on Mobile Food Vendors, "Trucks, Carts, and Pods." The presentation presented an overview of Sherwood's current development code, how food vendors including food carts can be permitted, and discussed the common types of food cart operations; 1) *Truly Mobile Food Vendors*; 2) *Accessory to a Primary Use*; and 3) *Mobile Food Unit Sites (aka "Cart Pods")*. A quick look at how surrounding jurisdictions permit food carts was also addressed.

After discussing the common types of food cart operations, Council directed staff to return with options for Food Cart Pod sites. In May of 2023, Council held another work session on Mobile Vendors and staff presented zoning designations within the City that could be considered to allow this type of use. The zoning designations included the Retail Commercial Zone, including the Old Town Overlay District. At this work session, Council emphasized that Food Cart Pod sites should be a destination with multiple carts, a large permanent eating/drinking pavilion, and permanent bathroom facilities are needed. If located in Old Town a pavilion should incorporate the design elements of the zone. Council asked staff to develop draft code language to review and discuss.

At the July 18, 2023, Council work session staff presented draft code language to the Council to review and provide comments on. Council provided the following comments and questions:

- Allow food carts pods in the General Commercial Zone
- Food Cart pods are not allowed on city-owned property
- Should certain paint colors be required for food carts/trucks onsite?

The Planning Commission held their work session on Food Cart Pods on August 8, 2023 and discussed concerns related to design elements, buffering, noise, landscaping, and signage. Draft code amendments were also discussed.

In the Spring of 2024, the City Council held its final work session on Food Cart Pods to discuss the latest code amendments. As proposed, a food cart pod would consist of a minimum of five food carts, a permanent restroom, and a permanent pavilion or enclosed building.

Amendments are made to Sherwood Municipal Code, Title 16 (Zoning and Community Development Code) with a new Chapter 16.39 Food Cart Pods and amendments to Commercial Use Table of Section 16.22.020 by allowing Food Cart Pods as a Conditional Use Permit within the General Commercial and Retail Commercial zones.

## II. PUBLIC COMMENTS

As of this writing, no public comments have been received. Comments from the community are welcomed up to the close of the public hearing.

### III. AGENCY COMMENTS

Notice to DLCD was sent on July 9, 2024, and an e-notice to Metro and agency partners was sent on July 15, 2024.

City of Sherwood, Engineering Department stated that through the land use reviews (Site Plan and Condition Use Permit) engineering can condition necessary public improvements under those processes. Additional comments related to screening, minimum required parking, traffic mitigation/enforcement. Screening requirements are codified under in SZCDC under Section 16.92.030 and will be addressed at time of land use review. **Exhibit C**

Once the Food Cart Pod is constructed and traffic flows need to be addressed, the conditions of approval through the land use review process allows staff to require mitigation or enforcement to resolve the traffic issue as with any land use approvals.

The proposed amendments require two off-street parking spaces for each food cart in a Food Cart Pod; one space for vendors use and one space for its customers (e.g. five food carts would require a total of 10 parking spaces). Cities surrounding Sherwood (Tigard, Tualatin, Beaverton) have eliminated minimum parking requirements per Climate-Friendly Equitable Communities (CFEC) rules therefore not requiring any parking for Food Cart Pods. Consistent with the CFEC rules, Food Cart Pods in Sherwood's CFEC designated area will also not have minimum parking requirements. If the Food Cart Pod site is not within Sherwood's CFEC designated area, two off-street parking spaces per food cart is adequate.

City of Sherwood, Public Works Department stated they have no comments on the proposed amendments. **Exhibit D**

Pride Disposal and Recycling Company, Kristen Tabscott, Executive Assistant, states they currently have no comments. However, they will need to verify that adequate service is available once a food truck pod site is located and proposed for develop. **Exhibit E**

Oregon Department of Transportation (ODOT), Transportation Region 1 – Lewis Kelley, Senior Transportation Planner, states that Hwy 99-W is a state highway and ODOT has permitting authority for the facility. The proposed changes within the General Commercial and Retail Commercial zones, to allow food cart pods under a conditional use permit, does not represent a zone change or comprehensive plan amendment. Therefore, the City does not need to comply with the Transportation Planning Rule (TPR), OAR 660-012-0060. ODOT supports the City's process of requiring a Traffic Impact analysis for conditional use permits regarding proposed food cart pods. At time of food cart pod development/land use review, notification to ODOT is requested. **Exhibit F**

Oregon Department of Transportation (ODOT), Outdoor Advertising Sign Program – Jill Hendrickson, Program Coordinator, states that signs would need to be on private property, and not on ODOT's right of way; and the signs could not be placed in exchange for compensation, either for the right to place the signs or the message(s) on the signs. **Exhibit G**

#### 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**

Food cart pods are a response to a public desire for gathering places and local food choices. There are various community needs for food cart pods in Sherwood including:

- Opportunity to increase jobs and businesses:
  - Food cart pods can host a variety of food vendors, creating jobs for chefs, cooks, and support staff.
  - They can also provide opportunities for local entrepreneurs to start their own food businesses with lower initial investment compared to traditional brick-and-mortar restaurants.
- Reduce investment risk and allow small businesses to serve larger markets:
  - Renting a spot in a food cart pod is usually much cheaper than leasing a full restaurant space, reducing financial risk for new business owners.
  - Food cart pods attract diverse crowds, offering small businesses exposure to a larger customer base without the high costs of traditional advertising.
- Complement existing businesses and activities:
  - Food cart pods can be strategically located near shopping centers, parks, or event venues, providing convenient dining options that complement retail and entertainment activities.
  - They can also collaborate with local businesses for cross-promotions, such as discounts or special offers for customers who visit both the food cart pod and the nearby shops.
- Create positive impacts on street vitality and neighborhood life:

- A well-designed food cart pod can become a lively social hub, attracting residents and visitors to spend time in the area, thereby increasing foot traffic and enhancing the vibrancy of the neighborhood.
- Regular events, live music, or themed nights at the food cart pod can further engage the community and create a lively atmosphere.
- Provide food choices to the Sherwood community:
  - Food cart pods typically offer a diverse range of cuisines, catering to various tastes and dietary preferences, thus enhancing the culinary options available to the Sherwood community.
  - They can also feature rotating vendors, ensuring that there are always new and exciting food choices for residents.
- Increase activity in underperforming commercial areas:
  - Placing food cart pods in underperforming commercial areas can draw in new visitors, revitalizing these spaces and attracting additional businesses over time.
  - The increased activity can also lead to improved safety and cleanliness in these areas as they become more frequented by the community.
- Supporting entrepreneurship:
  - Food cart pods can serve as incubators for local entrepreneurs, providing them with the platform and resources needed to start and grow their businesses.
  - Community support can be fostered through funding campaigns to help local entrepreneurs get started.

Food cart pods, by their nature, offer flexibility and adaptability to meet various community needs, making them a valuable asset in fostering economic growth and enhancing the local culture.

The proposal seeks to add a new chapter in Title 16 of the SZCDC and amendments to the Commercial Use Table of Section 16.22.020 to allow for Food Cart Pods in Sherwood.

**FINDING:** As discussed above, the proposed amendments for Food Cart Pods provide entrepreneurial opportunities that address the needs of the Sherwood community as identified by the City Council.

### **Consistency with the Comprehensive Plan**

The adopted 2040 Comprehensive Plan, Thriving and Diversified Economy, has specific goals and policies that are applicable to the proposed standards as discussed below:

#### ***Thriving and Diversified Economy***

***Goal 1 Accelerate the growth of local businesses and attract new businesses that balance the City's tax base, provide stable, high-wage jobs and capitalize on Sherwood's location and enhance the high-quality of life.***

***POLICY 1.1 Existing Business Retention, New Business Development, and Attraction of New Businesses: The City will support retention and expansion of existing businesses, growth and creation of entrepreneurial business, and attraction of new businesses that align with Sherwood's Community Vision and provide a diverse mix of economic activity. The types of businesses the City wants to attract most are non-polluting businesses with wages at or above the Washington County average, such as the industries identified in the most recent Economic Opportunities Analysis.***

***Policy 1.5 Retain and encourage growth of existing and new businesses in Sherwood. Allow and encourage development of commercial and industrial areas.***

***Policy 1.6 Support the creation, development, and retention of small, entrepreneurial businesses in Sherwood.***

***Policy 1.8 Support growth of businesses that create destinations and experiences for residents of Sherwood and visitors.***

***Goal 2 Prioritize and promote economic development to balance the city's tax base by maintaining a supply of land to target growth industries and accelerate Sherwood's desired economic growth.***

***Policy 2.6 Support and encourage infill and redevelopment, especially in existing commercial areas, as a way to use land and existing infrastructure more efficiently. The City will develop and implement policies and programs to encourage office commercial and mixed-use development across Sherwood.***

***Policy 2.8 Explore options for more mixed-use development in Sherwood to provide additional space for office commercial, flexible and startup development within the City limits.***

The proposed Food Cart Pods amendments are consistent with the 2040 Comprehensive Plan by allowing entrepreneurial opportunities for small startup businesses while providing a diverse mix of economic activity. The amendments also allow and encourage the development of commercial areas. The proposed amendments for Food Cart Pods mandate a minimum number of food carts and the inclusion of permanent amenities (such as a pavilion/building and restrooms). These requirements aim to create a destination and a memorable experience for both Sherwood residents and visitors.

**FINDING:** Based on the above discussion, the proposed text amendments are consistent with the Sherwood 2040 Comprehensive Plan by allowing entrepreneurial opportunities for small businesses while providing a diverse mix of economic activity.



### **Consistency with the City's Transportation System Plan**

The proposed CFEC text amendments are consistent 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. At the time of land use application submittal and review, transportation impacts are analyzed and addressed.

**FINDING:** The proposed text amendments are consistent with the City's Transportation System Plan.

### **Consistency with other City Planning Documents**

The proposed text amendments impact only Title 16 of the Municipal Code and do not impact any other City Planning documents. Therefore, the proposed text amendments are consistent with other City Planning documents.

**FINDING:** As noted above, the proposed text amendments is consistent with other City Planning documents since amendments are only to Title 16.

### **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:** Since the fall of 2022, Sherwood City Council has held four work sessions on the proposed Food Cart Pods amendments with opportunity for public involvement. Furthermore, Sherwood Planning Commission held one work session briefing on Food Cart Pods amendments also with the opportunity for public involvement.

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 City Council's and Planning Commission work sessions on the proposed amendments and the City's development code legislative process ensures compliance with Goal 1.

#### **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. As stated above, the proposed Food Cart Pods amendments help meet state Goal 2 through the creation of land use regulations and processes.

**FINDING:** As discussed above, the proposed text amendments are consistent with Goal 2.

### **Goal 3: Agricultural Lands**

The purpose of this Goal is to identify farmland, designate it as such on the comprehensive plan map, and zone it exclusive farm use (EFU).

**FINDING:** This statewide land use goal is not applicable to the City of Sherwood.

### **Goal 4: Forest Lands**

This Goal requires counties to identify forest land, designate it as such on the comprehensive plan map, and zone it consistently with state rules.

**FINDING:** This statewide land use goal is not applicable to the City of Sherwood.

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

It is the purpose of this Goal to protect natural resources and conserve scenic and historic areas and open spaces.

**FINDING:** The proposed text amendments are not applicable to goals and policies in the City's Comprehensive Plan pertaining to the protection of natural resources and conservation of scenic and historic areas and open spaces.

### **Goal 6: Air, Water and Land Resources Quality**

This Goal instructs local governments to consider the protection of air, water, and land resources from pollution and pollutants when developing comprehensive plans.

**FINDING:** The proposed text amendments are not directly applicable to goals and policies in the City's Comprehensive Plan pertaining to the protection of air, water, and land resources from pollution and pollutants. However, the proposed permanent utility connections for each food cart allows the decrease of water pollutants.

### **Goal 7: Natural Hazards:**

This Goal requires local comprehensive plans to address Oregon's natural hazards.

**FINDING:** The proposed text amendments are not applicable to identified natural hazards within the Sherwood community.

### **Goal 8: Recreational Needs**

It is the purpose of this Goal to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities.

**FINDING:** The proposed text amendments are not applicable to recreational needs within the Sherwood community. The City has an adopted Parks and Recreation Master Plan.

### **Goal 9: Economic Development**

The purpose of Goal 9 planning is to make sure cities and counties have enough land available to realize economic growth and development opportunities.

**FINDING:** The proposed text amendments would allow development of Food Cart Pods that creates entrepreneurial opportunities for small businesses while providing a diverse mix of economic activity. They are an asset in fostering economic growth. Therefore, the proposed amendments meet the intent of Goal 9, Economic Development.

### **Goal 10: Housing**

The purpose of this Goal is to make sure that a community has adequate housing supply for the twenty-year planning period through a range of densities to choose from and serves people at a variety of income levels.

**FINDING:** The proposed text amendments are not applicable to housing needs within the Sherwood community.

### **Goal 11: Public Facilities and Services**

It is the purpose of this Goal to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

**FINDING:** The proposed amendments are consistent with the City's Comprehensive Plan and, therefore, this goal.

### **Goal 12: Transportation**

This Goal requires cities, counties, and the state to create a transportation system plan that considers all relevant modes of transportation: mass transit, air, water, rail, highway, bicycle and pedestrian.

**FINDING:** The proposed text amendments are consistent with the City's Transportation System Plan and therefore, this goal.

### **Goal 13: Energy**

This Goal requires local governments to consider the effects of its comprehensive planning decision on energy consumption.

**FINDING:** The proposed amendments are consistent with the City's Comprehensive Plan and, therefore, this goal.

### **Goal 14: Urbanization**

The purpose of this goal is to ensure land inside a UGB, is considered urbanizable. A city must plan to include a twenty-year supply of land for housing, employment, industry, open space and recreational needs. A UGB should also provide plans for transition from urban to rural land uses to avoid conflicts and encourage efficient use of the land to provide more livable, walkable, and densely built communities.

**FINDING:** The proposed amendments are consistent with the City's Comprehensive Plan and, therefore, this goal.

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

**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 (TPR)**

**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. Furthermore, ODOT Transportation Region 1 (Exhibit F) states that the proposed amendments do not represent a zone change or comprehensive plan amendment. Therefore, the city does not need to comply with the TPR.

### ***Oregon Health Authority***

Oregon Health Authority Rules recognize and regulate food carts as "mobile food units," which include any food service business operating from a vehicle that is self-propelled (for example a "food truck") or is capable of being pulled or pushed down a sidewalk, street, or waterway (for example, a food cart that may be pulled by a truck or mounted on a trailer). Active mobile food units within Oregon are required to obtain a Mobile Food License from the county in which they are based.

Under Oregon Health Authority rules, a mobile food unit must meet the following criteria:

- Mobile food units shall remain mobile at all times during operation. Tongues may be removed from trailers, but wheels must be mounted and operational at all times (OAR 333-162-0030).
- All operations and equipment must be integral to the mobile food unit. The only exceptions are for barbeques, customer seating, and auxiliary storage (OAR 333-162- 0020).
- Mobile food units must operate from a licensed restaurant, commissary, or warehouse. Licensing authorities can waive this requirement if mobile food units are found capable of operating without a base of operation, by including all equipment and utensils that a commissary would provide (OAR 333-162-0040).

**Response:** The proposed amendments are consistent with Oregon Health Authority rules.

## **V. RECOMMENDATION**

As proposed, the draft amendments to Title 16 (Zoning and Community Development Code,) supports and meets the intent of City's Comprehensive Plan, and all applicable state and regional criteria.

### **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 Food Cart Pods text amendments to Title 16 of the Municipal Code, Case File LU 2024-014 PA, to the Sherwood City Council.

## **VI. EXHIBITS**

- A. Proposed Code Amendments (Track Changes)
- B. Proposed Code Amendments (Clean Version)
- C. City of Sherwood, Engineering
- D. City of Sherwood, Public Works
- E. Pride Disposal and Recycling Company
- F. Oregon Department of Transportation, Transportation Region 1
- G. Oregon Department of Transportation, Outdoor Advertising Sign Program

Proposed Amendments to Title 16, ZONING AND COMMUNITY DEVELOPMENT CODE, with a new Chapter 16.39 FOOD CART PODS and amendments to Commercial Use Table of Section 16.22.020 by allowing Food Cart Pods as a Conditional Use Permit within the General Commercial and Retail Commercial zones.

## **Chapter 16.39 Food Cart Pods**

### **16.39.010 Purpose and Definitions**

- A. Purpose. Mobile food units can provide opportunities for small scale entrepreneurship and provide unique eating establishments and community gathering spaces for the public. The purpose of this section is to allow for mobile food unit sites or “food cart pod” sites where mobile food units or “food carts” can be parked on a long-term basis. As defined below, a minimum of five (5) food carts are required in a food cart pod.

The standards in this section are intended to ensure that food carts and food cart pods are developed and operated as lawful uses and in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

- B. Exemptions.
1. Mobile food units operated as part of an approved special event permit application.
- C. Definitions.
1. Mobile Food Unit (Food Cart) - any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.
  2. Mobile Food Unit Site (Food Cart Pod) – a site that consists of 5 or more mobile food units anchored by a permanent covered dining pavilion and restroom facilities.
  3. Pavilion - an open-sided permanent structure, typically used for shelter, relaxation, or events in an outdoor setting. Pavilions are designed to provide shade and protection from the elements while allowing for interaction with the surrounding environment.

### **16.39.020 Food Cart Pod Permit Procedures**

- A. Mobile food cart pod site permits will be processed as follows:
1. Site Plan Review and Conditional Use Permit. All mobile food cart pod sites are required to be reviewed as a Type IV Site Plan and Type III Conditional Use Permit in accordance with Chapter 16.72 of this code.
  2. Submittal Requirements. An application for a mobile food cart pod shall include the following:
    - a. A completed land use application form and supplemental documentation as required by the form. Supplemental documentation may include:
      - i. Clean Water Services Service Provider Letter
      - ii. Tualatin Valley Fire and Rescue Service Provider Letter
      - iii. Preliminary Stormwater Report

- iv. Traffic Impact Analysis
- v. Written narrative describing the project and addressing the applicable code standards and criteria.
  
- b. Information and plan details described in the Site Plan Review checklist provided by the City, including existing conditions and proposed development plans. In addition to the information listed in the Site Plan.

Review checklist, the following information is required for review of a Food Cart Pod:

- i. Within the boundaries of the mobile food cart pod site, the location of all mobile food units, seating areas, on-site utilities and any accessory items or structures.
- ii. The proposed distance between the mobile food units and adjacent lot lines, other mobile food units and other on-site structures.
- iii. The orientation of service windows and doors on the mobile food units and the location of queuing areas.

#### **16.39.030 Food Cart Pod Development Standards.**

The following standards apply to food cart pod sites.

- A. Optional Storage Structures - a maximum of two enclosed accessory storage buildings or structures are permitted per site, provided that the combined square footage does not exceed four hundred (400) square feet and the height of each does not exceed 10 ft. Outdoor storage of equipment and material for the site and/or for individual food carts is prohibited.
  
- B. Required Trash Receptacles and Enclosures
  - 1. Individual trash receptacles (i.e. not a shared enclosure) are required and shall be dispersed throughout the food cart pod for customer use.
  - 2. A minimum of one screened trash enclosure for the site is required meeting the approval of Pride Disposal.
  
- C. Required Structures
  - 1. All required structures shall meet setback requirements of the Retail Commercial (RC) and General Commercial zones, as well as the separation and setback requirements of the Building Code.
  - 2. A minimum of one permanent indoor restroom adequately sized to serve the site is required. Portable toilets are not permitted. If the restroom structure is detached, the design of a detached restroom structure shall meet the design standards in subsection (4) of this section.
  - 3. Existing Structures may be utilized as the dining building or pavilion. The structure shall meet the design standards in subsection (4 a-d) of this section.
  - 4. Food Cart Pod Dining Building or Pavilion. A site shall have a pavilion or building of no less than 1,000 square feet to provide weather protection and comfort to dining customers. Proposed structures located on lots within the Old Town Overlay District shall meet the design standards of Section 16.162 of this code.

The following design standards apply to dining building or pavilion:

- a. Primary Exterior Finish Materials - The purpose of this standard is to encourage high-quality materials that are complementary to the traditional materials used in Sherwood. Natural building materials are preferred, such as wood, cedar shake, brick, and stone. Composite boards manufactured from wood in combination with other products, such as hardboard or fiber cement board (i.e. HardiPlank) may be used when the board product is less than six (6) inches wide.
- b. Secondary Exterior Finish Materials - These materials may include plain or painted concrete block, plain concrete, corrugated metal, full-sheet plywood, fiberboard or sheet pressboard (i.e., T-111), vinyl and aluminum siding, and synthetic stucco (i.e. DryVit and stucco board). Secondary materials shall cover no more than ten percent (10%) of a surface area of each facade and shall not be visible from the public right-of-way.
- c. Color of Structures - The color of all painted or colored exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.
- d. Roof-Mounted Equipment. The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using at least one of the methods listed below. Solar heating panels are exempt from this standard.
  1. A parapet as tall as the tallest part of the equipment.
  2. A screen around the equipment that is as tall as the tallest part of the equipment.
  3. The equipment is set back from the street-facing perimeters of the building, 3 feet for each foot of height of the equipment. On corner lots with two street-facing areas, all equipment shall be centered.
- e. Roof. The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Sherwood. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:
  1. A sloped roof with a pitch no flatter than 6/12; or
  2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:
    - a) There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.
    - b) The height of the cornice or parapet is based on the height of the building as follows:
      1. Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.
      2. Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or



- UNDERLINED = NEW TEXT  
~~STRIKETHROUGH~~ = TEXT TO BE DELETED

- J. Intersection Sight Distance and Clear Vision Areas. The mobile food unit and any attachments or accessory items shall comply with the intersection sight distance and clear vision areas.
- K. Lighting. Exterior site lighting shall be provided to ensure safety for businesses and customers but shall be designed to minimize impacts to adjacent properties. Heat and light glare associated with a Food Cart Pod shall also meet the requirements of Section 16.152 Heat and Glare of this code.
- L. Required Vehicular and Bicycle Parking.
  - 1. Minimum two (2) vehicle parking spaces per food cart, for lots or parcels not within the CFEC parking Delineated Area.
  - 2. Minimum one (1) bike parking spaces per food cart.
  - 3. For every five (5) food carts a site, provide one (1) long-term bicycle space with weather protection.
- M. Landscaping, Visual Corridor, Street Trees. All sites shall be required to meet the requirements in Chapter 16.92 Landscaping, 16.140.040, Visual Corridors, and 16.140.060 Street Trees.
- N. Hours of Operation: A food cart pod site abutting a residential zone may operate during day hours between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday and Sunday. The Hearing Authority may further limit hours of operation to ensure compatibility with surrounding land uses.

#### **16.39.040 Food Cart Pod Utility Standards**

- A. Food Cart Pods sites are subject to the following utility standards:
  - 1. All permanent utilities shall be placed underground.
  - 2. Food carts and restrooms shall connect to a permanent sanitary sewer system in conformance with state plumbing code.
  - 3. Food carts shall provide an approved grease interceptor for the disposal of fats, oils, and grease.
  - 4. Food carts shall connect to a permanent water source in conformance with state plumbing code.
  - 5. Food carts and on-site structures shall connect to a permanent power source. Power connections must be undergrounded. Generators are prohibited.
  - 6. All utilities shall be placed or otherwise screened, covered, or hidden from view of the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

#### **16.39.050 Food Cart Design Standards**

The following standards apply to each mobile food unit on the site.

- A. Attachments. Attachments to the food cart, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the food cart nor any item relating to the unit shall lean against or hang from any structure or pole. No structures such as decks shall be attached to the mobile food unit.
- B. Accessory Storage. Items relating to the food cart shall be stored in or under the unit.

- C. Interior Seating or Vending. Customer seating or vending inside the mobile food unit is prohibited.
- D. Accessory items. Food carts shall enclose or screen from view of the right of way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, grills, smokers, and other accessory items.
- E. Skirting. Skirting shall be placed around the entire perimeter of the food cart.
- F. Drive-Thru Service. Drive-thru service or sales at a mobile food unit is prohibited.
- G. Other Licenses Required. In addition to the requirements of this section, the operator of a mobile food unit must have active City and State business licenses and must comply with the permit requirements of the Washington County Environmental Health Department, Tualatin Valley Fire and Rescue, and the Oregon Liquor and Cannabis Commission.

#### **16.39.060 Food Cart Pod Conditions of Approval**

- A. A conditional use permit is required for a food cart pod site, and shall meet the requirements of Chapter 16.82, Conditional Uses. The applicant is required to meet the approval criteria in Section 16.82.020(C). The Hearing Authority may impose conditions of approval pursuant to Section 16.82.020(D) to protect the best interests of the surrounding properties and neighborhood.

#### **16.39.070 Food Cart Pod Approval Period and Time Extension**

- A. A food cart pod site approval is valid for two years from the date of the final Notice of Decision. An extension of the Site Plan approval may be granted pursuant to Section 16.90.020(F) of this code.
- B. Upon approval for a Mobile Food Cart Pod development by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Chapter 16.72, Procedures for Processing Development Permits. The final site plan shall include any revisions or other features, or conditions required by the Hearing Authority at the time of the approval of the Food Cart Pod development.

#### **16.39.080 Food Cart Pod Code Compliance**

- A. After reviewing a complaint, the Community Development Director or designee shall compel measures to ensure compliance with the land use approval, compatibility with the neighborhood, and conformance with this section. Complaints may be originated by the City of Sherwood or the public. Complaints from the public shall clearly state the objection to the mobile food cart site, such as:
  - 1. Generation of excessive traffic;
  - 2. Generation of excessive noise or litter;
  - 3. Other offensive activities not compatible with the surrounding area.

## 16.22.020 Uses

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

	OC	NC <sup>1</sup>	RC	GC
<b>RESIDENTIAL</b>				
• Multi-Family dwelling housing, subject to all of the following:	P	P	P	P
1. Multi-family housing is only permitted on one or more of the upper floors of a building and only when a non-residential use that is permitted in the underlying zone is located on the ground floor. Parking is not a permitted ground floor use. The ground floor non-residential use must occupy the entire ground floor, with the exception of a lobby, utilities, stairways, elevators, and similar facilities.				
2. Site plan review process in section 16.90.020.D.6.				
3. Maximum density limits of the High Density Residential (HDR) zone.				
4. Dimensional standards of the underlying zone.				
5. The minimum ceiling height shall be 12 feet measured from the finished floor to the lowest point of the surface of the ceiling.				
6. If any part of a structure is within 100 feet of a residential zone, the height limits of the HDR zone shall apply.				
7. A building with multi-family housing is limited to two stairwells that can be entered from the ground floor of the building. There are no limits on the number of stairwells that are not able to be entered from the ground floor except as provided by this code.				
8. The required parking for the multi-family housing use shall be in addition to the minimum required for the non-residential use(s).				
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
<b>CIVIC</b>				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	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.	N	N	C	C
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
<b>COMMERCIAL</b>				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities <sup>4</sup>	N	N	P	P
Hotels and motels	C	N	P	P
Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	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	C	C	C	C
Childcare				
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
General Retail - sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
• General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P

• Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
• Wholesale building material sales and service	N	N	N	P
• Retail building material sales and lumberyards.	N	N	C <sup>5</sup>	P
<b>Personal Services</b>				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	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.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas <sup>6</sup>	N	N	C	C
<b>Eating and Drinking establishments</b>				
• Restaurants, taverns, and lounges without drive-thru <sup>7</sup>	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
• <u>Food Cart Pods</u> <sup>8</sup>	N	N	<u>C</u>	<u>C</u>
<b>INDUSTRIAL</b>				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Medical or dental laboratories	N	N	C	P
<b>WIRELESS COMMUNICATION FACILITIES</b>				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters <sup>9</sup>	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• 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	P
<b>OTHER</b>				
Agricultural uses including but not limited to:	N	N	P	P
• Farm equipment sales and rentals				
• Farming and horticulture				
• Truck and bus yards	N	N	N	P

<sup>1</sup>See special Criteria for the NC zone, 16.22.050.

<sup>2</sup>The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

<sup>3</sup>Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.

<sup>4</sup>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.

<sup>5</sup>All activities are required to be within an enclosed building.

<sup>6</sup>Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."

<sup>7</sup>Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.

<sup>8</sup> See standard and criteria for Food Cart Pods in Chapter 16.39.

<sup>89</sup> ~~e~~ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2021-008 , § 2, 9-21-2021; Ord. No. 2012-011, § 2, 8-7-2012)

Proposed Amendments to Title 16, ZONING AND COMMUNITY DEVELOPMENT CODE, with a new Chapter 16.39 FOOD CART PODS and amendments to Commercial Use Table of Section 16.22.020 by allowing Food Cart Pods as a Conditional Use Permit within the General Commercial and Retail Commercial zones.

## **Chapter 16.39 Food Cart Pods**

### **16.39.010 Purpose and Definitions**

- A. Purpose. Mobile food units can provide opportunities for small scale entrepreneurship and provide unique eating establishments and community gathering spaces for the public. The purpose of this section is to allow for mobile food unit sites or “food cart pod” sites where mobile food units or “food carts” can be parked on a long-term basis. As defined below, a minimum of five (5) food carts are required in a food cart pod.

The standards in this section are intended to ensure that food carts and food cart pods are developed and operated as lawful uses and in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

- B. Exemptions.
1. Mobile food units operated as part of an approved special event permit application.
- C. Definitions.
1. Mobile Food Unit (Food Cart) - any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.
  2. Mobile Food Unit Site (Food Cart Pod) – a site that consists of 5 or more mobile food units anchored by a permanent covered dining pavilion and restroom facilities.
  3. Pavilion - an open-sided permanent structure, typically used for shelter, relaxation, or events in an outdoor setting. Pavilions are designed to provide shade and protection from the elements while allowing for interaction with the surrounding environment.

### **16.39.020 Food Cart Pod Permit Procedures**

- A. Mobile food cart pod site permits will be processed as follows:
1. Site Plan Review and Conditional Use Permit. All mobile food cart pod sites are required to be reviewed as a Type IV Site Plan and Type III Conditional Use Permit in accordance with Chapter 16.72 of this code.
  2. Submittal Requirements. An application for a mobile food cart pod shall include the following:
    - a. A completed land use application form and supplemental documentation as required by the form. Supplemental documentation may include:
      - i. Clean Water Services Service Provider Letter
      - ii. Tualatin Valley Fire and Rescue Service Provider Letter
      - iii. Preliminary Stormwater Report



- iv. Traffic Impact Analysis
  - v. Written narrative describing the project and addressing the applicable code standards and criteria.
- b. Information and plan details described in the Site Plan Review checklist provided by the City, including existing conditions and proposed development plans. In addition to the information listed in the Site Plan.

Review checklist, the following information is required for review of a Food Cart Pod:

- i. Within the boundaries of the mobile food cart pod site, the location of all mobile food units, seating areas, on-site utilities and any accessory items or structures.
- ii. The proposed distance between the mobile food units and adjacent lot lines, other mobile food units and other on-site structures.
- iii. The orientation of service windows and doors on the mobile food units and the location of queuing areas.

#### **16.39.030 Food Cart Pod Development Standards.**

The following standards apply to food cart pod sites.

- A. Optional Storage Structures - a maximum of two enclosed accessory storage buildings or structures are permitted per site, provided that the combined square footage does not exceed four hundred (400) square feet and the height of each does not exceed 10 ft. Outdoor storage of equipment and material for the site and/or for individual food carts is prohibited.
  - B. Required Trash Receptacles and Enclosures
    - 1. Individual trash receptacles (i.e. not a shared enclosure) are required and shall be dispersed throughout the food cart pod for customer use.
    - 2. A minimum of one screened trash enclosure for the site is required meeting the approval of Pride Disposal.
  - C. Required Structures
    - 1. All required structures shall meet setback requirements of the Retail Commercial (RC) and General Commercial zones, as well as the separation and setback requirements of the Building Code.
    - 2. A minimum of one permanent indoor restroom adequately sized to serve the site is required. Portable toilets are not permitted. If the restroom structure is detached, the design of a detached restroom structure shall meet the design standards in subsection (4) of this section.
    - 3. Existing Structures may be utilized as the dining building or pavilion. The structure shall meet the design standards in subsection (4 a-d) of this section.
    - 4. Food Cart Pod Dining Building or Pavilion. A site shall have a pavilion or building of no less than 1,000 square feet to provide weather protection and comfort to dining customers. Proposed structures located on lots within the Old Town Overlay District shall meet the design standards of Section 16.162 of this code.
- The following design standards apply to dining building or pavilion:

- a. Primary Exterior Finish Materials - The purpose of this standard is to encourage high-quality materials that are complementary to the traditional materials used in Sherwood. Natural building materials are preferred, such as wood, cedar shake, brick, and stone. Composite boards manufactured from wood in combination with other products, such as hardboard or fiber cement board (i.e. HardiPlank) may be used when the board product is less than six (6) inches wide.
- b. Secondary Exterior Finish Materials - These materials may include plain or painted concrete block, plain concrete, corrugated metal, full-sheet plywood, fiberboard or sheet pressboard (i.e., T-111), vinyl and aluminum siding, and synthetic stucco (i.e. DryVit and stucco board). Secondary materials shall cover no more than ten percent (10%) of a surface area of each facade and shall not be visible from the public right-of-way.
- c. Color of Structures - The color of all painted or colored exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.
- d. Roof-Mounted Equipment. The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using at least one of the methods listed below. Solar heating panels are exempt from this standard.
  1. A parapet as tall as the tallest part of the equipment.
  2. A screen around the equipment that is as tall as the tallest part of the equipment.
  3. The equipment is set back from the street-facing perimeters of the building, 3 feet for each foot of height of the equipment. On corner lots with two street-facing areas, all equipment shall be centered.
- e. Roof. The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Sherwood. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:
  1. A sloped roof with a pitch no flatter than 6/12; or
  2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:
    - a) There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.
    - b) The height of the cornice or parapet is based on the height of the building as follows:
      1. Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.
      2. Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.

3. Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.
- f. Base of Buildings. Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.
- D. Minimum Setbacks and Separation Distance of Food Carts. Food Carts on the site shall be located at a minimum of:
  1. Ten (10) feet from any front lot line
  2. Five (5) feet from any side or rear lot line, except if a site abuts a residential district the minimum setback of mobile food units to the side and rear lot line shall be twenty (20) feet.
  3. Windows and doors used for service to customers shall be located a minimum of ten (10) feet from loading areas, driveways, and on-site circulation drives, and a minimum of five (5) feet from bicycle parking spaces.
- E. Screening from residential properties
  1. If the food cart pod site is adjacent to a residentially zoned property, the food cart pod shall be screened from the property. Screening shall be provided by a continuous, sight-obscuring fence. Fences shall be constructed of wood, metal, brick, concrete, or other appropriate material as determined by the Hearing Authority. Chain-link fencing with slats shall not be accepted. Hedges may be used in addition to fencing but shall not replace the fence requirement.
- F. Obstruction of Vehicular and Pedestrian Use Areas and Landscape Areas. No mobile food unit or associated elements, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, or walkways. Mobile food units shall not occupy landscaping areas.
- G. Surfacing. All mobile food units shall be placed on hard-surfaced area and all walkways within the site shall be hard surfaced as determined by the Hearing Authority. Parking, loading, and maneuvering areas for vehicles shall be constructed of concrete or asphalt.
- H. Driveway access and drive aisles providing off-street parking and loading for vehicles shall meet the requirements of Chapter 16.94, Off-Street Parking Standards.
- I. Signs.
  1. Signs shall comply with the requirements of Section 16.101 Permanent Signs and 16.102 Temporary, Portable, and Banner Signs of this code.
  2. Additional portable signs within a food cart pod site are permitted but shall not be located within pedestrian walkways and shall not be visible from the public right of way.
- J. Intersection Sight Distance and Clear Vision Areas. The mobile food unit and any attachments or accessory items shall comply with the intersection sight distance and

clear vision areas.

- K. Lighting. Exterior site lighting shall be provided to ensure safety for businesses and customers but shall be designed to minimize impacts to adjacent properties. Heat and light glare associated with a Food Cart Pod shall also meet the requirements of Section 16.152 Heat and Glare of this code.
- L. Required Vehicular and Bicycle Parking.
  - 1. Minimum two (2) vehicle parking spaces per food cart, for lots or parcels not within the CFEC parking Delineated Area.
  - 2. Minimum one (1) bike parking spaces per food cart.
  - 3. For every five (5) food carts a site, provide one (1) long-term bicycle space with weather protection.
- M. Landscaping, Visual Corridor, Street Trees. All sites shall be required to meet the requirements in Chapter 16.92 Landscaping, 16.140.040, Visual Corridors, and 16.140.060 Street Trees.
- N. Hours of Operation: A food cart pod site abutting a residential zone may operate during day hours between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday and Sunday. The Hearing Authority may further limit hours of operation to ensure compatibility with surrounding land uses.

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- E. Skirting. Skirting shall be placed around the entire perimeter of the food cart.
- F. Drive-Thru Service. Drive-thru service or sales at a mobile food unit is prohibited.
- G. Other Licenses Required. In addition to the requirements of this section, the operator of a mobile food unit must have active City and State business licenses and must comply with the permit requirements of the Washington County Environmental Health Department, Tualatin Valley Fire and Rescue, and the Oregon Liquor and Cannabis Commission.

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  - 1. Generation of excessive traffic;
  - 2. Generation of excessive noise or litter;
  - 3. Other offensive activities not compatible with the surrounding area.

## 16.22.020 Uses

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- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

	OC	NC <sup>1</sup>	RC	GC
<b>RESIDENTIAL</b>				
• Multi-Family dwelling housing, subject to all of the following:	P	P	P	P
1. Multi-family housing is only permitted on one or more of the upper floors of a building and only when a non-residential use that is permitted in the underlying zone is located on the ground floor. Parking is not a permitted ground floor use. The ground floor non-residential use must occupy the entire ground floor, with the exception of a lobby, utilities, stairways, elevators, and similar facilities.				
2. Site plan review process in section 16.90.020.D.6.				
3. Maximum density limits of the High Density Residential (HDR) zone.				
4. Dimensional standards of the underlying zone.				
5. The minimum ceiling height shall be 12 feet measured from the finished floor to the lowest point of the surface of the ceiling.				
6. If any part of a structure is within 100 feet of a residential zone, the height limits of the HDR zone shall apply.				
7. A building with multi-family housing is limited to two stairwells that can be entered from the ground floor of the building. There are no limits on the number of stairwells that are not able to be entered from the ground floor except as provided by this code.				
8. The required parking for the multi-family housing use shall be in addition to the minimum required for the non-residential use(s).				
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
<b>CIVIC</b>				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	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.	N	N	C	C
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
<b>COMMERCIAL</b>				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities <sup>4</sup>	N	N	P	P
Hotels and motels	C	N	P	P
Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	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	C	C	C	C
Childcare				
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
General Retail - sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
• General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P

• Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
• Wholesale building material sales and service	N	N	N	P
• Retail building material sales and lumberyards.	N	N	C <sup>5</sup>	P
<b>Personal Services</b>				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	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.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas <sup>6</sup>	N	N	C	C
<b>Eating and Drinking establishments</b>				
• Restaurants, taverns, and lounges without drive-thru <sup>7</sup>	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
• Food Cart Pods <sup>8</sup>	N	N	C	C
<b>INDUSTRIAL</b>				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Medical or dental laboratories	N	N	C	P
<b>WIRELESS COMMUNICATION FACILITIES</b>				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters <sup>9</sup>	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• 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	P
<b>OTHER</b>				
Agricultural uses including but not limited to:	N	N	P	P
• Farm equipment sales and rentals				
• Farming and horticulture				
• Truck and bus yards	N	N	N	P

<sup>1</sup>See special Criteria for the NC zone, 16.22.050.

<sup>2</sup>The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

<sup>3</sup>Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.

<sup>4</sup>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.

<sup>5</sup>All activities are required to be within an enclosed building.

<sup>6</sup>Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."



<sup>7</sup> Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.

<sup>8</sup> See standard and criteria for Food Cart Pods in Chapter 16.39.

<sup>9</sup> Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.  
(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2021-008 , § 2, 9-21-2021; Ord. No. 2012-011, § 2, 8-7-2012)

## Joy Chang

---

**From:** Craig Christensen  
**Sent:** Monday, July 29, 2024 11:55 AM  
**To:** Joy Chang  
**Cc:** Sean Conrad; Hugo Hamblin-Agosto; Jason Waters  
**Subject:** RE: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA

Joy,

Since this is processed under Site Plan Review and Conditional Use Permit, engineering can condition necessary public improvements under those processes. My only comments are:

1. Do you need to identify a fence height on the screening fence in section 16.39.030.E.1?
2. Does 2 parking stalls per food cart seem low?
3. Do we have language that will allow the city to enforce no backup onto the public street system? With enforcement actions potentially resulting in mitigation measures or a reduction in food carts for the site?

Thank you.

Craig Christensen, P.E.  
Senior Civil Engineer, Engineering Dept.  
City of Sherwood  
(503) 925-2301

---

**From:** Joy Chang <ChangJ@SherwoodOregon.gov>  
**Sent:** Monday, July 15, 2024 1:13 PM  
**To:** Ryan.Winfrey@nwnatural.com; henry.english@pgn.com; Travis.Smallwood@pgn.com; Jose.Marquez@pgn.com; humphreysj@CleanWaterServices.org; spieringm@CleanWaterServices.org; LUComments@cleanwaterservices.org; kmenroachmentspacific@kindermorgan.com; kTabscott@pridedisposal.com; raindrops2refuge@gmail.com; eva\_kristofik@fws.gov; mwerner@gwrr.com; dxsmith@bpa.gov; jerose@sherwood.k12.or.us; gbennett@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@trimet.org; landusenotifications@oregonmetro.gov; ruth.e.price@odot.oregon.gov; Jill.M.HENDRICKSON@odot.state.or.us; ODOT\_R1\_DevRev@odot.state.or.us; anthony\_mills@washingtoncountyor.gov; Naomi\_Vogel@co.washington.or.us; stephen\_roberts@co.washington.or.us; Theresa\_Cherniak@co.washington.or.us; Bryan\_Robb@co.washington.or.us; Arn, Jason S. <Jason.Arn@tvfr.com>; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Craig Sheldon <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; hoon.choe@USPS.gov; mlrr.info@oregon.gov; Sean Conrad <conrads@sherwoodoregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>; Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>  
**Subject:** Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA

Hello agency partners,

The City of Sherwood Planning Department is requesting agency comments on the following proposal in the City of Sherwood.

**From:** [Richard Sattler](#)  
**To:** [Joy Chang](#)  
**Subject:** RE: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA  
**Date:** Monday, July 15, 2024 2:30:46 PM

---

Afternoon Joy,  
No comments related to Food Carts.  
Take Care,  
Rich

---

**From:** Joy Chang <ChangJ@SherwoodOregon.gov>  
**Sent:** Monday, July 15, 2024 1:13 PM  
**To:** Ryan.Winfree@nwnatural.com; henry.english@pgn.com; Travis.Smallwood@pgn.com; Jose.Marquez@pgn.com; humphreysj@CleanWaterServices.org; spieringm@CleanWaterServices.org; LUComments@cleanwaterservices.org; kmenroachmentspacific@kindermorgan.com; kTabscott@pridedisposal.com; raindrops2refuge@gmail.com; eva\_kristofik@fws.gov; mwerner@gwrr.com; dxsmith@bpa.gov; jerosesherwood.k12.or.us; gbennett@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@trimet.org; landusenotifications@oregonmetro.gov; ruth.e.price@odot.oregon.gov; Jill.M.HENDRICKSON@odot.state.or.us; ODOT\_R1\_DevRev@odot.state.or.us; anthony\_mills@washingtoncountyor.gov; Naomi\_Vogel@co.washington.or.us; stephen\_roberts@co.washington.or.us; Theresa\_Cherniak@co.washington.or.us; Bryan\_Robb@co.washington.or.us; Arn, Jason S. <Jason.Arn@tvfr.com>; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Craig Sheldon <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; hoon.choe@USPS.gov; mlrr.info@oregon.gov; Sean Conrad <conrads@sherwoodoregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>; Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>  
**Subject:** Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA

Hello agency partners,

The City of Sherwood Planning Department is requesting agency comments on the following proposal in the City of Sherwood.

**Proposal:** The City is proposing to amend the Sherwood Zoning and Community Development Code by allowing Food Cart Pods in certain zones as a Conditional Use Permit. Allowing mobile food units can provide opportunities for small scale entrepreneurship and provide unique eating establishments and community gathering spaces for the public. The proposed amendments would allow the development of food cart pods subject to the following:

**From:** [Kristen Tabscott](#)  
**To:** [Joy Chang](#)  
**Subject:** RE: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA  
**Date:** Monday, July 15, 2024 1:16:27 PM

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

That's exciting! We don't have any comments right now, we will want to make sure there is adequate service once a location is set.

**Kristen Tabscott**  
EXECUTIVE ASSISTANT

**Pride Disposal & Recycling Company**

503-625-6177

[pridedisposal.com](https://pridedisposal.com)

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[Facebook](#) | [Twitter](#) | [newsletter](#)

---

**From:** Joy Chang <ChangJ@SherwoodOregon.gov>

**Sent:** Monday, July 15, 2024 1:13 PM

**To:** Ryan.Winfree@nwnatural.com; henry.english@pgn.com; Travis.Smallwood@pgn.com; Jose.Marquez@pgn.com; humphreysj@CleanWaterServices.org; spieringm@CleanWaterServices.org; LUComments@cleanwaterservices.org; kmenroachmentspacific@kindermorgan.com; Kristen Tabscott <kTabscott@pridedisposal.com>; raindrops2refuge@gmail.com; eva\_kristofik@fws.gov; mwerner@gwrr.com; dxsmith@bpa.gov; jerosesherwood.k12.or.us; gbennett@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@trimet.org; landusenotifications@oregonmetro.gov; ruth.e.price@odot.oregon.gov; Jill.M.HENDRICKSON@odot.state.or.us; ODOT\_R1\_DevRev@odot.state.or.us; anthony\_mills@washingtoncountyor.gov; Naomi\_Vogel@co.washington.or.us; stephen\_roberts@co.washington.or.us; Theresa\_Cherniak@co.washington.or.us; Bryan\_Robb@co.washington.or.us; Arn, Jason S. <Jason.Arn@tvfr.com>; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Craig Sheldon <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; hoon.choe@USPS.gov; mlrr.info@oregon.gov; Sean Conrad <conrads@sherwoodoregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>; Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>

**Subject:** Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA

Hello agency partners,



Department of Transportation  
Transportation Region 1  
123 NW Flanders St.  
Portland, OR 97209-4012  
(503) 731-8200  
Fax: (503) 731-8259

DATE: 8/2/2024

ODOT #

ODOT Response

<b>Project Name:</b> LU 2024-014 PA Food Cart Pods	<b>Applicant:</b> City of Sherwood
<b>Jurisdiction:</b> City of Sherwood	<b>Jurisdiction Case #:</b> N/A
<b>Site Address:</b> Citywide	<b>Legal Description:</b> <b>Tax Lot(s):</b> N/A
<b>State Highway:</b> 99W	<b>Milepost:</b> 15 - 17

LAND USE PROPOSAL

The citywide proposal to amend zones General Commercial (GC) and Retail Commercial (RC) would allow food cart pods (under Municipal Code Chapter 16.39) as a conditional use adjacent to/in the vicinity of State Highway 99W.

STATE HIGHWAY FACILITY

ODOT has permitting authority for this facility and an interest in assuring that any proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified a Statewide highway inside of Metro and the performance standard is .99 volume to capacity (v/c) ratio.

COMMENTS

The proposed changes within zones GC and RC to allow food cart pods under a conditional use permit does not represent a zone change or comprehensive plan amendment and thus City of Sherwood does not need to comply with the Transportation Planning Rule (TPR), OAR 660-012-0060. ODOT supports the City’s process of requiring a Traffic Impact Analysis for conditional use permits in regards to proposed food cart pods. When in the future a development proposal is submitted to the City of Sherwood, the State maintains an interest in ensuring that a future proposed land use is compatible with safe and efficient operations along State Highway 99W. ODOT requests that the city continue to send notification of proposed developments during the land use process that may impact OR 99W to the following email address: [odot\\_r1\\_devrev@odot.oregon.gov](mailto:odot_r1_devrev@odot.oregon.gov).

Development Review Planner: Lewis Kelley	Senior Transportation Planner
--	-------------------------------

**From:** [HENDRICKSON Jill M](#)  
**To:** [Joy Chang](#)  
**Subject:** RE: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA  
**Date:** Monday, July 15, 2024 1:30:27 PM

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Hi Joy,

For the Outdoor Advertising Sign Program, I would only say that any signs would need to be on private property, and not on ODOT's right of way; and the signs could not be placed in exchange for compensation, either for the right to place the signs or the message(s) on the signs.

Please let me know if you need any additional information or if I can provide any assistance.

Best, Jill

**Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section**

Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302

Cell: 503.559.5295 | Fax: 503.986.3625

Email address has changed to: **[Jill.M.Hendrickson@odot.oregon.gov](mailto:Jill.M.Hendrickson@odot.oregon.gov)**

---

**From:** Joy Chang <ChangJ@SherwoodOregon.gov>

**Sent:** Monday, July 15, 2024 1:13 PM

**To:** Ryan.Winfree@nwnatural.com; henry.english@pgn.com; Travis.Smallwood@pgn.com; Jose.Marquez@pgn.com; humphreysj@CleanWaterServices.org; spieringm@CleanWaterServices.org; LUComments@cleanwaterservices.org; kmenroachmentspacific@kindermorgan.com; kTabscott@pridedisposal.com; raindrops2refuge@gmail.com; eva\_kristofik@fws.gov; mwerner@gwrr.com; dxsmith@bpa.gov; jerosesherwood.k12.or.us; gbennett@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@trimet.org; landusenotifications@oregonmetro.gov; PRICE Ruth E <Ruth.E.PRICE@odot.oregon.gov>; HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>; ODOT\_R1\_DevRev <ODOT\_R1\_DevRev@odot.oregon.gov>; anthony\_mills@washingtoncountyor.gov; Naomi\_Vogel@co.washington.or.us; stephen\_roberts@co.washington.or.us; Theresa\_Cherniak@co.washington.or.us; Bryan\_Robb@co.washington.or.us; Arn, Jason S. <Jason.Arn@tvfr.com>; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Craig Sheldon <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson



## ORDINANCE 2024-004

### AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE FOR FOOD CART PODS

**WHEREAS**, the proposed Food Cart Pods amendments would allow food carts to operate in the City in a pod setting; and

**WHEREAS**, the proposed Food Cart Pods amendments allow individual entrepreneurship at a small scale and provide unique eating establishments within the City; and

**WHEREAS**, the proposed Food Cart Pods amendments would be allowed in the General Commercial and Retail Commercial Zones under a Conditional Use Permit; and

**WHEREAS**, the proposed Food Cart Pod amendments are consistent with the adopted Sherwood Comprehensive Plan, Transportation Systems Plan and the Community Development Code; and

**WHEREAS**, at its meeting on August 13, 2024, the Planning Commission conducted a public hearing, considered proposed Food Cart Pods standards, and recommended that the City Council adopt the proposed amendments; and

**WHEREAS**, the City Council held the first public hearing on the proposed amendments on September 17, 2024 and a second hearing on the proposed amendments is scheduled for October 15, 2024; and

**WHEREAS**, the City finds it is in the public interest to allow for Food Cart Pod development within the city.

### **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 hearing, the City Council accepts 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, Chapter 16.39 shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

**Section 2.** Adopting Chapter 16.39 and the proposed amendments to the Sherwood Zoning and Community Development Code in Exhibit 1, attached to this Ordinance, are hereby **APPROVED**.

**Section 3.** This ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council on October 15, 2024.**

\_\_\_\_\_  
Tim Rosener, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Standke	_____	_____
Giles	_____	_____
Scott	_____	_____
Mays	_____	_____
Brouse	_____	_____
Young	_____	_____
Rosener	_____	_____



Proposed Amendments to Title 16, ZONING AND COMMUNITY DEVELOPMENT CODE, with a new Chapter 16.39 FOOD CART PODS and amendments to Commercial Use Table of Section 16.22.020 by allowing Food Cart Pods as a Conditional Use Permit within the General Commercial and Retail Commercial zones.

## **Chapter 16.39 Food Cart Pods**

### **16.39.010 Purpose and Definitions**

- A. Purpose. Mobile food units can provide opportunities for small scale entrepreneurship and provide unique eating establishments and community gathering spaces for the public. The purpose of this section is to allow for mobile food unit sites or “food cart pod” sites where mobile food units or “food carts” can be parked on a long-term basis. As defined below, a minimum of five (5) food carts are required in a food cart pod.

The standards in this section are intended to ensure that food carts and food cart pods are developed and operated as lawful uses and in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

- B. Exemptions.
1. Mobile food units operated as part of an approved special event permit application.
- C. Definitions.
1. Mobile Food Unit (Food Cart) - any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.
  2. Mobile Food Unit Site (Food Cart Pod) – a site that consists of 5 or more mobile food units anchored by a permanent covered dining pavilion and restroom facilities.
  3. Pavilion - an open-sided permanent structure, typically used for shelter, relaxation, or events in an outdoor setting. Pavilions are designed to provide shade and protection from the elements while allowing for interaction with the surrounding environment.

### **16.39.020 Food Cart Pod Permit Procedures**

- A. Mobile food cart pod site permits will be processed as follows:
1. Site Plan Review and Conditional Use Permit. All mobile food cart pod sites are required to be reviewed as a Type IV Site Plan and Type III Conditional Use Permit in accordance with Chapter 16.72 of this code.
  2. Submittal Requirements. An application for a mobile food cart pod shall include the following:
    - a. A completed land use application form and supplemental documentation as required by the form. Supplemental documentation may include:
      - i. Clean Water Services Service Provider Letter
      - ii. Tualatin Valley Fire and Rescue Service Provider Letter
      - iii. Preliminary Stormwater Report

- iv. Traffic Impact Analysis
  - v. Written narrative describing the project and addressing the applicable code standards and criteria.
- b. Information and plan details described in the Site Plan Review checklist provided by the City, including existing conditions and proposed development plans. In addition to the information listed in the Site Plan.

Review checklist, the following information is required for review of a Food Cart Pod:

- i. Within the boundaries of the mobile food cart pod site, the location of all mobile food units, seating areas, on-site utilities and any accessory items or structures.
- ii. The proposed distance between the mobile food units and adjacent lot lines, other mobile food units and other on-site structures.
- iii. The orientation of service windows and doors on the mobile food units and the location of queuing areas.

#### **16.39.030 Food Cart Pod Development Standards.**

The following standards apply to food cart pod sites.

- A. Optional Storage Structures - a maximum of two enclosed accessory storage buildings or structures are permitted per site, provided that the combined square footage does not exceed four hundred (400) square feet and the height of each does not exceed 10 ft. Outdoor storage of equipment and material for the site and/or for individual food carts is prohibited.
  - B. Required Trash Receptacles and Enclosures
    - 1. Individual trash receptacles (i.e. not a shared enclosure) are required and shall be dispersed throughout the food cart pod for customer use.
    - 2. A minimum of one screened trash enclosure for the site is required meeting the approval of Pride Disposal.
  - C. Required Structures
    - 1. All required structures shall meet setback requirements of the Retail Commercial (RC) and General Commercial zones, as well as the separation and setback requirements of the Building Code.
    - 2. A minimum of one permanent indoor restroom adequately sized to serve the site is required. Portable toilets are not permitted. If the restroom structure is detached, the design of a detached restroom structure shall meet the design standards in subsection (4) of this section.
    - 3. Existing Structures may be utilized as the dining building or pavilion. The structure shall meet the design standards in subsection (4 a-d) of this section.
    - 4. Food Cart Pod Dining Building or Pavilion. A site shall have a pavilion or building of no less than 1,000 square feet to provide weather protection and comfort to dining customers. Proposed structures located on lots within the Old Town Overlay District shall meet the design standards of Section 16.162 of this code.
- The following design standards apply to dining building or pavilion:

- a. Primary Exterior Finish Materials - The purpose of this standard is to encourage high-quality materials that are complementary to the traditional materials used in Sherwood. Natural building materials are preferred, such as wood, cedar shake, brick, and stone. Composite boards manufactured from wood in combination with other products, such as hardboard or fiber cement board (i.e. HardiPlank) may be used when the board product is less than six (6) inches wide.
- b. Secondary Exterior Finish Materials - These materials may include plain or painted concrete block, plain concrete, corrugated metal, full-sheet plywood, fiberboard or sheet pressboard (i.e., T-111), vinyl and aluminum siding, and synthetic stucco (i.e. DryVit and stucco board). Secondary materials shall cover no more than ten percent (10%) of a surface area of each facade and shall not be visible from the public right-of-way.
- c. Color of Structures - The color of all painted or colored exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.
- d. Roof-Mounted Equipment. The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using at least one of the methods listed below. Solar heating panels are exempt from this standard.
  1. A parapet as tall as the tallest part of the equipment.
  2. A screen around the equipment that is as tall as the tallest part of the equipment.
  3. The equipment is set back from the street-facing perimeters of the building, 3 feet for each foot of height of the equipment. On corner lots with two street-facing areas, all equipment shall be centered.
- e. Roof. The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Sherwood. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:
  1. A sloped roof with a pitch no flatter than 6/12; or
  2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:
    - a) There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.
    - b) The height of the cornice or parapet is based on the height of the building as follows:
      1. Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.
      2. Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.

3. Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.
- f. Base of Buildings. Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.
- D. Minimum Setbacks and Separation Distance of Food Carts. Food Carts on the site shall be located at a minimum of:
  1. Ten (10) feet from any front lot line
  2. Five (5) feet from any side or rear lot line, except if a site abuts a residential district the minimum setback of mobile food units to the side and rear lot line shall be twenty (20) feet.
  3. Windows and doors used for service to customers shall be located a minimum of ten (10) feet from loading areas, driveways, and on-site circulation drives, and a minimum of five (5) feet from bicycle parking spaces.
- E. Screening from residential properties
  1. If the food cart pod site is adjacent to a residentially zoned property, the food cart pod shall be screened from the property. Screening shall be provided by a continuous, sight-obscuring fence. Fences shall be constructed of wood, metal, brick, concrete, or other appropriate material as determined by the Hearing Authority. Chain-link fencing with slats shall not be accepted. Hedges may be used in addition to fencing but shall not replace the fence requirement.
- F. Obstruction of Vehicular and Pedestrian Use Areas and Landscape Areas. No mobile food unit or associated elements, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, or walkways. Mobile food units shall not occupy landscaping areas.
- G. Surfacing. All mobile food units shall be placed on hard-surfaced area and all walkways within the site shall be hard surfaced as determined by the Hearing Authority. Parking, loading, and maneuvering areas for vehicles shall be constructed of concrete or asphalt.
- H. Driveway access and drive aisles providing off-street parking and loading for vehicles shall meet the requirements of Chapter 16.94, Off-Street Parking Standards.
- I. Signs.
  1. Signs shall comply with the requirements of Section 16.101 Permanent Signs and 16.102 Temporary, Portable, and Banner Signs of this code.
  2. Additional portable signs within a food cart pod site are permitted but shall not be located within pedestrian walkways and shall not be visible from the public right of way.
- J. Intersection Sight Distance and Clear Vision Areas. The mobile food unit and any attachments or accessory items shall comply with the intersection sight distance and

clear vision areas.

- K. Lighting. Exterior site lighting shall be provided to ensure safety for businesses and customers but shall be designed to minimize impacts to adjacent properties. Heat and light glare associated with a Food Cart Pod shall also meet the requirements of Section 16.152 Heat and Glare of this code.
- L. Required Vehicular and Bicycle Parking.
  - 1. Minimum two (2) vehicle parking spaces per food cart, for lots or parcels not within the CFEC parking Delineated Area.
  - 2. Minimum one (1) bike parking spaces per food cart.
  - 3. For every five (5) food carts a site, provide one (1) long-term bicycle space with weather protection.
- M. Landscaping, Visual Corridor, Street Trees. All sites shall be required to meet the requirements in Chapter 16.92 Landscaping, 16.140.040, Visual Corridors, and 16.140.060 Street Trees.
- N. Hours of Operation: A food cart pod site abutting a residential zone may operate during day hours between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday and Sunday. The Hearing Authority may further limit hours of operation to ensure compatibility with surrounding land uses.

#### **16.39.040 Food Cart Pod Utility Standards**

- A. Food Cart Pods sites are subject to the following utility standards:
  - 1. All permanent utilities shall be placed underground.
  - 2. Food carts and restrooms shall connect to a permanent sanitary sewer system in conformance with state plumbing code.
  - 3. Food carts shall provide an approved grease interceptor for the disposal of fats, oils, and grease.
  - 4. Food carts shall connect to a permanent water source in conformance with state plumbing code.
  - 5. Food carts and on-site structures shall connect to a permanent power source. Power connections must be undergrounded. Generators are prohibited.
  - 6. All utilities shall be placed or otherwise screened, covered, or hidden from view of the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

#### **16.39.050 Food Cart Design Standards**

The following standards apply to each mobile food unit on the site.

- A. Attachments. Attachments to the food cart, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the food cart nor any item relating to the unit shall lean against or hang from any structure or pole. No structures such as decks shall be attached to the mobile food unit.
- B. Accessory Storage. Items relating to the food cart shall be stored in or under the unit.
- C. Interior Seating or Vending. Customer seating or vending inside the mobile food unit is prohibited.

- D. Accessory items. Food carts shall enclose or screen from view of the right of way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, grills, smokers, and other accessory items.
- E. Skirting. Skirting shall be placed around the entire perimeter of the food cart.
- F. Drive-Thru Service. Drive-thru service or sales at a mobile food unit is prohibited.
- G. Other Licenses Required. In addition to the requirements of this section, the operator of a mobile food unit must have active City and State business licenses and must comply with the permit requirements of the Washington County Environmental Health Department, Tualatin Valley Fire and Rescue, and the Oregon Liquor and Cannabis Commission.

**16.39.060 Food Cart Pod Conditions of Approval**

- A. A conditional use permit is required for a food cart pod site, and shall meet the requirements of Chapter 16.82, Conditional Uses. The applicant is required to meet the approval criteria in Section 16.82.020(C). The Hearing Authority may impose conditions of approval pursuant to Section 16.82.020(D) to protect the best interests of the surrounding properties and neighborhood.

**16.39.070 Food Cart Pod Approval Period and Time Extension**

- A. A food cart pod site approval is valid for two years from the date of the final Notice of Decision. An extension of the Site Plan approval may be granted pursuant to Section 16.90.020(F) of this code.
- B. Upon approval for a Mobile Food Cart Pod development by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Chapter 16.72, Procedures for Processing Development Permits. The final site plan shall include any revisions or other features, or conditions required by the Hearing Authority at the time of the approval of the Food Cart Pod development.

**16.39.080 Food Cart Pod Code Compliance**

- A. After reviewing a complaint, the Community Development Director or designee shall compel measures to ensure compliance with the land use approval, compatibility with the neighborhood, and conformance with this section. Complaints may be originated by the City of Sherwood or the public. Complaints from the public shall clearly state the objection to the mobile food cart site, such as:
  - 1. Generation of excessive traffic;
  - 2. Generation of excessive noise or litter;
  - 3. Other offensive activities not compatible with the surrounding area.

## 16.22.020 Uses

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

	OC	NC <sup>1</sup>	RC	GC
<b>RESIDENTIAL</b>				
• Multi-Family dwelling housing, subject to all of the following:	P	P	P	P
1. Multi-family housing is only permitted on one or more of the upper floors of a building and only when a non-residential use that is permitted in the underlying zone is located on the ground floor. Parking is not a permitted ground floor use. The ground floor non-residential use must occupy the entire ground floor, with the exception of a lobby, utilities, stairways, elevators, and similar facilities.				
2. Site plan review process in section 16.90.020.D.6.				
3. Maximum density limits of the High Density Residential (HDR) zone.				
4. Dimensional standards of the underlying zone.				
5. The minimum ceiling height shall be 12 feet measured from the finished floor to the lowest point of the surface of the ceiling.				
6. If any part of a structure is within 100 feet of a residential zone, the height limits of the HDR zone shall apply.				
7. A building with multi-family housing is limited to two stairwells that can be entered from the ground floor of the building. There are no limits on the number of stairwells that are not able to be entered from the ground floor except as provided by this code.				
8. The required parking for the multi-family housing use shall be in addition to the minimum required for the non-residential use(s).				
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
<b>CIVIC</b>				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	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.	N	N	C	C
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
<b>COMMERCIAL</b>				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities <sup>4</sup>	N	N	P	P
Hotels and motels	C	N	P	P
Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	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	C	C	C	C
Childcare				
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
General Retail - sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
• General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P



## Exhibit 1

• Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
• Wholesale building material sales and service	N	N	N	P
• Retail building material sales and lumberyards.	N	N	C <sup>5</sup>	P
<b>Personal Services</b>				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	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.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas <sup>6</sup>	N	N	C	C
<b>Eating and Drinking establishments</b>				
• Restaurants, taverns, and lounges without drive-thru <sup>7</sup>	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
• Food Cart Pods <sup>8</sup>	N	N	C	C
<b>INDUSTRIAL</b>				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Medical or dental laboratories	N	N	C	P
<b>WIRELESS COMMUNICATION FACILITIES</b>				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters <sup>9</sup>	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• 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	P
<b>OTHER</b>				
Agricultural uses including but not limited to:	N	N	P	P
• Farm equipment sales and rentals				
• Farming and horticulture				
• Truck and bus yards	N	N	N	P

<sup>1</sup>See special Criteria for the NC zone, 16.22.050.

<sup>2</sup>The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

<sup>3</sup>Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.

<sup>4</sup>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.

<sup>5</sup>All activities are required to be within an enclosed building.

<sup>6</sup>Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."

<sup>7</sup> Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.

<sup>8</sup> See standard and criteria for Food Cart Pods in Chapter 16.39.

<sup>9</sup> Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.  
(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2021-008 , § 2, 9-21-2021; Ord. No. 2012-011, § 2, 8-7-2012)

# Sherwood City Council Meeting

Date: October 15, 2024

- List of Meeting Attendees: ✓
- Request to Speak Forms: ✓
- Documents submitted at meeting: ✓

# Work Session

- Lexipol February 2024 Updates from Police Chief Ty Hanlon, Exhibit A
- “Sherwood East Wall” PowerPoint presentation from Assistant City Manager Kristen Switzer, Exhibit B

## Regular Session

- “LU 2024-014 PA Food Cart Pods” PowerPoint presentation from Senior Planner Joy Chang,
- Exhibit C

## Policy

## Priority

### Chapter 3 – General Operations

Use of Force

Major

Control Devices and Techniques

Major

Firearms

Major

Canines

Major

Native American Graves Protection and Repatriation

Major

### Chapter 4 – Patrol Operations

Bias-Based Policing

Major

### Chapter 6 – Investigation Operations

Warrant Service

Major

### Chapter 8 – Support Services

Property and Evidence

Major

Records Bureau

Major

Records Maintenance and Release

Major

### Chapter 9 – Custody

Custodial Searches

Major

### Chapter 10 – Personnel

Recruitment and Selection

Major

Lactation Break Policy

Major

Total: 13

# February 2024 Updates

10/15/2024  
Date

City Council  
Gov. Body

WS  
Agenda Item

A  
Exhibit #

## Chapter 3 – General Operations

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### Use of Force

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). State accrediting entities must comply with the DOJ standards to qualify as independent credentialing bodies. Although the standards issued by the DOJ do not directly impact local law enforcement agencies, the federal action is structured to encourage local agencies to seek state accreditation by making certain federal grant funding dependent on an agency achieving accredited status. Lexipol has updated content to place agencies in the best position possible if and when they elect to seek accreditation. Changes to this policy include:

- **DUTY TO INTERCEDE AND REPORT** has been renamed **DUTY TO INTERVENE AND REPORT**, and terminology has been adjusted in the subsection to be consistent with state terminology.
- In **DEADLY FORCE APPLICATIONS**, content has been added to provide that an officer should not use deadly force against a person whose actions are a threat solely to themselves or property, and grammar has been corrected.
- In **MOVING VEHICLES**, content has been updated to make it clear that this subsection should be read in conjunction with **DEADLY FORCE APPLICATIONS**, and terminology has been updated to be consistent with best practices.
- **TRAINING** has been updated to provide for annual use of force training. Additionally, content relating to specific required annual topics has been moved to **TRAINING REQUIREMENTS**.
- **TRAINING REQUIREMENTS** has been added as a new subsection in **TRAINING** to outline required annual training topics based on the requirements in the DOJ standards.

Unrelated to the DOJ standards update, additional changes include:

- In **CAROTID CONTROL HOLD**, the Edit Level has been changed from "State" to "Best Practice," and gendered pronouns have been removed.

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### Control Devices and Techniques

This policy has been updated to address Northwest Accreditation Alliance program standards for Oregon. Changes to this policy include:

- In **TRAINING FOR CONTROL DEVICES**, content has been updated to address standard 1.3.6, which requires training at least every two years, and text entities have been added.

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### Firearms

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). State accrediting

entities must comply with the DOJ standards to qualify as independent credentialing bodies. Although the standards issued by the DOJ do not directly impact local law enforcement agencies, the federal action is structured to encourage these agencies to seek state accreditation by making certain federal grant funding dependent on an agency achieving accredited status. Lexipol has updated content to place agencies in the best position possible if and when they elect to seek accreditation.

The May 2023 DOJ standards require agencies to have written directives relating to a prohibition on warning shots. The use of warning shots has long been controversial. Previously, Lexipol best practice content discouraged warning shots, but allowed for their use in limited circumstances. With this recent activity at the federal level and given recent trends relating to the use of warning shots, agencies are best served by this restricted approach. Changes to this policy include:

- In **WARNING AND OTHER SHOTS**, content has been updated to state that warning shots should not be used, and a serial comma has been added.

Unrelated to the DOJ standards update, additional changes have been made to address Northwest Accreditation Alliance (formerly the Oregon Accreditation Alliance) standards. Changes include:

- In **RANGEMASTER DUTIES**, wording has been added to require a certified rangemaster to align with standard 1.3.4, serial commas have been added, and gendered pronouns have been removed. The section name is based on a text entity and may vary depending on how you answered the General Information Questionnaire.

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## Canines

This policy has been updated because legislative action impacts its content. The update should be accepted and implemented as soon as possible. 2022 HR 8454 updated the federal statute regarding the Controlled Substance Act, resulting in the renumbering of certain content that is applicable to canine handlers. Changes to this policy include:

- In **CONTROLLED SUBSTANCE TRAINING AIDS**, a citation has been updated.

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## Native American Graves Protection and Repatriation

This policy has been updated because regulatory action impacts its content. The update should be accepted and implemented as soon as possible. Federal administrative law sets minimum standards for agency personnel when Native American remains, funerary objects, associated funerary objects, sacred objects, or objects of cultural patrimony are found. The regulatory action reorganizes the law and updates definitions and citations in the Native American Graves Protection and Repatriation Act. Changes to this policy include:

- In **DEFINITIONS**, content has been updated to include the regulatory changes.
- In **POLICY**, content has been updated to include an additional term.

- In **COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT**, content has been updated to include an additional term, and citations have been updated.
- In **EVIDENCE AND PROPERTY**, a citation has been updated.
- Serial commas have been added in the updated sections/subsections, as appropriate.

Unrelated to the regulatory update, additional include:

- In **PURPOSE AND SCOPE**, grammar has been corrected.

## Chapter 4 – Patrol Operations

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### Bias-Based Policing

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). Although the standards issued by the DOJ do not directly impact local law enforcement agencies, the federal action is structured to encourage these agencies to seek state accreditation by making certain federal grant funding dependent on an agency achieving accredited status. Lexipol has updated content to place agencies in the best position possible if and when they elect to seek accreditation. Changes to this policy include:

- In **DEFINITIONS**, a term has been added, and content has been updated to clarify that bias-based policing includes policing based on actual or perceived characteristics and inappropriate explicit and implicit biases.
- **TRAINING** has been updated to require annual training to include implicit biases and how to avoid improper profiling.
- **DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING** has been renamed **ADDITIONAL STATE REQUIREMENTS** for consistency with other policies in your manual.

Unrelated to the DOJ standards update, additional changes include:

- **STATE REPORTING TO LAW ENFORCEMENT CONTACTS POLICY AND DATA REVIEW COMMITTEE** has been renamed **STATE REPORTING TO LAW ENFORCEMENT CONTACTS COMMITTEE**, and content has been updated for clarity.

## Chapter 6 – Investigation Operations

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### Warrant Service

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). State accrediting entities must comply with the DOJ standards to qualify as independent credentialing bodies. Although

the standards issued by the DOJ do not directly impact local law enforcement agencies, the federal action is structured to encourage local agencies to seek state accreditation by making certain federal grant funding dependent on an agency achieving accredited status. Lexipol has updated content to place agencies in the best position possible if and when they elect to seek accreditation. Changes to this policy include:

- **NO-KNOCK ENTRIES** has been added as a new section to address requirements from the DOJ standards limiting no-knock entries to situations where exigent circumstances arise at the scene such that knocking and announcing would create an imminent threat of physical violence to the officer or another person. Please note that this content is more restrictive than what is permitted by current federal case law which, for example, continues to allow the use of a no-knock entry in circumstances involving the destruction of evidence. This change is necessary, however, in order for an agency to be in compliance with the federal DOJ standards, and thus maintain eligibility for certain discretionary grant funding from the federal government. You are encouraged to review these changes with your legal counsel and should also consider incorporating the changes into agency-specific training and procedures related to warrant service. KMS automatically adds all new sections to the bottom of the policy, so as not to alter any agency-specific customization. To move the new section to the location Lexipol recommends (below **HIGH-RISK WARRANT SERVICE**), first, accept all updates. Then, while in the edit mode, hold the cursor over **NO-KNOCK ENTRIES**, right-click for options, and select the option "Move." The section titles will appear. Select **HIGH-RISK WARRANT SERVICE**, and click "Move" once more. You will be prompted to select "Position Above" or "Position Below." Select "Position Below." KMS will refresh, the new section will be in the correct location, and the other sections will be renumbered accordingly. Your agency can also accept all updates without relocating the section, but that is not recommended.
- **DOCUMENTATION** has been added as a new section to address the requirement that a written directive outline your agency's maintenance of records relating to announced and no-knock entries. This section may be customized to be consistent with your practices. KMS automatically adds all new sections to the bottom of the policy, so as not to alter any agency-specific customization. To move the new section to the location Lexipol recommends (below **MEDIA ACCESS**), first, accept all updates. Then, while in the edit mode, hold the cursor over **DOCUMENTATION**, right-click for options, and select the option "Move." The section titles will appear. Select **MEDIA ACCESS**, and click "Move" once more. You will be prompted to select "Position Above" or "Position Below." Select "Position Below." KMS will refresh, the new section will be in the correct location, and the other sections will be renumbered accordingly. Your agency can also accept all updates without relocating the section, but that is not recommended.
- The Guide Sheet has been updated.

Unrelated to the DOJ standards update, additional changes include:

- **WARRANT PREPARATION** has been updated to address the state's prohibition on no-knock warrants, and a serial comma has been added.



## Chapter 8 – Support Services

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### Property and Evidence

This policy has been updated to address Northwest Accreditation Alliance program standards for Oregon. Changes to this policy include:

- In **INSPECTIONS OF THE EVIDENCE ROOM**, content has been updated to address standard 3.3.10, which requires documented inspections or inventories of the property and evidence function at specified intervals and if evidence is suspected to have been tampered with.

Unrelated to the accreditation update, additional changes to this policy include:

- The Guide Sheet has been updated.
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### Records Bureau

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). State accrediting entities must comply with the DOJ standards to qualify as independent credentialing bodies. Although the standards issued by the DOJ do not directly impact local law enforcement agencies, the federal action is structured to encourage these agencies to seek state accreditation by making certain federal grant funding dependent on an agency achieving accredited status. Lexipol has updated content to place agencies in the best position possible if and when they elect to seek accreditation.

The DOJ standards require agencies to have written directives relating to the collection of specific data. In addition to the collection of certain data, agencies are required to either submit, or be working toward the ability to submit, appropriate data to specific federal databases. Changes to this policy include:

- **RECORDS BUREAU** has been updated to add data collection and submission guidance, content has been updated for clarity, content from **REPORTING CRIME STATISTICS** has been included, and punctuation has been corrected. The subsection name is based on a text entity and may vary depending on how you answered the General Information Questionnaire.
- **REPORTING CRIME STATISTICS** has been deleted in its entirety because content is now covered in **RECORDS BUREAU**. The subsection name is based on a text entity and may vary depending on how you answered the General Information Questionnaire.
- The Guide Sheet has been updated.

Unrelated to the DOJ update, additional changes include:

- In **ORIGINAL CASE REPORTS**, a text entity has been corrected.
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## Records Maintenance and Release

A review of this policy has resulted in an update to two sections. Changes include:

- In **RELEASE RESTRICTIONS**, a citation and grammar have been corrected.
- In **EXPUNGEMENT**, a citation referencing the juvenile code has been added to support the content.

## Chapter 9 – Custody

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### Custodial Searches

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). State accrediting entities must comply with the DOJ standards to qualify as independent credentialing bodies. Although the standards issued by the DOJ do not directly impact local law enforcement agencies, the federal action is structured to encourage these agencies to seek state accreditation by making certain federal grant funding dependent on an agency achieving accredited status. Lexipol has updated content to place agencies in the best position possible if and when they elect to seek accreditation.

The DOJ standards require agencies to have written procedures relating to strip and body cavity searches that contain provisions specific to juveniles and gender identity and expression. This policy has been updated to address these issues. With regard to juveniles, content has been added to provide that juveniles requiring a strip or body cavity search be transported to either a medical facility or a juvenile detention facility. This content is based on Lexipol's best practice position that local agencies should not conduct strip or body cavity searches of juveniles due to the fact that, in addition to the risks commonly associated with such searches, when conducted on juveniles these searches are recognized as being highly traumatic and therefore present a high-risk scenario for an agency.

Consistent with the new content, you should seek to identify appropriate facilities to receive juveniles in need of a strip or body cavity search and establish agreements with those agencies concerning transferring custody of juveniles for these types of searches. Changes to this policy include:

- **GENDER IDENTITY OR EXPRESSION CONSIDERATIONS** has been added as new section to address strip and body cavity searches. KMS automatically adds all new sections to the bottom of the policy, so as not to alter any agency-specific customization. To move the new section to the location Lexipol recommends (below **CLOSED CONTAINER SEARCHES**), first, accept all updates. Then, while in the edit mode, hold the cursor over **GENDER IDENTITY OR EXPRESSION CONSIDERATIONS**, right-click for options, and select the option "Move." The section titles will appear. Select **CLOSED CONTAINER SEARCHES**, and click "Move" once more. You will be prompted to select "Position Above" or "Position Below." Select "Position Below." KMS will refresh, the new section will be in the correct location, and the other sections will be renumbered accordingly. Your agency can also accept all updates without relocating the section, but that is not recommended.

- **JUVENILES** has been added as a new section to address strip and body cavity searches of juveniles. In addition to the procedures, your agency should seek to establish agreements with appropriate medical and juvenile detention facilities concerning transferring custody of juveniles for strip or body cavity searches. KMS automatically adds all new sections to the bottom of the policy, so as not to alter any agency-specific customization. To move the new section to the location Lexipol recommends (below **GENDER IDENTITY OR EXPRESSION CONSIDERATIONS**), first, accept all updates. Then, while in the edit mode, hold the cursor over **JUVENILES**, right-click for options, and select the option "Move." The section titles will appear. Select **GENDER IDENTITY OR EXPRESSION CONSIDERATIONS**, and click "Move" once more. You will be prompted to select "Position Above" or "Position Below." Select "Position Below." KMS will refresh, the new section will be in the correct location, and the other sections will be renumbered accordingly. Your agency can also accept all updates without relocating the section, but that is not recommended.
- The Guide Sheet has been updated.

## Chapter 10 – Personnel

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### Recruitment and Selection

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). State accrediting entities must comply with the DOJ standards to qualify as independent credentialing bodies. Although the standards issued by the DOJ do not directly impact local law enforcement agencies, the federal action is structured to encourage these agencies to seek state accreditation by making certain federal grant funding dependent on an agency achieving accredited status. Lexipol has updated content to place agencies in the best position possible if and when they elect to seek accreditation. Changes to this policy include:

- In **RECRUITMENT**, content has been added to require agencies to have, as part of their recruitment strategy, a written recruitment plan. Content has also been included to provide that your agency's recruitment strategy outline steps for recruiting candidates who are representative of the community served, gendered pronouns have been removed, and serial commas have been added.
- **SELECTION PROCESS** has been updated to clarify that the selection process must include both personal and professional reference checks and a review of relevant national and state decertification records. Content has also been added to require that your agency review any relevant information on a candidate available in the new National Law Enforcement Accountability Database as part of the hiring process. Your agency should check the DOJ website and the International Association of Directors of Law Enforcement Standards and Training website for additional information. Finally, content has been added to require that, as part of the selection process, information obtained from public internet sites should be reviewed for any activity that promotes or supports unlawful violence or unlawful bias against a person based on protected characteristics.

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### Lactation Break Policy

This policy has been updated because legislative action impacts its content. The update should be accepted and implemented as soon as possible. 2022 HR 2617 changed the location of some federal statutory content. As a result, federal statutes cited in this policy were renumbered. Changes to this policy include:

- In **POLICY**, a citation and a text entity have been updated, and a gendered pronoun has been removed.
- In **LACTATION BREAK TIME**, a citation, a text entity, and wording have been updated.
- In **PRIVATE LOCATION**, a citation, wording, and grammar have been updated.

## Policy

## Priority

Chapter 6 – Investigation Operations Forensic  
Genetic Genealogy

New Policy

Major

Chapter 7 – Equipment  
Personal Communication Devices

Major

Total: 2

## June 2024 Updates

[REDACTED]

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## Chapter 6 – Investigation Operations

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### Forensic Genetic Genealogy

#### New Policy

This new policy provides guidelines for the use of forensic genetic genealogy (FGG). This investigative technique is new to most law enforcement agencies. This policy should be accepted with little to no customization required. Highlights include:

- **PURPOSE AND SCOPE** describes that FGG is used to provide investigative leads.
- **DEFINITIONS** includes technical terms as needed for context.
- **CRITERIA FOR FGG USE** describes the scope for FGG use, which includes exhausting all other reasonable investigative leads and methods before applying FGG to qualifying cases.
- **COORDINATION** details cooperation with prosecutors and medical examiners/coroners, as applicable.
- **POST-IDENTIFICATION** describes appropriate actions and confirmations after an FGG investigative lead has been developed, including that the FGG result alone shall not be the sole probable cause for an arrest or search warrant.
- **PRIVACY CONSIDERATIONS** covers the topic of privacy in FGG; a non-suspect person may have a distant genetic relationship with a suspect who is a complete stranger (i.e., not a known relation).

As always, we encourage you to work closely with your local prosecutors and agency legal counsel with regard to this policy and the use of FGG.

## Chapter 7 – Equipment

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### Personal Communication Devices

As part of ongoing quality maintenance of manual content, several updates have been made to this policy. Changes to this policy include:

- In **PURPOSE AND SCOPE, POLICY, PRIVACY EXPECTATION, PERSONALLY OWNED PCD, and USE OF PCD**, content has been updated to clarify circumstances in which agencies may access personal communication devices, punctuation and capitalization have been corrected, and gendered pronouns have been removed, where appropriate.
- In **SUPERVISOR RESPONSIBILITIES**, punctuation and grammar have been corrected.
- The Guide Sheet has been updated.

## Policy

## Priority

### Chapter 3 – General Operations

Missing Persons

Major

### Chapter 5 – Traffic Operations

Vehicle Towing

Critical

Total: 2

# August 2024 Updates



## Chapter 3 – General Operations

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### Missing Persons

This policy has been updated because legislative action impacts its content. This update should be accepted and implemented as soon as possible. 2022 US S 5230 amended law by requiring agencies to enter missing persons into the National Missing and Unidentified Persons System (NamUs) in addition to the National Crime Information Center (NCIC). Changes to this policy include:

- In **DEFINITIONS**, content has been updated to include a reference to NamUs, gendered pronouns have been removed, and punctuation has been corrected.
- In **DETECTIVE BUREAU FOLLOW-UP**, content that is now required by law has been removed, content has been updated for clarity, a text entity has been added, and serial commas have been added. The section name is based on a text entity and may vary depending on how you answered the General Information Questionnaire.
- In **UNIDENTIFIED PERSONS**, content has been updated to include a reference to NamUs, and a text entity and gendered pronouns have been removed.

Unrelated to the legislative update, additional changes include:

- In **INITIAL INVESTIGATION**, a citation has been added, gendered pronouns have been removed, and the Edit Level has been changed from "Best Practice" to "Federal."

## Chapter 5 – Traffic Operations

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### Vehicle Towing

This policy has been updated because a recent court decision has impacted its content. The update should be accepted and implemented as soon as possible. State v. Sevits, 333 Or. App. 745 established a requirement that notice and opportunity to remove personal items from a vehicle must be given before an inventory is conducted. Changes to this policy include:

- In **OPPORTUNITY TO REMOVE PROPERTY**, content has been added to address the new requirement.

Unrelated to the court decision, additional changes include:

- In **ARREST SCENES**, content has been added to clarify reasons impounds are authorized, and a citation has been moved.
- In **VEHICLE STORAGE REPORT** and **NOTICE AFTER TOW**, text entities have been added.

## Policy

## Priority

### Chapter 3 – General Operations

Use of Force	Major
Control Devices and Techniques	Major
Firearms	Major
Canines	Major
Native American Graves Protection and Repatriation	Major

### Chapter 4 – Patrol Operations

Bias-Based Policing	Major
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### Chapter 6 – Investigation Operations

Warrant Service	Major
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### Chapter 8 – Support Services

Property and Evidence	Major
Records Bureau	Major
Records Maintenance and Release	Major

### Chapter 9 – Custody

Custodial Searches	Major
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### Chapter 10 – Personnel

Recruitment and Selection	Major
Lactation Break Policy	Major

Total: 13

## February 2024 Updates

# Use of Force

## 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

**Imminent** - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

**Totality of the circumstances** - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

## 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations, and the value and sanctity of human life. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value, dignity and sanctity of all human life without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

# City of Sherwood Police Department

## Sherwood PD OR Policy Manual

### *Use of Force*

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It is our policy to use de-escalation tactics whenever possible and to use force only as a last resort. It is our intent to make every attempt to defend ourselves and others without causing harm.

#### 300.2.1 DUTY TO ~~INTERCEDE~~ INTERVENE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, ~~intercede~~ intervene to prevent the use of unreasonable force (ORS 181A.681).

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (ORS 181A.681).

#### 300.2.2 STATE REPORTING REQUIREMENTS

A report of another member using excessive force must be made to a supervisor no later than 72 hours after the misconduct was witnessed (ORS 181A.681).

#### 300.2.3 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

### 300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

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#### 300.3.1 USE OF FORCE - JUSTIFICATION

An officer is justified in using force upon another person only when and to the extent that the officer reasonably believes it necessary (ORS 161.233):

- (a) To make a lawful arrest or to prevent the escape from custody of an arrested person; or
- (b) For self-defense or to defend a third person from an imminent threat of physical injury.

#### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

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#### 300.3.3 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers shall use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (ORS 161.233; ORS 161.242).

#### 300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

#### 300.3.5 ~~CHOKE HOLDS~~ CAROTID CONTROL HOLD

~~Choke holds and neck restraints of any kind that are designed and/or intended to restrict the flow of air or blood have a de-humanizing affect on people and high potential for injury. Therefore, the intentional use and/or~~ A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether the individual was rendered unconscious, shall be promptly examined by paramedics or
- (c) other qualified medical personnel and should be monitored until such examination occurs.
- (d) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (e) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

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- (f) [The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.](#)

#### 300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the City of Sherwood Police Department for this specific purpose.

#### 300.3.7 VERBAL WARNING PRIOR TO USE OF FORCE

Prior to using physical force, if reasonable to do so, officers shall give a verbal warning that physical force may be used and provide a reasonable opportunity to comply (ORS 161.233; ORS 161.242).

#### 300.3.8 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines as specified in policy 300.3.5..

### 300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify ~~the officer~~ [themselves](#) as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk (ORS 161.242):

- (a) An officer may use deadly force to protect ~~themselves~~ [themselves](#) or others from what the officer reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
- (c) An officer may use deadly force to make a lawful arrest when the officer has probable cause to believe that the person has committed a violent felony as defined in ORS 419A.004.

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- (d) An officer may use deadly force to prevent a person from escaping custody when the officer has probable cause to believe that the person has committed a violent felony as defined in ORS 419A.004.

However, an officer should not use deadly force against a person whose actions are a threat solely to themselves or property.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

#### 300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve ~~additional~~ considerations and risks ~~, and are rarely effective~~ in addition to the justification for the use of deadly force.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

#### 300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. All use of force reports will be reviewed by command staff up to and including the Police Chief.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department also requires the completion of additional report forms, as specified in department policy, procedure or law.

#### 300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.



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- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

### **300.6 MEDICAL CONSIDERATIONS**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

### **300.7 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

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- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired and in accordance with the established records retention schedule.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  - 1. These photographs should be retained until all potential for civil litigation has expired and in accordance with the established records retention schedule.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **300.7.1 SHIFT SUPERVISOR RESPONSIBILITY**

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

#### **300.8 TRAINING**

Officers shall receive annual training on this policy and demonstrate their knowledge and understanding.

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Subject to available resources, officers should receive ~~periodic~~ training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

#### **300.9 ANNUAL REVIEW**

Each January the Patrol Section Commander will ensure that an annual review is conducted of all Use of Force Reports from the previous calendar year. The review will be analyzed to focus on the effectiveness and trends regarding the use of force and any identified deficiencies in training or policy will be addressed. The review will not include any specific case numbers, occurrence locations or names of citizens or officers.

#### **300.10 USE OF FORCE ANALYSIS**

At least annually, the Patrol Section Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Police Chief. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

## Control Devices and Techniques

### 303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

### 303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the City of Sherwood Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Police Chief may also authorize other positions or individual Agency members to use specific control devices.

### 303.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Agency or approved by the Police Chief or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

### 303.4 RESPONSIBILITIES

#### 303.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

#### 303.4.2 SUPPORT CAPTAIN RESPONSIBILITIES

The Support Captain shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Support Captain or the designated instructor for a particular control device. The inspection shall be documented.

#### 303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Support Captain for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

### **303.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

### **303.6 TEAR GAS GUIDELINES**

Tear gas may be used for crowd control, crowd dispersal, or against barricaded suspects based on the circumstances.

Only the Shift Supervisor, Incident Commander, or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

### **303.7 CROWD CONTROL GUIDELINES**

For the purpose of this section, "crowd control" means an operation in which crowds are managed to prevent the outbreak of violence or physical harm to persons, or in which an assembly, protest, or demonstration is dispersed (ORS 181A.708).

Handheld chemical incapacitants and kinetic impact projectiles as defined by ORS 181A.708 shall not be used for crowd control. Tear gas may be used for crowd control when the Shift Supervisor, Incident Commander, or Tactical Negotiations Team (TNT) Commander reasonably believes that the use is necessary to prevent death or serious bodily injury or to bring an objectively dangerous and unlawful situation under control (ORS 181A.708).

Prior to deploying tear gas for crowd control purposes, the Shift Supervisor, Incident Commander, or TNT Commander shall direct that the intent to use tear gas be announced twice via reasonable and available means, the second announcement occurring after a reasonable amount of time has elapsed to allow for crowd dispersal (ORS 181A.708).

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### 303.7.1 ADDITIONAL CROWD CONTROL CONSIDERATIONS

Officers may not use electronically amplified noise-producing equipment for crowd control except to make announcements, facilitate movement of emergency vehicles, or as otherwise allowed by law. When possible, announcements shall be made both audibly and visually (ORS 181A.708).

After deploying chemical incapacitants, kinetic impact projectiles, or sound devices in a crowd control operation, and when it is possible to do so safely, officers shall (ORS 181A.708):

- (a) Attempt to take injured individuals to safety or allow them to seek medical help.
- (b) Allow emergency medical personnel to reach injured individuals.
- (c) Take reasonable action to accommodate individuals with disabilities when issuing or enforcing orders to disperse.
- (d) Coordinate the removal of visible debris caused by the use of tear gas and kinetic impact projectiles.
- (e) Make reasonable efforts to notify emergency departments in the vicinity of the type of chemical incapacitants and/or kinetic impact projectiles used.

### 303.8 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public (ORS 181A.708).

#### 303.8.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

#### 303.8.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used.

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Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

### **303.8.3 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

### **303.9 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle, or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

### **303.10 KINETIC ENERGY PROJECTILE GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

#### **303.10.1 DEPLOYMENT AND USE**

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

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### 303.10.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others (ORS 181A.708).

### 303.10.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not in use, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.



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#### **303.11 TRAINING FOR CONTROL DEVICES**

~~The~~ The Support Captain shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified ~~as necessary~~ at least every two years.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the ~~officer's~~ officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this ~~agency's~~ department's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this ~~agency's~~ department's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

#### **303.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

## Firearms

### 306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

### 306.2 POLICY

The City of Sherwood Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Agency will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

### 306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued, or approved by the Department, and have been thoroughly inspected by the Support Captain and/or armorer. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

Department members shall not carry any chemical weapons, electronic weapons or impact weapons that have not been issued by the department in the performance of their official duties. This exclusion does not apply to the carrying of edged weapons that are permitted by law.

#### 306.3.1 HANDGUNS

The standard department-issued handgun is the Glock 9mm pistol, in various models as authorized by the department. Other handguns may be issued and/or authorized by the department as needed.

#### 306.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870, 12 guage. The following additional shotguns are approved for on-duty use:

Make	Model	Caliber
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When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

#### 306.3.3 PATROL RIFLES

The department will issue patrol rifles for use by those members who are authorized to carry a patrol rifle and have received the required training.

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Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in the patrol vehicle.

#### 306.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Police Chief or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Support Captain prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Support Captain, who will maintain a list of the information.

#### 306.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Agency.

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- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Support Captain prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Police Chief or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Support Captain, who will maintain a list of the information.

#### 306.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Police Chief but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Support Captain for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Support Captain.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Support Captain that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Support Captain, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.

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- (i) When armed, officers shall carry their badges and City of Sherwood Police Department identification cards under circumstances requiring possession of such identification.

#### 306.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Agency shall be dispensed by the Support Captain when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

#### 306.4 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm either on-duty or off-duty are required to complete training as follows;

- Members will attend department training and qualify with their on-duty firearm at least twice per year
- Members who carry a secondary firearm, either on-duty or off-duty, will attend department training and qualify at least twice per year with any firearm they carry

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

A certified firearms instructor will monitor all range activities and oversee and conduct all firearms training.

##### 306.4.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  - 1. Unauthorized range make-up
  - 2. Failure to meet minimum standards or qualify after remedial training

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Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

#### **306.5 FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Section Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

##### **306.5.1 DESTRUCTION OF ANIMALS**

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

##### **306.5.2 INJURED ANIMALS**

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

##### **306.5.3 WARNING AND OTHER SHOTS**

Generally, ~~warning~~ shots ~~or shots~~ fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

[Warning shots should not be used.](#)

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#### 306.6 SUPPORT CAPTAIN DUTIES

The range will be under the exclusive control of ~~the Support Captain~~ a certified Support Captain. All members attending will follow the directions of the ~~Support Captain~~ Support Captain. The ~~Support Captain~~ Support Captain will maintain a roster of all members attending the range and will submit the roster to the ~~Support Captain~~ Support Captain after each range date. Failure of any member to sign in and out with the ~~Support Captain~~ Support Captain may result in non-participation or non-qualification.

The range shall remain operational and accessible to ~~department~~ department members during hours established by the ~~Agency~~ Agency.

The ~~Support Captain~~ Support Captain has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this ~~department~~ department to verify proper operation. The ~~Support Captain~~ Support Captain has the authority to deem any ~~department~~ department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to ~~his/her~~ their personally owned firearm; it will not be returned to service until it has been inspected and approved by the ~~Support Captain~~ Support Captain.

The ~~Support Captain~~ Support Captain has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning, and safety of all firearms the member is authorized to carry.

The ~~Support Captain~~ Support Captain shall complete and submit to the ~~Support Captain~~ Support Captain documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided, and, on a form that has been approved by the ~~Agency~~ Agency, a list of each member who completes the training. The ~~Support Captain~~ Support Captain should keep accurate records of all training shoots, qualifications, repairs, maintenance, or other records as directed by the ~~Support Captain~~ Support Captain.

#### 306.7 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Agency based on the law and published TSA rules.
- (b) Officers must carry their City of Sherwood Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Police Chief or the official seal of the Agency and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

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- (c) The City of Sherwood Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the Officer's travel. If approved, TSA will send the City of Sherwood Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Police Chief authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **306.8 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her City of Sherwood Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property,



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installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

#### **306.9 EQUIPMENT**

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

##### **306.9.1 REPAIRS OR MODIFICATIONS**

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Support Captain.

Firearms that are the property of the Agency or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Support Captain.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Support Captain.

##### **306.9.2 HOLSTERS**

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

##### **306.9.3 TACTICAL LIGHTS**

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Support Captain. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

##### **306.9.4 OPTICS OR LASER SIGHTS**

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Support Captain. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

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#### **306.10 SAFE HANDLING, INSPECTION AND STORAGE**

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Support Captain. Members shall not dry fire or practice quick draws except as instructed by the Support Captain or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where instructed.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for insuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Support Captain approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Support Captain will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

##### **306.10.1 INSPECTION AND STORAGE**

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall insure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Handguns may be safely stored in lockers at the end of the shift so long as the locker is secured/locked. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in secured/locked storage in accordance with department training.

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#### 306.10.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Agency to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

#### 306.10.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

# Canines

## 309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community and agency, including but not limited to locating individuals and contraband, apprehending criminal offenders and providing support, therapy and comfort to department members and the community.

## 309.2 POLICY

It is the policy of the City of Sherwood Police Department that all canines and handlers meet and maintain the appropriate proficiency to effectively and reasonably carry out their objectives.

## 309.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Section Section to function primarily in assist or cover assignments. However, they may be assigned by the Shift Supervisor to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift Supervisor.

## 309.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Section Section Commander or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

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#### **309.5 REQUESTS FOR CANINE TEAMS**

Patrol Section members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Section shall be reviewed by the Shift Supervisor.

##### **309.5.1 OUTSIDE AGENCY REQUEST**

All requests for canine assistance from outside agencies must be approved by the Shift Supervisor and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

##### **309.5.2 PUBLIC DEMONSTRATION**

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

#### **309.6 APPREHENSION GUIDELINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

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Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Supervisor. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

#### 309.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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#### 309.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

#### 309.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

If the local public health administrator has exempted this department from the requirement to hold the canine after a bite, the canine handler shall notify the local public health administrator immediately should the canine develop any abnormal behavior within 10 days of biting a person (OAR 333-019-0024).

#### 309.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under

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conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

#### 309.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

#### 309.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

#### 309.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.



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At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

#### **309.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who has 3 years of patrol experience.
- (b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (c) A driveway that can accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Sherwood City limits.
- (e) Agreeing to be assigned to the position for a minimum of five years.

#### **309.9 HANDLER RESPONSIBILITIES**

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the City of Sherwood Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift Supervisor.

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- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Supervisor.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.
- (l) Handlers should not tether a canine in a manner that would violate ORS 167.325(1); ORS 167.330(1); and/or ORS 167.343.

#### **309.9.1 CANINE IN PUBLIC AREAS**

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

#### **309.10 CANINE INJURY AND MEDICAL CARE**

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift Supervisor as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

#### **309.11 TRAINING**

Before assignment in the field, each canine team shall be trained and certified to meet current Oregon Police Canine Association (OPCA) standards or other accredited and recognized animal handling organization standards (ORS 167.310). Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Supervisor.

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#### 309.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to OPCA or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the City of Sherwood Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Agency.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or the Shift Supervisor.

#### 309.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing OPCA canine certification standards, or other accredited or recognized animal handling organization standards, shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

#### 309.11.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

#### 309.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the City of Sherwood Police Department may work with outside trainers with the applicable licenses or permits.

#### 309.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f,g); ORS 475.135).

The Police Chief or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the City of Sherwood Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Police Chief or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

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#### 309.11.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

#### 309.11.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; ORS 480.205).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.

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- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

# Native American Graves Protection and Repatriation

## 346.1 PURPOSE AND SCOPE

~~This~~ This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 346.1.1 DEFINITIONS

~~Definitions~~ Definitions related to this policy include (43 CFR 10.2):

**Funerary objects** ~~and associated funerary objects~~ -- Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, ~~or~~ . Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

**Native American human remains** - ~~The~~ Any physical ~~remains~~ part of the body of a ~~person of~~ Native American ~~ancestry~~ individual.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

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### **346.2 POLICY**

It is the policy of the ~~City~~ City of Sherwood Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

### **346.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT**

~~Upon~~ Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4 5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4 5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Oregon State Police, State Historical Preservation Officer, appropriate Indian tribe, and the Commission on Indian Services (ORS 97.745)
- Tribal land - Responsible Indian tribal official

### **346.4 EVIDENCE AND PROPERTY**

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6 7).

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

~~This~~ This policy provides guidance to ~~department~~ department members that affirms the City of Sherwood Police Department's commitment to policing that is fair and objective (ORS 131.920).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the ~~department's~~ department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

See the Personnel Complaints Policy regarding acceptance of complaints alleging profiling and investigation of such complaints.

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), language, religion, sex, sexual orientation, gender identity or expression, economic status, homelessness age, ~~age~~, cultural group, disability, ~~political affiliation~~ or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes profiling as defined by ORS 131.915 and explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes toward certain groups).

### 401.2 POLICY

The City of Sherwood Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.



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#### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### 401.4.2 REPORTING TRAFFIC AND PEDESTRIAN STOPS

Each time an officer makes an officer-initiated traffic or pedestrian stop, the officer shall record the required stop data in the method and manner prescribed by the Oregon Criminal Justice Commission (OCJC) (ORS 131.935).

#### 401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### 401.6 STATE REPORTING

##### 401.6.1 STATE REPORTING TO LAW ENFORCEMENT CONTACTS ~~POLICY AND DATA REVIEW~~ COMMITTEE

The ~~Records Section~~ [Records Section](#) shall annually provide [the](#) Law Enforcement Contacts ~~Policy and Data Review~~ Committee (LECC) the following (ORS 131.925):

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- (a) Copies of profiling complaints received by the ~~Agency~~ Agency.
- (b) A summary of each profiling complaint received by ~~the Agency~~ the Agency and the final disposition of the profiling complaint on the appropriate ~~Department of State Police (DSP)~~ form.
- (c) The annual profiling complaint certification form.
  - 1. This form is to be submitted even if no profiling complaints were received by the ~~Agency~~ Agency.

Summaries of complaints and copies of complaints provided to LECC may not include personal information concerning the complainant or ~~an officer except as to any personal information on the DSP form~~ an officer (ORS 131.925).

The ~~Records Section~~ Records Section should provide LECC, upon request, data regarding stops or contacts as identified in ORS 131.906(5). Data provided may not identify ~~an officer~~ an officer or an individual whose demographic data is collected (ORS 131.906).

### 401.6.2 STATE REPORTING TO OREGON CRIMINAL JUSTICE COMMISSION

The Records Section shall provide the OCJC with traffic and pedestrian stop data annually as prescribed by ORS 131.935.

Data may not include information that reveals the identity of any stopped individual or of any officer (ORS 131.935).

### 401.7 ADMINISTRATION

The Patrol Section Commander should review the efforts of the Agency to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Police Chief. The annual report should not contain any identifying information about any specific complainant, citizen, or officers. It should be reviewed by the Police Chief to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

### 401.8 TRAINING

Training on fair and objective policing ~~, including a~~ and review of this policy ~~, shall be conducted annually by the Support Captain or their designee.~~ shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

#### 401.8.1 ~~DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING~~ ADDITIONAL STATE REQUIREMENTS

The Support Captain should ensure that officers receive training implemented by the Department of Public Safety Standards and Training regarding procedures to facilitate the collection of officer-initiated traffic and pedestrian stop data (ORS 131.935).

# Warrant Service

## 606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this ~~department~~ department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

## 606.2 POLICY

It is the policy of the City of Sherwood Police Department to balance the safety needs of the public, the safety of ~~department~~ department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

## 606.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

## 606.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

## 606.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

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to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

### 606.6 WARRANT PREPARATION

~~An~~ An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.
  1. Officers shall not seek a no-knock warrant (ORS 133.575).
- (b) A clear explanation of the ~~affiant's~~ affiant's training, experience, and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

### 606.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded with notice to all parties to a conversation that

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a recording is being made unless otherwise permitted in the warrant or ORS 133.726 (ORS 165.540).

- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

#### **606.8 DETENTIONS DURING WARRANT SERVICE**

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

#### **606.8 NO-KNOCK ENTRIES**

No-knock entries are only authorized if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

#### **606.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

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#### **606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the City of Sherwood Police Department are utilized appropriately. Any concerns regarding the requested use of City of Sherwood Police Department members should be brought to the attention of the Police Chief or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Supervisor should assume this role.

If officers intend to serve a warrant outside City of Sherwood Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the City of Sherwood Police Department when assisting outside agencies or serving a warrant outside City of Sherwood Police Department jurisdiction.

#### **606.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Police Chief. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **606.12 TRAINING**

The Support Captain should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

#### **606.13 DOCUMENTATION**

[Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.](#)

# Property and Evidence

## 800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

## 800.2 DEFINITIONS

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Found Property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

**Property** - Includes all items of evidence, items taken for safekeeping, and found property.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Agency for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

## 800.3 PROPERTY HANDLING

Any employee who first comes into possession of any property (except found bikes), shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Found bikes shall be left in the location of discovery and not be placed into storage unless they are considered evidence to a crime. Any person who finds a bike shall be advised of their rights as finder. Care shall be taken to maintain the chain of custody for all evidence. When not specifically addressed by this manual, collection and handling of all evidence and property should follow the guidelines established by the State of Oregon Physical Evidence Manual.

Employees will provide a receipt for all items of property or evidence that are received or taken from any person. If no person is present, and the property or evidence is removed from private property or a vehicle, the employee will leave a receipt prominently placed on the private property or the vehicle.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).



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#### 800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right-hand corner of the bag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

#### 800.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs (including paraphernalia as defined by ORS 475.525(2)) shall be booked separately using a separate Property Record.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Section and Detectives. The remaining copy will be detached and submitted with the case report.

#### 800.3.3 EXPLOSIVES/HAZARDOUS SUBSTANCES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling, and disposal of all suspected explosives. In the event of military ordnance, the closest military unit shall be notified and will be responsible for removal of the device.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Community Services Officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

#### 800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:



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- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking and packages should be labeled with a biohazard sticker.
- (b)
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Community Services Officer or placed in the bicycle storage area until a Community Services Officer can log the property.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Shift Supervisor shall be contacted for cash in excess of \$1,000 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### 800.3.5 COLLECTION AND PRESERVATION OF DNA EVIDENCE

Because DNA evidence can play a key role in establishing guilt or innocence, it is important that such evidence be collected, handled, and preserved in a manner that will maintain its integrity for future testing. Unless impracticable to do so, officers should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in ORS 163A.005. The Community Services Officer will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the Oregon Physical Evidence Manual.

#### 800.3.6 COLLECTION AND PRESERVATION OF SAFE KITS

Under current law, victims of sexual assault may seek medical assessment and choose not to make a report to law enforcement, yet still have evidence collected and preserved. The City of Sherwood Police Department will collect and maintain the chain of evidence for all Oregon State Police Sexual Assault Forensic Evidence Kits (SAFE Kits) and any associated evidence collected by medical facilities in this jurisdiction for victims of sexual assault, regardless of where the assault may have occurred. Victims who choose to remain anonymous and not make a report shall not be required to do so (ORS 147.397).

The collection and preservation of SAFE Kits from anonymous victims shall be handled by the Support Section Section, which shall assign a detective to ensure their proper collection and preservation. When a medical facility notifies this department that evidence of a sexual assault has been collected and a SAFE Kit is available, the assigned detective shall be responsible for the following:

- (a) Respond promptly to the medical facility to retrieve the evidence.
- (b) Provide a unique case number to a responsible representative of the medical facility, which will be provided to the victim. The case number will be used to identify all

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associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault.

- (c) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.
- (d) Prepare and submit an evidence report and book the evidence in accordance with current evidence procedures.

A SAFE Kit collected for a victim whose identity is not disclosed should be maintained in the same manner as other SAFE Kits, but should not be opened until or unless the victim reports the assault. Opening SAFE Kits may compromise the admissibility of evidence in the event of a prosecution.

#### **800.3.7 STORAGE OF SURRENDERED WEAPONS**

Officers shall accept and store any weapons and ammunition from an individual who has been ordered by a court pursuant to an extreme risk protection order (ORS 166.527) or a protection order or judgment of conviction subject to the provisions of ORS 166.255 to surrender weapons and ammunition. The officer receiving the surrendered items shall prepare a property receipt and provide the individual with a copy. The officer should promptly forward the original receipt to the Support Captain for timely filing with the court (ORS 166.537).

#### **800.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition). A flex cuff or similar device should be inserted through the chamber, barrel, or cylinder whenever possible.
- (c) Property with more than one known owner
- (d) Paraphernalia as described in ORS 475.525(2)
- (e) Fireworks and other hazardous materials
- (f) Contraband

##### **800.4.1 PACKAGING CONTAINER**

Employees shall package all property in a suitable container available for its size. Knife boxes should be used to package knives. All packages containing evidence must be sealed with evidence tape, initialed, and dated across the seal.

Needles or syringes will normally be disposed of in a sharps container and will not be submitted to the Property Room; however, when required for evidence in a serious crime or in a major investigation, a syringe tube should be used for packaging.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

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#### **800.4.2 PACKAGING NARCOTICS**

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

#### **800.5 RECORDING OF PROPERTY**

The Community Services Officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the City of Sherwood Police Department shall be noted in the property logbook.

#### **800.6 PROPERTY ROOM SECURITY**

Access to the Property Room shall be tightly controlled and limited to Community Services Officers unless visitors are logged in and out, including the time, date and purpose of entry. All personnel entering the Property Room must be accompanied at all times by a Community Services Officer.

##### **800.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No evidence is to be released without first receiving written authorization from the assigned investigator or his/her supervisor.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Community Services Officer. This request may be filled out any time after the booking of property or evidence.

##### **800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Community Services Officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property

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to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

#### 800.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

The Community Services Officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

#### 800.6.4 RELEASE OF PROPERTY

Property may be released to a verified owner at the discretion of the Community Services Officer without further authorization. A Community Services Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property card will remain with the property division. Upon release, the proper entry shall be documented in the Property Log.

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Property not claimed within 30 days after notification of owner of its availability for release will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.

Unless the owner is known, found property and property held for safekeeping will be held for at least 90 days.

#### 800.6.5 RELEASE OF EVIDENCE

Evidence may only be released with the authorization of the DA's office and the officer or detective assigned to the case.

Once a case has been adjudicated or passed the statute of limitations for prosecution, a Community Services Officer will request a disposition authorization from the DA's office and the assigned officer or detective. Care should be taken to ensure there are no outstanding warrants for suspects or additional defendants for the same case prior to authorizing release.

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Release of evidence shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the assigned officer or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Once evidence has been authorized for release and is no longer needed for any pending criminal cases, it shall be considered property and released or disposed of in accordance with those procedures.

#### 800.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the City of Sherwood Police Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the City of Sherwood Police Department may wish to file an interpleader to resolve the disputed claim (ORCP 31).

#### 800.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigation Unit will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

#### 800.6.8 RELEASE OF DEADLY WEAPONS IN EXTREME RISK PROTECTION ORDER MATTERS

If an extreme risk protection order is terminated or expires without renewal, a deadly weapon or concealed handgun license that was surrendered pursuant to the order shall be returned to the person after (ORS 166.540):

- (a) Confirming through a background check, if the deadly weapon is a firearm, that the person is legally eligible to own or possess the firearm under federal and state law; and
- (b) Confirming that the extreme risk protection order is no longer in effect.

If a third party claims lawful ownership or rightful possession to a deadly weapon that was surrendered pursuant to an extreme risk protection order, the Agency may return the weapon to the third party if the third party provides proof of ownership and affirms by sworn affidavit that (ORS 166.537(5)):

- He/she may lawfully possess the deadly weapon.
- He/she did not consent to the prior possession of the deadly weapon by the person subject to the extreme risk protection order.
- He/she will prevent the person subject to the order from accessing or possessing the deadly weapon in the future.

A deadly weapon that remains unclaimed shall be disposed of in accordance with Agency policies and procedures for disposal of deadly weapons (ORS 166.540).

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#### 800.6.9 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE PROTECTION ORDER MATTERS

If a protection order subject to the provisions of ORS 166.255 is terminated or expires without renewal, any firearms or ammunition surrendered pursuant to the order shall be returned upon the request of the respondent after the following actions are taken (ORS 166.257):

- (a) Notify the Department of Justice of the request.
- (b) Confirm that the protection order is no longer in effect.
- (c) Confirm through a background check that the respondent is legally eligible to own or possess firearms and ammunition under federal and state law.

Return of the surrendered items will take place no earlier than 72 hours after the request was received (ORS 166.257).

Firearms and ammunition that remain unclaimed shall be disposed of in accordance with department policies and procedures for disposal of deadly weapons (ORS 166.540).

#### 800.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer (60 days or more, plus 30 days after notice), where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Community Services Officer shall request a disposition or status on all property that has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective. ORS 98.245 and ORS 98.336 govern the disposition of property held by law enforcement agencies.

##### 800.7.1 DEFINITIONS

As set out in ORS 98.245, the following definition applies to the disposition of property by law enforcement agencies:

**Unclaimed Property** - Personal property that was seized by the City of Sherwood Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the City of Sherwood Police Department for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.

##### 800.7.2 DISPOSITION

Unclaimed property will be disposed of in accordance with the provisions of ORS 98.245. Disposal may consist of:

- (a) Destruction
- (b) Sale at public auction
- (c) Retention for public use

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#### 800.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence supervisor shall ensure that no biological evidence held by the Agency is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Support Section Section supervisor

Biological evidence shall be retained for a minimum period established by law (ORS 133.707), the Property and Evidence supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Agency within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Support Section Section supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Police Chief and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Support Section Section Commander should be consulted and the sexual assault victim should be notified.

The Property and Evidence supervisor should incorporate OAR 137-140-0030 et seq. as applicable to the preservation and documentation of biological evidence. Sexual assault kits, including anonymous kits, shall be retained by the Agency no less than 60 years after the collection of the evidence (ORS 181A.325).

#### 800.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On ~~at least an annual basis~~ a quarterly basis, the supervisor of the ~~evidence custodian~~ Community Services Officer shall make ~~an~~ a documented inspection of the evidence/property storage ~~facilities~~ areass and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced documented inspections of evidence/property storage areas shall be conducted as directed by the Police Chief.
- (c) An annual documented audit of a random ~~choice~~ sample of evidence held by the Agency shall be conducted by a Section Commander ~~appointed~~ designated by the Police Chief who is not routinely or directly connected with evidence- ~~control and not in the evidence custodian's chain of command~~ /property control.

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- (d) Whenever a change is made in personnel who have regular access to the ~~evidence room, or~~ secure areas of evidence/property storage, a documented inventory of all evidence/property shall be made by members not associated with evidence control.
- (e) If there is reason to believe ~~any~~ evidence ~~/property~~ has been tampered with, ~~an~~ a documented inventory of all evidence/property shall be ~~made by an individual(s) not associated with the property room or function to ensure that records are correct and all evidence property is accounted for~~ conducted by members not associated with evidence control.



## Records Section

### 802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the City of Sherwood Police Department Records Section. The policy addresses department file access and internal requests for case reports.

### 802.2 POLICY

It is the policy of the City of Sherwood Police Department to maintain department records securely, professionally, and efficiently.

### 802.3 RESPONSIBILITIES

#### 802.3.1 SUPPORT CAPTAIN

The Police Chief shall appoint and delegate certain responsibilities to a Support Captain. The Support Captain shall be directly responsible to the Administration Section Commander or the authorized designee.

The responsibilities of the Support Captain include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training, and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
  - 1. Homicides
  - 2. Cases involving department members or public officials
  - 3. Any case where restricted access is prudent
- (h) Ensure that information is entered into the Oregon State Police Law Enforcement Data System (LEDS) from court orders received as required by Oregon law.

#### 802.3.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.

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1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
  1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Agency with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection, U.S. Department of Justice's National Law Enforcement Accountability Database), as applicable, for the following types of occurrences:
  1. Officer suicides
  2. Officer misconduct
  3. Uses of force (ORS 181A.663)
  4. Officer deaths or assaults
  5. Crime incidents
  6. Deaths in custody
- (h) Maintaining records of reports received from OSP of persons who are prohibited from possessing firearms attempting to purchase or otherwise procure them, and of the actions taken by the Agency in response to those reports. Information and outcome of the actions taken by the Agency shall be provided to OSP on or before Jan. 31 of each year as required by ORS 166.412 and ORS 166.436.
- (i) ~~Participating in the National Use of Force Data Collection of the~~ Assigning UCR codes to all crime reports in accordance with the Federal Bureau of Investigation ~~by submitting statistical data (~~ 's Uniform Crime Reporting Program, entering such information into the City of Sherwood Police Department data system, and transmitting it on a monthly basis to the Oregon State Police Law Enforcement Data System (LEDS) (ORS 181A.663 225).

#### 802.4 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section, and accessible only by authorized members of the

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Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Shift Supervisor.

The Records Section will also maintain a secure file for case reports deemed by the Police Chief as sensitive or otherwise requiring extraordinary access restrictions.

#### 802.4.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the ~~Records~~ Records Section. Should an original case report be needed for any reason, the requesting ~~department~~ department member shall first obtain authorization from the ~~Records Section~~ Support Captain. All original case reports removed from the ~~Records~~ Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the ~~Records~~ Records Section.

All original case reports to be removed from the ~~Records~~ Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the ~~Records~~ Records Section. The photocopied report shall be shredded upon return of the original report to the file.

#### 802.5 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute, any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

#### 802.6 ~~REPORTING CRIME STATISTICS~~

~~Uniform Crime Reporting (UCR) codes shall be assigned to all crime reports in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. It is the responsibility of Records Section personnel to enter such information into the City of Sherwood Police Department data system and ensure that such information is transmitted on a monthly basis to the Oregon State Police Law Enforcement Data System (LEDS) (ORS 181A.225).~~

#### 802.7 LAW ENFORCEMENT DATA SYSTEM (LEDS) VALIDATION

##### 802.7.1 VEHICLE / VEHICLE PARTS VALIDATIONS

Upon receipt of a Vehicle / Vehicle Parts Validations list from LEDS, the working copy of said case to be validated is pulled from its designated place in the Records office and placed in the LEDS VALIDATION FILE drawer.

Once the files are pulled, they are checked for accurate contact information, i.e. telephone numbers and addresses. If no current phone numbers are available then a letter is sent to the

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registered owner. If the letter is returned unclaimed or no response is received within the allotted time allowed (15 days from date of letter), the vehicle may be cleared from LEDS/NCIC.

If an insurance company has paid the owner for the stolen vehicle, said insurance company is to be contacted. It is necessary to keep insurance information current and accurate. If the phone numbers listed for the insurance company have been disconnected or are no longer in service and/or letters have been returned as undeliverable and/or no response from the insurance company has been received within the allotted 15-day period, the entries into LEDS/NCIC may be cancelled.

Once the above process has been completed on each entry for a particular file, all documentation pertaining to the Validation process is placed in the original file and the file is returned to the appropriate permanent file storage.

A working copy is defined as the copy of the case kept in records upon entry of the stolen information into LEDS.

#### 802.7.2 GUNS VALIDATIONS

Upon receipt of a Guns Validations list from LEDS, the working copy of said case to be validated is pulled from its designated place in the Records office and placed in the LEDS VALIDATION FILE drawer.

Once the files are pulled, they are checked for accurate contact information, i.e. telephone numbers and addresses. If no current phone numbers are available then a letter is sent to the registered owner. If the letter is returned unclaimed or no response is received within the allotted time allowed (15 days from date of letter), the gun may be cancelled from LEDS/NCIC.

If an insurance company has paid the owner for the stolen gun, said insurance company is to be contacted. It is necessary to keep insurance information current and accurate. If the phone numbers listed for the insurance company have been disconnected or are no longer in service and/or letters have been returned as undeliverable and/or no response from the insurance company has been received within the allotted 15-day period, the LEDS/NCIC entries may be cancelled.

Once the above process has been completed on each entry for a particular file, all documentation pertaining to the Validation process is placed in said file and the file is returned to the appropriate permanent file storage.

A working copy is defined as the copy of the case kept in records upon entry of the stolen information into LEDS.

#### 802.7.3 ARTICLES / SECURITIES VALIDATIONS

Upon receipt of an Articles / Securities Validations list from LEDS, the working copy of said case to be validated is pulled from its designated place in the Records office and placed in the LEDS VALIDATION FILE drawer.

Once the files are pulled, they are checked for accurate contact information, i.e. telephone numbers and addresses. If no current phone numbers are available then a letter is sent to the registered owner. If the letter is returned unclaimed or no response is received within the allotted

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time allowed (15 days from date of letter), the article or security may be cancelled from LEDS/NCIC.

If an insurance company has paid the owner for the stolen article or security, said insurance company is to be contacted. It is necessary to keep insurance information current and accurate. If the phone numbers listed for the insurance company have been disconnected or are no longer in service and/or letters have been returned as undeliverable and/or no timely response has been received from the insurance company within the allotted 15-day period, the LEDS/NCIC entries may be cancelled.

A working copy is defined as the copy of the case kept in records upon entry of the stolen information into LEDS.

#### 802.7.4 BOATS / BOAT PARTS VALIDATIONS

Upon receipt of a Boats / Boat Parts Validations list from LEDS, the working copy of said case to be validated is pulled from its designated place in the Records office and placed in the LEDS VALIDATION FILE drawer.

Once the files are pulled, they are checked for accurate contact information, i.e. telephone numbers and addresses. If no current phone numbers are available then a letter is sent to the registered owner. If the letter is returned unclaimed or no response is received within the allotted time allowed (15 days from date of letter), the boat may be cleared from LEDS/NCIC.

If an insurance company has paid the owner for the stolen boat, said insurance company is to be contacted. It is necessary to keep insurance information current and accurate. If the phone numbers listed for the insurance company have been disconnected or are no longer in service and/or letters have been returned as undeliverable and/or no timely response has been received from the insurance company within the allotted 15-day period, the LEDS/NCIC entries may be cancelled.

Once the above process has been completed on each entry for a particular file, all documentation pertaining to the Validation process is placed in said file and the file is returned to the appropriate permanent file storage.

A working copy is defined as the copy of the case kept in records upon entry of the stolen information into LEDS.

#### 802.7.5 MISSING PERSONS VALIDATIONS

Upon receipt of a Missing Persons Validations list from LEDS, the working copy of said case to be validated is pulled from its designated place in the Records office and placed in the LEDS VALIDATION FILE drawer.

If the person who has been reported as missing as not been located within 30 days after the missing person report is made, the officer assigned to said case shall contact the reporting party and determine if the person is still missing.

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All records for juvenile, runaways, or missing persons that cannot be validated will be retained in the system.

Upon receipt of a License Plates Validations list from LEDS, the working copy of said case to be validated is pulled from its designated place in the Records office and placed in the LEDS VALIDATION FILE drawer.

Once the files are pulled, they are checked for accurate contact information, i.e. telephone numbers and addresses. If no current phone numbers are available then a letter is sent to the registered owner. If the letter is returned unclaimed or no response is received within the allotted time allowed (15 days from date of letter), the license plate(s) may be cleared from LEDS/NCIC.

If the tags on the stolen license plate(s) have expired, the entries in LEDS/NCIC can be cleared.

Once the above process has been completed on each entry for a particular file, all documentation pertaining to the Validation process is placed in said file and the file is returned to the appropriate permanent file storage.

A working copy is defined as the copy of the case kept in records upon entry of the stolen information into LEDS.

# Records Maintenance and Release

## 805.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

## 805.2 POLICY

The City of Sherwood Police Department is committed to providing public access to records in a manner that is consistent with the Oregon Public Records Law.

## 805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Police Chief shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to (ORS 192.318; OAR 166-020-0010 et seq.):

- (a) Managing the records management system for the Agency, including the retention, archiving, release, and destruction of department public records (OAR 166-017-0005 et seq.; OAR 166-030-0005 et seq.).
- (b) Maintaining and updating the department records retention schedule, including:
  - 1. Identifying the minimum length of time the Agency must keep records.
  - 2. Identifying the department section responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law (ORS 192.324(4); ORS 192.324(5)).
- (g) Preparing and making available to the public a written procedure that includes the name of one or more individuals and address of where to send record requests to obtain department records as well as the amounts and the manner of calculating fees for responding to requests for public records (ORS 192.324(7)).

## 805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

### 805.4.1 DENIALS

If the Custodian of Records determines that a requested record is not subject to disclosure or release, the Custodian of Records shall inform the requester in writing of that fact and state the

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reason for the denial. When the denial is pursuant to federal or state law, the specific law shall be provided to the requester (ORS 192.329).

When asserting that a record is exempt, the written statement of denial shall include a statement that the requester may seek review of the determination pursuant to Oregon Law as identified by ORS 192.329.

If the denial is challenged by the requester by petition to the District Attorney, the Agency will have the burden to support the denial (ORS 192.415).

#### 805.4.2 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (ORS 192.324; ORS 192.329):

- (a) Requests for public records shall be made in writing.
  - (b) The Agency is not required to create records that do not exist.
  - (c) Within five business days of receiving a written request to inspect or receive a copy of a public record, the Custodian of Records or authorized designee shall acknowledge receipt of the request or complete the response to the request.
  - (d) A written acknowledgement shall advise the requester of one of the following:
    - 1. The Agency is the custodian of the requested record.
    - 2. The Agency is not the custodian of the requested record.
    - 3. The Agency is uncertain whether the Agency is the custodian of the requested record.
  - (e) As soon as reasonably practicable but not later than 10 business days after acknowledgement of receipt of the request, the Custodian of Records shall:
    - 1. Complete the response to the records request or;
    - 2. Provide a written statement that the request is being processed and a reasonable estimated date by which the response should be completed based on the information currently available.
  - (f) A request for records is considered complete when:
    - 1. Access or copies of the requested public records are provided to the requester or an explanation is provided to the requester where the records are publicly available.
    - 2. A written statement is sent to the requester that an exemption exists and that access is denied.
- (a) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted, and the unrestricted material released (ORS 192.338).
- 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio/video, a copy of the redacted audio/video release should be maintained in the



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department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

3. A written statement is sent to the requester that the Agency is not the custodian of records for the record requested.
  4. A written statement that state or federal law prohibits the Agency from acknowledging whether the record exists or would result in the loss of federal benefits or other sanctions. This statement shall include the state or federal law citation relied upon by the Agency.
- (g) If a fee is permitted under ORS 192.324(4) and the requester has been informed, the request is suspended until the requester has paid the fee or the Agency has waived the fee. If the fee is not paid within 60 days of informing the requester of the fee or of the denial of the request for a fee waiver, the request shall be closed.
- (h) If necessary, the Custodian of Records or the authorized designee may request additional information or clarification for the purpose of expediting the response to the request. The response to the request is suspended until the requester provides the requested information, clarification, or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days, the request shall be closed.
- (i) If the public record is maintained in a machine readable or electronic form, a copy of the public record shall be provided in the form requested, if available. If the public record is not available in the form requested, the public record shall be made available in the form in which it is maintained.

### 805.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, is restricted except as authorized by the Agency, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Personal identifying information of members including Social Security number, date of birth, telephone number, home address, email address, driver license number, employer-issued identification card number, emergency contact information, medical information, or information of a personal nature that would constitute an unreasonable invasion of privacy (ORS 192.345; ORS 192.355).
  1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.
- (c) Member identification badge or card as provided in ORS 192.371.

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- (d) Information regarding a member working undercover and for the period of six months after the conclusion of those duties unless the member consents in writing or disclosure is required by law (ORS ~~181~~ 181A.672).
- (e) A photograph of public safety personnel without the written consent of that member (ORS 181A.674).
- (f) Personnel discipline action, including materials or documents supporting the action, unless allowed by law (ORS 181A.674; ORS 192.345(12)).
- (g) Certain victim information, including participants in the Address Confidentiality Program (ORS 192.368; ORS 192.844).
- (h) Certain juvenile records (ORS 419A.257).
- (i) Certain ongoing investigation material for criminal law purposes (ORS 192.345(3)).
- (j) Audio or video records of internal investigation interviews (ORS 192.385).
- (k) Certain types of reports involving but not limited to child abuse (ORS 419B.035) and adult abuse (ORS 124.090; ORS 430.763; ORS 441.671).
- (l) Records relating to pending litigation and to potential litigation that is reasonably likely to occur in which the Agency is or will be named as a party (ORS 192.345(1)).
- (m) Certain identifying information of an individual ~~that~~ who has applied for, or is a current or former holder of, a concealed handgun license as provided in ORS 192.374.
- (n) Specific operation plans in connection with an anticipated threat to individual or public safety (ORS 192.345(18)).
- (o) Any public records or information the disclosure of which is prohibited by federal law (ORS 192.355).
- (p) Any public records or information the disclosure of which is prohibited or restricted, or made confidential or privileged under Oregon law (ORS 192.355).
- (q) Records less than 75 years old that were sealed in compliance with statute or by court order. Such records may only be disclosed in response to a court order (ORS 192.398).
- (r) Records of a person who has been in the custody of the Agency are exempt from disclosure for 25 years after termination of such custody. Disclosure of the fact that a person is in custody is allowed (ORS 192.398).
- (s) Audio or video recordings from an officer's body-worn camera. Such recordings may only be disclosed under the conditions provided by ORS 192.345(40), including facial blurring.
- (t) Personal information of complainants and of officers who are the subject of bias-based policing complaints. "Personal information" means an individual's name, address, date of birth, photograph, fingerprint, biometric data, driver license number, identification card number, or any other unique personal identifier or number (ORS 131.925; ORS 807.750).
- (u) The identity of an individual or an officer from traffic or pedestrian stop data collected by the Agency (ORS 131.935).

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- (v) Information regarding the immigration status of any victim who is requesting certification for a U or T visa, or any documents submitted for U or T visa certification and any written responses to a certification request except where allowed by law (ORS 147.620).
- (w) Images of a deceased person or parts of a deceased body that are part of a department investigation if public disclosure would constitute an unreasonable invasion of privacy of the deceased person's family (ORS 192.355).
  - 1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.

### **805.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Agency so that a timely response can be prepared.

### **805.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

### **805.8 EXPUNGEMENT**

Expungement orders received by the Agency shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once a record is sealed, members shall respond to any inquiry as though the record did not exist (ORS 137.225; [ORS 419A.269](#)).

### **805.9 SECURITY BREACHES**

In the event of an unauthorized acquisition of personal information, the Police Chief or the authorized designee shall ensure that an investigation into the breach is made and applicable steps pursuant to ORS 646A.602 et seq. are taken.

Required notice shall be made as follows (ORS 646A.604):

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- (a) Notice shall be made to any individual whose private or confidential data was or is reasonably believed to have been breached. Notice shall be provided in the most expeditious manner possible, without unreasonable delay, but not later than 45 days after becoming aware of the breach, unless the notice impedes a criminal investigation.
  - 1. The notice shall be made as set forth in ORS 646A.604 and include a general description of the breach of security; the approximate date of the breach; the type of information that was compromised; the contact information for the person providing the notice; the contact information for national consumer reporting agencies; and that any suspected identity theft should be reported to law enforcement, the Attorney General, and the Federal Trade Commission.
- (b) When notice is delayed because it will impede an active criminal investigation, the member in charge of the investigation must document the reason why a delay in notification is necessary to the investigation.
- (c) Provide substitute notice if notification would cost more than \$250,000 or if there were more than 350,000 individuals whose personal information was breached.
- (d) If notification is required to be made to more than 1,000 individuals, the City of Sherwood Police Department should also notify consumer reporting agencies.
- (e) Provide notice to the Oregon Attorney General if the breach involves the personal information of more than 250 people along with a copy of any notice sent to individuals whose personal information was affected.
- (f) Document when a breach of security is unlikely to cause any harm and does not require notification. In these cases, the documentation shall be maintained for at least five years.

# Custodial Searches

## 901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the City of Sherwood Police Department facility. Such items can pose a serious risk to the safety and security of ~~department~~ [department](#) members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 901.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody Search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

## 901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any ~~department~~ [department](#) vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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#### **901.4 SEARCHES AT POLICE FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the City of Sherwood Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

##### **901.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this ~~department~~ [department](#), such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another ~~department~~ [department](#) member. The inventory should include the case number, date, time, member's City of Sherwood Police Department identification number and information regarding how and when the property may be released.

##### **901.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The ~~department~~ [department](#) member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

##### **901.4.3 RECEIPT FOR PROPERTY OR MONEY**

The officer or other member charged with such inventories shall ensure that the individual receives a receipt for any money or other property received and should have the individual countersign both the original and duplicate receipt. Members will otherwise comply with ORS 133.455 if the individual is unable to sign.

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#### **901.5 STRIP SEARCHES**

No individual in temporary custody at any City of Sherwood Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on
- (d) [department](#) members, escape attempts).
- (e) The individual's actions or demeanor.
- (f) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### **901.5.1 STRIP SEARCH PROCEDURES**

Strip searches at City of Sherwood Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift Supervisor shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

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### *Custodial Searches*

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- (f) The primary member conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Shift Supervisor.
  - 4. The name of the individual who was searched.
  - 5. The name and sex of the members who conducted the search.
  - 6. The name, sex and role of any person present during the search.
  - 7. The time and date of the search.
  - 8. The place at which the search was conducted.
  - 9. A list of the items, if any, that were recovered.
  - 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

#### **901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES**

A strip search may be conducted in the field only with Shift Supervisor authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Supervisor authorization does not need to be in writing.

#### **901.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:



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- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Supervisor and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician may conduct a physical body cavity search.
- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary ~~department~~ [department](#) members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Shift Supervisor's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any ~~department~~ [department](#) members present.
  - 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

#### **901.7 TRAINING**

The Support Captain shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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#### **901.8 CLOSED CONTAINER SEARCHES**

Closed containers will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.

Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of \$10, valuables or a hazardous material.

#### **901.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS**

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

#### **901.9 JUVENILES**

No juvenile should be subjected to a strip search or a physical body cavity search at the Agency.

The Police Chief or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
  - 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the City of Sherwood Police Department and that are promulgated and maintained by the Department of Human Resources.

## 1000.2 POLICY

In accordance with applicable federal, state, and local law, the City of Sherwood Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Agency does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Agency will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.2.1 SELECTION

The selection of non-sworn employees will be administered by the City of Sherwood Department of Human Resources Manager and will include participation of police department personnel as designated by the Police Chief. Finalists will be interviewed by the Police Chief prior to appointment. A conditional job offer will be made contingent on submission of inked fingerprints for criminal history clearance as required by the Oregon State Police Criminal Justice Information System Division.

The recruitment and selection process for police officers will ensure that the applicant meets the standards and is tested as required by the Oregon Department of Public Safety and Training, (Oregon Administrative Rules, Chapter 259-008.) The initial phase of the selection process will determine whether the applicant meets the minimum qualifications as set forth in the job description. A formal job description will be established for every position within the agency, and will be periodically reviewed and updated. The City of Sherwood Human Resources Manager will maintain current and accurate job descriptions that include required duties and responsibilities for all positions within the Sherwood Police Department. The subsequent phases of the process will progressively eliminate unsuitable candidates and advance the most qualified applicants; who must successfully complete the following:

- Oregon Physical Abilities Test
- National Police Officer Selection Test

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- Panel interviews
- Submission of a background packet, Personal History Questionnaire, and California Personality Inventory
- Initial non-medical assessment of the Personal History Questionnaire
- Submission of inked fingerprints for criminal records check
- Interview by command staff
- Conditional job offer
- Background investigation
- Review of background investigation
- Psychological assessment
- Medical test
- Appointment

This process may be modified to accommodate specific conditions or requirements of assignments. (An example of such modification may pertain to officers applying for lateral transfer that are currently certified in Oregon.)

#### **1000.3 RECRUITMENT**

The ~~Administration Section~~ Administration Section Commander ~~should~~ shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy ~~should~~ shall include:

- (a) Establishment of a written recruitment plan.
  1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive ~~department~~ department website and the use of ~~department~~ department-managed social networking sites, if resources permit.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.
- (g) Consideration of shared or collaborative regional testing processes.

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The ~~Administration Section~~ Administration Section Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The ~~Agency~~ Agency should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of ~~his/her~~ their status in the recruiting process.

### 1000.4 SELECTION PROCESS

The Agency shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Agency ~~should~~ shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
  - 1. The personnel records of any applicant for officer or reserve officer shall be requested from any law enforcement agency where the applicant was previously employed and reviewed prior to extending an offer of employment (ORS 181A.667).
  - 2. Employment information from another law enforcement agency is confidential and may not be disclosed except as provided in ORS 192.355. The information received may only be used for investigative leads and shall be independently verified (ORS 181A.668).
- (b) Driving record
- (c) ~~Reference~~ Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
  - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.) and ORS 659A.320
- (g) Local, state, and federal criminal history record checks
- (h) Medical and psychological examination (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

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- (j) [Relevant national and state decertification records, if available](#)
- (k) [Any relevant information in the National Law Enforcement Accountability Database](#)

#### 1000.4.1 VETERAN PREFERENCE

Veterans of the United States Armed Forces who served on active duty and who meet the minimum qualification for employment may receive preference pursuant to ORS 408.230.

#### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the City of Sherwood Police Department (OAR 259-008-0015).

##### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

##### 1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Section Commander should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

The Administration Section Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Agency fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Section Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

##### 1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

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#### 1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

#### 1000.5.5 STATE NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with ORS 659A.320.

#### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

#### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (OAR 259-008-0010; OAR 259-008-0300). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Agency and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

##### 1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by the Oregon Department of Public Safety Standards and Training (DPSST), including the following (OAR 259-008-0010; OAR 259-008-0300):

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- (a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association within 18 months of hire date
- (b) Be at least 21 years of age
- (c) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment
- (d) Be free of convictions for any of the following:
  - 1. Any felony
  - 2. Any offense for which the maximum term of imprisonment is more than one year
  - 3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
  - 4. Any offense that would subject the candidate to a denial or revocation of a peace officer license
- (e) Meet the moral fitness standards
- (f) Possess a high school diploma, GED equivalent, or a four-year post-secondary degree
- (g) Complete a medical examination
- (h) Meet the physical standards requirements
- (i) Complete a psychological screening (ORS 181A.485)
- (j) Complete a law enforcement skills proficiency test

#### 1000.7.2 STANDARDS FOR DISPATCHERS

Candidates shall meet the minimum standards established by DPSST, including the following (OAR 259-008-0011; OAR 259-008-0300):

- (a) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment
- (b) Be free of convictions for any of the following:
  - 1. Any felony
  - 2. Any offense for which the maximum term of imprisonment is more than one year
  - 3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
  - 4. Any offense that would subject the candidate to a denial or revocation of a telecommunicator license
- (c) Meet the moral fitness standards
- (d) Possess a high school diploma, GED equivalent, or a four-year advanced degree
- (e) Complete a medical examination
- (f) Meet the physical standards requirements
- (g) [Complete a psychological screening](#)



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### **1000.8 PROBATIONARY PERIODS**

The Administration Section Commander should coordinate with the Sherwood Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

# Lactation Break Policy

## 1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

## 1020.2 POLICY

It is the policy of ~~this department~~ the City of Sherwood Police Department to provide reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for ~~her~~ the member's nursing child 18 months or younger in compliance with state law and the Fair Labor Standards Act (29 USC § ~~207~~ 218d and ORS 653.077).

## 1020.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § ~~207~~ 218d; OAR 839-020-0051). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the ~~member's~~ member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify ~~Dispatch~~ the dispatcher or a supervisor prior to taking such a break ~~and such~~ . Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except ~~in~~ for emergency or exigent circumstances.

## 1020.4 PRIVATE LOCATION

The Agency will make reasonable efforts to ~~provide lactating~~ accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in ~~close~~ proximity to the ~~member's~~ member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from ~~coworkers~~ co-workers and the public (29 USC § ~~207~~ 218d).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a ~~lactating~~ member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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### **1020.5 STORAGE OF EXPRESSED MILK**

Any member storing expressed milk in any authorized refrigerated area within the Agency shall clearly label it as such and shall remove it when the member's shift ends.

## Policy

## Priority

**Chapter 6 – Investigation Operations** Forensic  
Genetic Genealogy

New Policy

Major

**Chapter 7 – Equipment**  
Personal Communication Devices

Major

Total: 2

# June 2024 Updates

# New Policy

## Release Notes

Forensic Genetic Genealogy: June 2024

### New Policy

This new policy provides guidelines for the use of forensic genetic genealogy (FGG). This investigative technique is new to most law enforcement agencies. This policy should be accepted with little to no customization required. Highlights include:

- **PURPOSE AND SCOPE** describes that FGG is used to provide investigative leads.
- **DEFINITIONS** includes technical terms as needed for context.
- **CRITERIA FOR FGG USE** describes the scope for FGG use, which includes exhausting all other reasonable investigative leads and methods before applying FGG to qualifying cases.
- **COORDINATION** details cooperation with prosecutors and medical examiners/coroners, as applicable.
- **POST-IDENTIFICATION** describes appropriate actions and confirmations after an FGG investigative lead has been developed, including that the FGG result alone shall not be the sole probable cause for an arrest or search warrant.
- **PRIVACY CONSIDERATIONS** covers the topic of privacy in FGG; a non-suspect person may have a distant genetic relationship with a suspect who is a complete stranger (i.e., not a known relation).

As always, we encourage you to work closely with your local prosecutors and agency legal counsel with regard to this policy and the use of FGG.



## Personal Communication Devices

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the ~~Department~~ Agency or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (~~PCD~~ PCDs) but is intended to include all mobile telephones, personal digital assistants (~~PDA~~ and PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable ~~Internet~~ internet access devices. PCD use includes ~~;~~ but is not limited to ~~;~~ placing and receiving calls, text messaging, blogging and microblogging, ~~e-mailing~~ emailing, using video or camera features, playing games, and accessing sites or services on the ~~Internet~~ internet.

### 702.2 POLICY

The City of Sherwood Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- ~~duty~~, or ~~used~~ off-duty ~~in any manner reasonably related to the business of the Department~~ for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with ~~the standards set forth in applicable law and~~ this policy.

~~The inappropriate use of a PCD while on-duty may impair officer safety.~~ Additionally, ~~members are advised and cautioned that~~ the use of a ~~personally owned~~ PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the ~~member's~~ member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

### 702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any ~~PCD~~ PCD issued or funded by the ~~Department~~ Agency and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

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#### 702.4 DEPARTMENT AGENCY-ISSUED PCD

~~Depending~~ Depending on a member's assignment and the needs of the position, the ~~Department~~ Agency may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. ~~Department~~ Agency-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Police Chief or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the ~~Department~~ Agency and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Police Chief or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

#### 702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The ~~Department~~ Agency accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the ~~member's~~ member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) ~~: Members will have a reduced expectation of privacy when using~~ or as otherwise authorized by department procedures.
  - 1. Use of a personally owned PCD
  - 2. for work-related business constitutes consent for the Agency to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
  - 3. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
  - 4. Searches of a personally owned PCD by the Agency should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the ~~Department~~ Agency, without the express authorization of the Police Chief or the authorized designee.

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- (f) ~~Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations.~~ If the PCD is carried on-duty, members will provide the ~~Department~~ Agency with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings ~~or other~~ , and other public records created or received on a ~~member's~~ member's personally owned PCD should be transferred to the ~~City~~ City of Sherwood Police Department and deleted from the ~~member's~~ member's PCD as soon as reasonably practicable but no later than the end of the ~~member's~~ member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from ~~his/her~~ their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the ~~Department~~ Agency with a copy of such records to ensure accurate ~~record-keeping~~ recordkeeping.

#### 702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform ~~;~~ unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty ~~;~~ except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times ~~;~~ unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of ~~the~~ radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, ~~making~~ making audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means ~~;~~ without requires the express authorization of the ~~Police~~ Police Chief or the authorized designee, ~~may result in discipline~~.



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- (f) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.
- (g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

#### 702.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and ~~take~~ taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
- (c) Before conducting any administrative search of a ~~member's~~ member's personally owned device, supervisors should consult with the ~~Police~~ Police Chief or the authorized designee.

#### 702.8 USE WHILE DRIVING

~~The~~ The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (ORS 811.507). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

#### 702.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other ~~department~~ department communications network.

## Policy

## Priority

### Chapter 3 – General Operations

Missing Persons

Major

### Chapter 5 – Traffic Operations

Vehicle Towing

Critical

Total: 2

# August 2024 Updates

# Missing Persons

## 318.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 318.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - This includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
  - 1. Out of the zone of safety for ~~his/her~~ their chronological age and developmental stage.
  - 2. Mentally or behaviorally disabled.
  - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
  - 5. In a life-threatening situation.
  - 6. In the company of others who could endanger ~~his/her~~ their welfare.
  - 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
  - 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
  - 9. Intellectual or developmental disability, or an impaired mental condition such as dementia or brain injury (ORS 181A.320).
  - 10. A victim of first- or second-degree custodial interference or kidnapping (ORS 181A.310).

**Missing person** - Any person who is reported missing to law enforcement when that ~~person's~~ person's location is unknown.

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the Oregon Law Enforcement Data System (LEDS), and the Oregon State Police Missing Children Clearinghouse.

# City of Sherwood Police Department

## Sherwood PD OR Policy Manual

### *Missing Persons*

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#### **318.2 POLICY**

The City of Sherwood Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The City of Sherwood Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

#### **318.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Investigation Unit Supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

#### **318.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

##### **318.4.1 MISSING JUVENILES LOCATED**

In any case where a juvenile has been reported as missing or runaway, physical contact shall be made in person with the located and/or found juvenile to ensure the procedures in policy 332.4 are followed, prior to clearing any juvenile from LEDS and NCIC. Specifically, the officer should verify;

- The safety of the juvenile in question.
- The identity of the juvenile.
- The circumstances surrounding their disappearance.

#### **318.5 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.

# City of Sherwood Police Department

## Sherwood PD OR Policy Manual

### Missing Persons

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- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a ~~"Be- "~~Be on the Look-~~Out"~~ Out (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
  - 1. Immediately, when the missing person is at risk.
  - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report ([34 USC § 41308](#)).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
  - 1. A photograph and fingerprint card of the missing person, if available.
  - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
  - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing ~~person's-~~ person's location through ~~his/her-~~ their telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

### 318.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### 318.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  - 1. The reports should be promptly sent to the Records Section.

# City of Sherwood Police Department

## Sherwood PD OR Policy Manual

### Missing Persons

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- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

#### 318.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigation Unit.
- (e) Coordinating with the NCIC Terminal Contractor for Oregon to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations ( 34 USC § 41308).

#### 318.7 INVESTIGATION UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing ~~person's~~ person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph.
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the ~~juvenile's~~ child's student file, along with the ~~investigator's~~ investigator's contact information, if the school receives a call requesting the transfer of the missing ~~child's~~ child's files to another school.
- (b) Should re-contact the reporting ~~person~~ party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Shall, if the person has not been located within 30 days, ensure that a biological sample, if available, is forwarded to the Oregon State Police (ORS 146.187).

# City of Sherwood Police Department

## Sherwood PD OR Policy Manual

### Missing Persons

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- (d) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (e) Shall verify and update the Oregon LEDS, the Oregon State Police Missing Children Clearinghouse, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (h) Should make appropriate inquiry with the Medical Examiner.
- (i) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to Oregon State Police and enter the photograph into applicable missing person networks (34 USC § 41308).
- (k) ~~Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).~~
- (l) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

#### **318.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Support Captain shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Oregon State Police.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to the Oregon State Police.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

# City of Sherwood Police Department

Sherwood PD OR Policy Manual

## Missing Persons

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- (f) All information and materials obtained for the purpose of identifying the missing person are destroyed if the person is found, or sealed if the person is found to be no longer living (ORS 146.189(2)).

### 318.8.1 UNIDENTIFIED PERSONS

~~Agency members-~~ Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying ~~him/herself-~~ themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified ~~person's-~~ person's description into the NCIC Unidentified Person File and the NamUs database.
- (c) Use available resources, such as those related to missing persons, to identify the person.

### 318.9 CASE CLOSURE

The Investigation Unit Supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Sherwood or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

### 318.10 TRAINING

Subject to available resources, the Support Captain should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
  - 1. Assessments and interviews
  - 2. Use of current resources, such as Mobile Audio Video (MAV)
  - 3. Confirming missing status and custody status of minors
  - 4. Evaluating the need for a heightened response



# City of Sherwood Police Department

## Sherwood PD OR Policy Manual

### *Missing Persons*

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5. Identifying the zone of safety based on chronological age and developmental stage
  - (b) Briefing of department members at the scene.
  - (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
  - (d) Verifying the accuracy of all descriptive information.
  - (e) Initiating a neighborhood investigation.
  - (f) Investigating any relevant recent family dynamics.
  - (g) Addressing conflicting information.
  - (h) Key investigative and coordination steps.
  - (i) Managing a missing person case.
  - (j) Additional resources and specialized services.
  - (k) Update procedures for case information and descriptions.
  - (l) Preserving scenes.
  - (m) Internet and technology issues (e.g., Internet use, cell phone use).
  - (n) Media relations.
  - (o) Interacting with individuals with cognitive impairment, including dementia, intellectual and developmental disabilities, and brain injuries (ORS 181A.320).

## Vehicle Towing

### 502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

### 502.2 POLICY

The City of Sherwood Police Department will tow vehicles when appropriate and in accordance with the law.

### 502.3 NOTICE PRIOR TO TOW

When circumstances permit, (e.g., when towing a vehicle for parking or registration violations and the vehicle does not constitute a hazard), the Records Section should make a good-faith effort to provide notice that is reasonably calculated to apprise the owner of the vehicle that it is subject to towing and impoundment.

### 502.4 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Agency members may assist by communicating requests through Dispatch to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member when the vehicle is (ORS 819.120):

- (a) Parked so that any part of the vehicle extends into the paved portion of the travel lane.
- (b) Parked so that any part of the vehicle extends into the highway shoulder or bicycle lane of any freeway.

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or comply with posted signs.

### 502.5 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

# City of Sherwood Police Department

## Sherwood PD OR Policy Manual

### *Vehicle Towing*

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While Oregon law may authorize the impoundment of a vehicle for issues such as driving with a suspended or revoked license (ORS 809.720), impounds are only authorized if, in such cases, leaving the vehicle would create a hazard, obstruction, or a risk of loss.

The following are examples of situations where a vehicle should not be towed ~~(ORS 809.720)~~:

- The vehicle can be legally parked, left in a reasonably secure and safe location, and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Agency will not be responsible for theft or damages.

#### **502.6 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS**

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence (ORS 133.535).

Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, as long as the vehicle is not needed for evidence.

##### **502.6.1 STATE REQUIREMENTS**

The impounding officer should take reasonable steps to protect against loss or damage to impounded vehicles and any contents that may have been taken as evidence (ORS 133.537).

If a recovered stolen vehicle is towed, the officer shall share the owner's contact information, including the person's home address and telephone number, with the towing service that assumes control of the vehicle (ORS 98.857).

#### **502.7 RECORDS**

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

##### **502.7.1 VEHICLE STORAGE REPORT**

Agency members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the ~~[recordsBureau]~~ Records Section as soon as practicable after the vehicle is towed. \_

##### **502.7.2 NOTICE AFTER TOW**

Within 48 hours, excluding weekends and holidays, of a vehicle being towed, it shall be the responsibility of the ~~[recordsBureau]~~ Records Section to send a notice of tow to all registered

# City of Sherwood Police Department

## Sherwood PD OR Policy Manual

### *Vehicle Towing*

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owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (ORS 819.180):

- (a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority; and the statute, ordinance, or rule under which the vehicle has been taken into custody and towed.
- (b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.
- (c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice, and the daily storage charges.
- (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
- (e) That the owner, possessor, or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and towing it, and to contest the reasonableness of the charges for towing and storage if a hearing is requested in a timely manner.
- (f) The time within which a hearing must be requested and the method for requesting a hearing.
- (g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority. \_

#### **502.8 TOWING SERVICES**

Members shall not show preference among towing services that have been authorized for use by the Agency. A rotation or other system established by the Agency for tow services should be followed.

#### **502.9 VEHICLE INVENTORIES**

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle, including but not limited to the glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including but not limited to unlocked glove compartments, unlocked vehicle trunks, and unlocked car-top containers.

# City of Sherwood Police Department

## Sherwood PD OR Policy Manual

### *Vehicle Towing*

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- (c) Any locked compartments, including but not limited to locked glove compartments, locked vehicle trunks, locked hatchbacks, and locked car-top containers, should be inventoried, provided the keys are available and are to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases, or other closed containers designed for carrying money, small valuables, or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner or booked into property for safekeeping.

Any cash, jewelry, or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Policy. A copy of the property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members, and protecting the Agency against fraudulent claims of lost, stolen, or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

#### **502.9.1 OPPORTUNITY TO REMOVE PROPERTY**

In the event that the owner, operator, or occupant of a vehicle to be impounded is present at the scene and not subject to arrest, [prior to commencing](#) the [inventory](#) the officer shall provide notice and opportunity to that person to take readily retrievable personal belongings (e.g., purse, backpack, cigarette pack) from the vehicle that are not considered evidence or contraband.

#### **502.10 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY**

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator, or occupant

# City of Sherwood Police Department

## Sherwood PD OR Policy Manual

### *Vehicle Towing*

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to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Agency in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or the owner's agent to request a hearing to contest the tow.

# Sherwood East Art Wall

Highway 99 West Pedestrian Bridge

Vicki Scuri SiteWorks

October 15, 2024

10/15/2024  
Date

City Council  
Gov. Body

WS  
Agenda Item

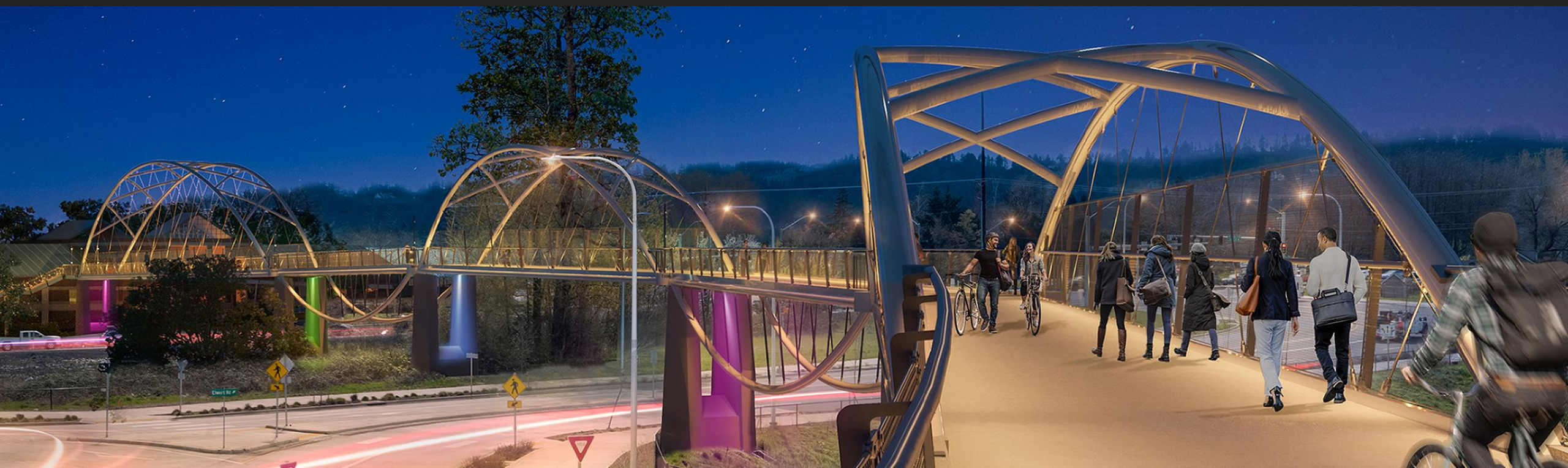
B  
Exhibit #



# East Wall Views From Hwy 99W NB









# VICKI SCURI SITEWORKS

I AM A DESIGNER WHO HUMANIZES  
THE BUILT ENVIRONMENT,  
CONNECTING PEOPLE & PLACE



I participate in all phases of design, fabrication and construction.





# Lakepointe Entry Roundabout, Covington, WA 2023





Cast-in-place wall patterning inspired by water ripples.





# Conceptual Mockups Selected

The curving patterning is inspired by the arches of the pedestrian bridge.

The wall is 50' long, varying in height to 4'-1.5" to 3'-5".

The grill/fencing is 4' high, along the length of the wall, with five 10' panels.

These are initial concepts, and they will be developed during the design process.



Stained concrete pattern-relief walls with powder-coated grills/fencing, above.

Stained concrete pattern-relief walls with powder-coated grills/fencing, below.







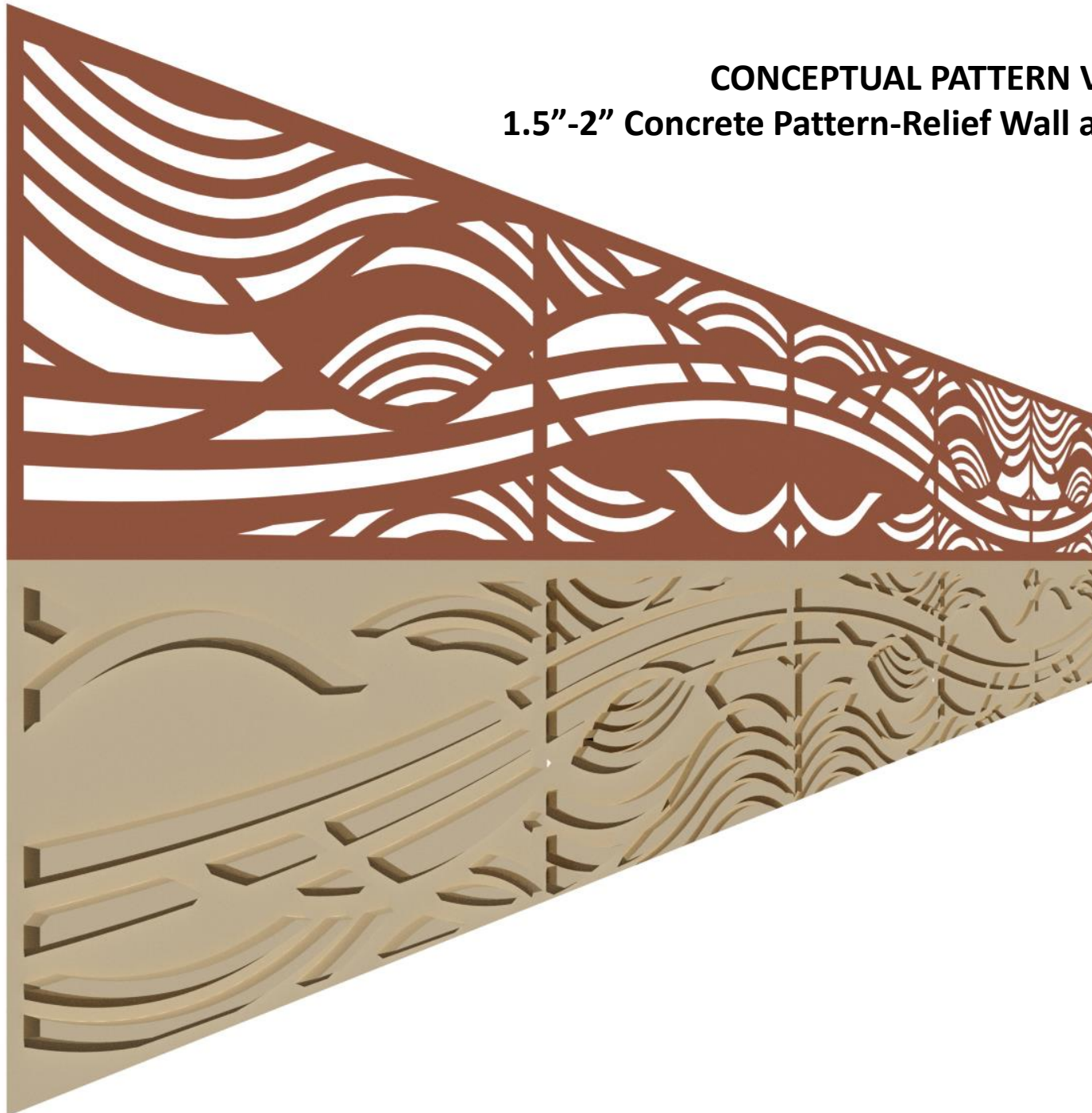
Stained concrete walls with powder-coated grills/fencing and cladding, above.

Stained concrete walls with powder-coated grills/ fencing and cladding, below.





**CONCEPTUAL PATTERN VARIATIONS**  
**1.5"-2" Concrete Pattern-Relief Wall and Powder-Coated Grills**







**CONCEPTUAL PATTERN IN SITE**  
**1.5"-2" Concrete Pattern-Relief Wall and Powder-Coated Grills Fence**



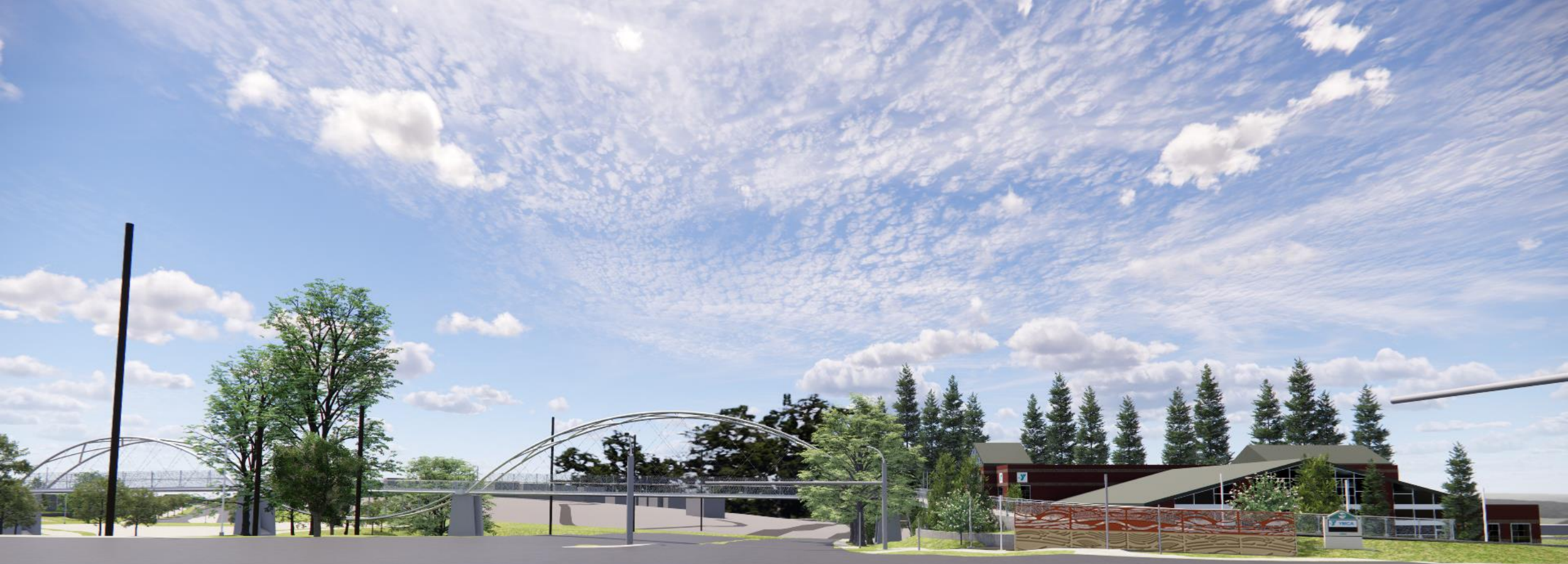


**CONCEPTUAL PATTERN IN SITE**  
**Stained Concrete Wall with Powder-Coated Grills Fence and Cladding**



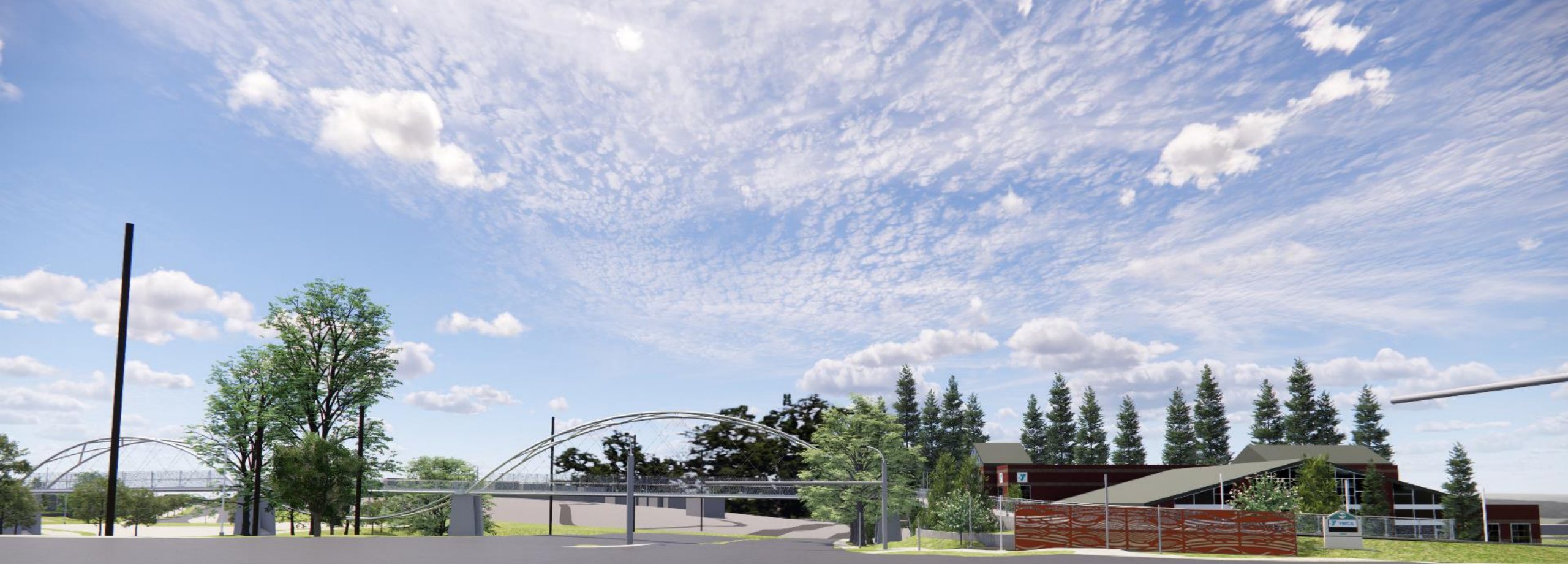






**CONCEPTUAL PATTERN IN SITE**  
**1.5"-2" Concrete Pattern-Relief Wall and Powder-Coated Grills Fence**





**CONCEPTUAL PATTERN IN SITE**  
**Stained Concrete Wall with Powder-Coated Grills Fence and Cladding**

# Context

This bridge not only connects the East and West sides of the city, but it also connects the YMCA with Sherwood High School. The high school uses a rust burgundy as its school color. We celebrate this color, and the high school, by using a similar color for the laser-cut metal grills/fencing.

The movement of the bridge structure inspires the Artwork patterning, which introduce a perception of nature and motion at the entry site.





## SITE PLAN

SHERWOOD HWY 99W PEDESTRIAN BRIDGE

SHERWOOD, OR

APRIL 1, 2024



architectural applications





**VIEW FROM HIGHWAY 99 NORTHBOUND- Day & Night**  
**SHERWOOD HWY 99W BIKE & PEDESTRIAN BRIDGE SHERWOOD, OR**





# Integrated Preconstruction Mockup



# LU 2024-014 PA FOOD CART PODS

Sherwood City Council  
Hearing for Ordinance 2024-004  
Joy Chang, Senior Planner

October 15, 2024



10/15/2024  
Date

City Council  
Gov. Body

Pub. Hearing  
Agenda Item

C  
Exhibit #

Ord. 2024-004



# Food Cart Pods - Proposal

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The proposed amendments would allow the development of food cart pods subject to the following:

- Allow in the General Commercial (GC) and Retail Commercial (RC) zones
- Process as a Type IV Site Plan Review with a concurrent Type III Conditional Use Permit
- Development and Design Standards



# APPLICABLE CRITERIA for PLAN AMENDMENTS

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## **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**
- **Consistency with the Comprehensive Plan**
- Consistency with the City's Transportation System Plan
- Consistency with other City Planning Documents
- Consistency with Oregon Statewide Planning Goals (Goal 1 Citizen Involvement, Goal 2 Land Use Planning, and Goal 9 Economic Development)
- Metro's Regional Framework Plan and Transportation Planning Rule

## STAFF RECOMMENDATION

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Based on the findings and applicable code criteria, staff recommends that the City Council hold the second public hearing and approve the proposed text amendments for Food Cart Pods, Ordinance 2024-004.



# LU 2024-014 PA FOOD CART PODS

Sherwood City Council  
Hearing for Ordinance 2024-004  
Joy Chang, Senior Planner

October 15, 2024



# ATTENDANCE SHEET

NAME

ADDRESS

PHONE

Cassie Brooks	22850 SW Kruger	
Mac+Melissa Kreuze	22410 SW Bushong	
Stephanie Dooley	17408 SW Timber Crossing Ln	
Maxwell Dooley	17408 SW Timber Crossing Ln	
Jackson Dooley	" "	

# Approved Minutes



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**October 15, 2024**

**WORK SESSION**

1. **CALL TO ORDER:** Council President Young called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, and Doug Scott. Councilor Mays joined remotely at 6:40 pm. Mayor Rosener was absent.
3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, HR Director Lydia McEvoy, IT Analyst Mark Swanson, Senior Planner Joy Chang, Arts Center Manager Chanda Hall, Finance Director David Bodway, Police Chief Ty Hanlon, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

Council President Young announced that the order of topics for this work session would be rearranged, and the Pedestrian Bridge Art Update would be the third topic of discussion.

**4. TOPIC:**

**A. Police Policy Updates**

Police Chief Ty Hanlon presented the February 2024 Updates (see record, Exhibit A) and recapped Lexipol provided Police Policy updates 2-3 times a year and served as the city's Police Department policy advisor and manual. He reported Lexipol provided updates on best practices, or if legislative or case law changes had been made that may impact the city. He explained that the Lexipol updates were first reviewed by the Police Advisory Board, then by Council during a work session, and then would be approved by Council via a resolution at a future meeting. He referred to term "major" cited on Exhibit A and explained that sometimes the updates were correcting grammatical errors. He explained that some of the updates were driven by the Department of Justice to encourage police departments to become accredited and reported that the Sherwood Police Department had been accredited for roughly 15 years. He referred to updates under "Use of Force" and the duty to intercede section and explained that Police Officers were required to intervene when other Officers were behaving unacceptably and were required to report the incident. He stated that this went hand-in-hand with trust and transparency to the community. He reported that annual training was required to review both federal and state legislative and case law changes. He referred to control devices and stated that they underwent regular training. He spoke on no-knock warrants and explained that they only occurred in high-risk circumstances and only if a judge had granted them the authority to do so. He referred to bias-based policing and reported that the Sherwood Police Department collected stop data for every traffic

stop which included the person's race, gender, reason for the stop, and if a citation was issued. He explained that this data was held by Washington County who submitted the information to the state through the Department of Justice. Councilor Standke asked if the annual profiling complaint form was new. Chief Hanlon replied that the Sherwood Police Department had had the form for quite a while, and he believed that there had only been one complaint in the last five years. He referred to vehicle tows and explained that the Police Department did not tow anyone unless it presented a hazard and spoke on the pros and cons of the policy. He explained that suspended or DUI drivers would often drive to a private parking lot where the Police Department were unable to tow their vehicles. Discussion occurred and Interim City Attorney Sebastian Tapia explained that the new rules were put in place due to lawsuits. Chief Hanlon referred to the carotid control hold and explained that this maneuver was now considered deadly force and spoke on the difficulties of maintaining that level of awareness when physically engaging with a suspect. Councilor Giles commented that that was why the city wanted their Officers to receive so much training so that they could maintain that level of awareness and control. Chief Hanlon replied that he agreed and said that it was important for Officers to have many tools and to feel competent with those tools. Councilor Standke asked since the carotid control hold was considered deadly force, was it's use documented as use of deadly force and did this hold replace the chokehold. Chief Hanlon replied that it was documented as use of deadly force and explained that Officers were trained to "stay away from the neck." He spoke on recent legislation regarding Officers no longer being able to put their knees on the backs of those who were not a part of a crime and commented that he believed that this was being challenged in the Ninth Circuit Court. Interim City Attorney Tapia explained that the restrictions mirrored the criminal prohibitions for strangulation since it also prohibited breathing or circulation. Councilor Standke referred to the juvenile strip search policy and asked for clarification. Chief Hanlon replied that the Sherwood Police Department did not conduct strip searches, as those were done at the jail, and would only be done in extreme circumstances where Officers believed it was something dangerous. Council President Young confirmed that these updates had been reviewed by the Police Advisory Board and Chief Hanlon would draft legislation for Council to approve of the changes and Chief Hanlon replied that was correct.

## **B. Sherwood West Update**

Community Development Director Eric Rutledge recapped the October 8<sup>th</sup> Metro work session. He stated that the work session reinforced the ongoing discussions that had been occurring. He referred to conditions for approval and reported that there were no surprises and Metro Council directed Metro staff to adopt the baseline forecast for growth. He commented that doing so aligned Sherwood West with the regional need for employment and industrial land. He reported that Metro Council directed Metro staff to look into housing affordability in Sherwood West prior to a final decision being made. He stated that Metro staff would complete their research and report back to city staff by the end of next week. Community Development Director Rutledge referred to SB 4, which allowed the Governor to pass an executive order to expand the urban growth boundary, and commented that it was likely that the Governor would do so by the end of the year and explained that the area would be in Hillsboro. He explained that the 375 acres of industrial land would likely be used for advanced manufacturing, such as microchips and semiconductors. He stated that even with the Governor expanding the urban growth boundary, there was still a need for Sherwood West and spoke on the likely impact of the federal CHIPS Act for the region. Councilor Scott asked when Hillsboro asked for a UGB expansion and Mr. Rutledge replied that he did not know. He explained that Hillsboro had asked for an expansion in 2018, and Hillsboro had not created a concept plan for this year and commented that it was likely in relation to the passage of the CHIPS Act. Community Development Director Rutledge referred to density concerns and stated that the issue had been addressed and explained that Metro Council directed

Metro staff to reinforce the Sherwood West Concept Plan's housing density. He stated it was likely that there would be conditions around community engagement, Title 13, and environmental inventories. He stated city staff were keeping an eye on conditions of approval for affordability. He reported that the first reading would be held on November 21<sup>st</sup> and commented that he expected several interest groups to come and testify against Sherwood West. Council President Young asked if an additional Metro work session would be held to discuss affordability and Mr. Rutledge replied that it was unlikely that an additional work session would be held. He reported that November 1<sup>st</sup> was the latest date that the final version would be shared publicly. Councilor Giles spoke on affordability, Sherwood West, and the need for additional funding to construct the necessary infrastructure to support a higher density in Sherwood West. Community Development Director Rutledge replied that there had been pushback from local jurisdictions advising Metro not to impose affordability conditions of approval without funding. He recapped that the October 8<sup>th</sup> Metro work session discussed affordability and that housing in Sherwood West should be market rate affordable. He outlined that there was discussion on how to deliver middle housing, cottage clusters, and high-density housing prior to the development of single-family housing in Sherwood West and explained that options would need to be explored. Mr. Rutledge stated that he did not hear much discussion regarding requiring a certain amount of regulated affordable housing or to require income restriction and commented that it was possible for this to be a topic when the research on affordability was completed. He stated that city staff planned to work with Metro staff early on to come to an understanding if that were the case. He recapped that the first Metro public hearing would be held on November 21<sup>st</sup>.

### **C. Pedestrian Bridge Art Update**

Assistant City Manager Kristen Switzer and Arts Center Manager Chanda Hall presented the "Sherwood East Wall" PowerPoint presentation (see record, Exhibit B) and explained that the city had been working with an artist to design art for the 50-foot wall in front of the YMCA building. Ms. Hall recapped that the artist, Vicki Scuri, was a Pacific Northwest based artist who specialized in concrete work, steel work, lighting design, and gateways. Assistant City Manager Switzer stated that the Cultural Arts Commission had held a meeting to review the design choices, and this presentation was their recommendation to Council. Ms. Hall provided an overview of the site and noted that there was a plain chain link fence behind the site of where the art would go. She explained that the Cultural Arts Commission wanted to mimic the curving pattern of the pedestrian bridge in the artwork to make the area feel cohesive to the overall design. Ms. Hall provided an overview of Option 1 which included stained concrete pattern-relief walls with powder-coated grills/fencing covering half of the concrete and noted that this was the Cultural Arts Commission's top choice. She provided an overview of Option 2 which included stained concrete walls with powder-coated grills/fencing and cladding on page 10 of the presentation. Assistant City Manager Switzer noted that this was the Cultural Arts Commission's second choice and explained that the Cultural Arts Commission had also enquired if the corners of the piece could be rounded off to soften the look. Ms. Hall outlined that the pattern on the concrete wall would extend 2-3 inches and provided an overview of what the options would look like in place on pages 12-13 of the presentation. She displayed an option in which "Sherwood" was cut into the concrete portion of the wall on page 14 of the presentation. Ms. Switzer commented that the size, font, and color could all be changed from what was shown. Council President Young and Councilor Scott stated they liked Option 1 or the "Sherwood" option the most. Councilor Mays referred to the "Sherwood" option and commented that the size of the lettering could be smaller, and discussion occurred. Council asked to see the "Sherwood" option but with smaller text and designed concrete panels at either ends of the sign. Councilor Giles commented that this bridge should be incorporated into the city's new logo and stated the sign should be visually distinct enough to draw people to the area. He commented he worried about children climbing the wall and the safety hazards that presented. Assistant City Manager Switzer voiced that perhaps this site was not the appropriate location



for a distinct piece of art, and a different location along the span of the bridge would be better. Discussion occurred and Councilor Giles expressed that if Council did not pick the “Sherwood” option, then the city would have to pay another artist additional money to create a “Welcome to Sherwood” sign elsewhere. Councilor Standke commented that eventually, this location would not be the entrance to the city and referred to Sherwood West. Council President Young asked Councilor Standke which option he preferred, and Councilor Standke stated he preferred Option 1. Councilor Brouse stated she liked the “Sherwood” option and Option 2 best. Councilor Mays stated he preferred the “Sherwood” option with accompanying art followed by Option 1. He referred to Councilor Giles’ concerns over people climbing the wall and asked that those safety concerns be addressed. He stated that he was not in favor of Option 2 unless there was lettering cutouts in the metal as an alternative to the concrete “Sherwood” option. He commented that having the lettering in the metal panels would allow for them to easily be replaced or updated in the future. Council President Young recapped Council’s preferences as Option 1 and the “Sherwood” option and asked that a version of the “Sherwood” option that incorporated Option 1 be shared with Council. Councilor Giles asked that a standalone Sherwood sign be created in the same style for Council’s consideration that could possibly be placed elsewhere in the bridge span. Councilor Scott referred to Councilor Mays’ idea of having the lettering cut out of the metal and commented that the concrete behind the metal could be visually appealing.

## **5. ADJOURN**

Council President Young adjourned the work session at 6:59 pm and convened a regular session.

## **REGULAR SESSION**

- 1. CALL TO ORDER:** Council President Young called the meeting to order at 7:05 pm.
- 2. COUNCIL PRESENT:** Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, and Doug Scott. Mayor Tim Rosener and Councilor Keith Mays were absent.
- 3. STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, IT Analyst Mark Swanson, Police Chief Ty Hanlon, and City Recorder Sylvia Murphy.

## **4. APPROVAL OF AGENDA:**

**MOTION: FROM COUNCILOR BROUSE TO APPROVE THE AGENDA. SECONDED BY COUNCILOR GILES. MOTION PASSED 5:0; ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR ROSENER AND COUNCILOR MAYS WERE ABSENT).**

Council President Young addressed the next agenda item.

## **5. CONSENT AGENDA:**

### **A. Approval of October 15, 2024, City Council Meeting Minutes**

**MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR GILES. MOTION PASSED 5:0; ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR ROSENER AND COUNCILOR MAYS WERE ABSENT).**

Council President Young addressed the next agenda item.

**6. CITIZEN COMMENT:**

There were no citizen comments and Council President Young addressed the next agenda item.

**7. PUBLIC HEARING:**

**A. Ordinance 2024-004, Amending sections of the Sherwood Zoning and Community Development Code for Food Cart Pods (*Second Reading*)**

Senior Planner Joy Chang presented the "LU 2024-014 PA Food Cart Pods" PowerPoint presentation (see record, Exhibit C) and stated that this was the second reading of the proposed ordinance. She outlined that the proposed ordinance would allow for the development of food cart pods in the General Commercial and Retail Commercial zones and would be processed as a Type IV Site Plan Review with a concurrent Type III Conditional Use Permit. She reported that very specific development and design standards were in place. She outlined the applicable criteria for plan amendments on page 3 of the presentation and noted that the proposed Food Cart Pods amendments met the applicable criteria. Ms. Chang stated that based on the findings and applicable code criteria, staff recommended that Council approve the proposed ordinance. Councilor Giles clarified that this ordinance did not mean that the city would build a food cart pod, only that the code would now allow for food cart pods to be built. Senior Planner Chang replied that was correct. Council President Young opened the public hearing to receive public comment. Hearing none, Council President Young closed the public hearing and asked for discussion or a motion from Council. Councilor Brouse commented she was very much in favor of this concept and spoke on her recent trip to Sisters, Oregon. Councilor Scott commented that this was one of the first ideas he advocated for when he first joined Council and he was happy to be voting for it at this meeting. Councilor Giles commented that food cart pods was one of the most asked about topics by members of the public and he was happy to finally be voting on the ordinance. Council President Young commented that her main concern had been if Sherwood's existing brick and mortar businesses and restaurants would be in favor of a food cart pod. She stated that she was pleasantly surprised to hear support for food cart pods from local businesses about bringing more people into Sherwood. With no further comments, the following motion was stated.

**MOTION: FROM COUNCILOR BROUSE TO READ CAPTION AND ADOPT ORDINANCE 2024-004, AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE FOR FOOD CART PODS. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 5:0; ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR ROSENER AND COUNCILOR MAYS WERE ABSENT).**

Council President Young addressed the next agenda item.

**8. CITY MANAGER REPORT:**

City Manager Craig Sheldon reported that Building Official Scott McKie was retiring, and his last day would

be October 18<sup>th</sup> and spoke on the usefulness of the city's workback program. He reported that the new Building Official had started on October 14<sup>th</sup>. City Manager Sheldon stated that Mr. McKie had "provided 22 years of dedicated service to the city and was instrumental in guiding the city through significant growth and transformation." He reported that Sherwood Main Street would hold a Halloween event on October 31<sup>st</sup> in Old Town. He reported that there would be no Council meeting on November 5<sup>th</sup> as it was Election Day, but a special Council meeting would be held on October 29<sup>th</sup>. Council President Young commented that she was continually impressed at the longevity of the city's employees and said it showed that the city was a great place to work. She thanked City Manager Sheldon and city staff for putting the crossing signs back on Sunset.

Council President Young addressed the next agenda item.

## **9. COUNCIL ANNOUNCEMENTS:**

Councilor Scott reported on his attendance at the Parks and Recreation Advisory Board meeting where they discussed and finalized their review of the Murdock Park Master Plan. He reported that the Cedar Creek Trail connection at the Senior Center was substantially completed and was open to the public.

Councilor Standke spoke on the city's Adopt a Trail program and Assistant City Manager Kristen Switzer reported that more information was available on the city's website. He reported that the Planning Commission had discussed tree code, canopy coverage, and sightline code at a previous meeting. He spoke on the vehicular traffic near Archer Glen and commented that it seemed to be going much better in the last two weeks.

Councilor Scott referred to the traffic near Archer Glen and spoke on how it was a testament to the city's Public Works and Police Department for how responsive they were to citizen's concerns. He requested that a joint Planning Commission meeting be scheduled.

Councilor Brouse reported on her attendance on the water consortium meeting and spoke on their recent campaign ads. She reported that the City of Newberg had left the consortium. She reported she would attend the upcoming Police Advisory Board meeting. She reported that the Wine Festival would be held on November 2<sup>nd</sup> and was a fundraiser for the Sherwood Rotary. She reported that a team of Taekwondo students would hold an exhibition in Sherwood in January.

Councilor Giles reported he would attend the upcoming Library Advisory Board meeting and spoke on upcoming SHELF projects. He shared recent library statistics. He reported he attended the recent Sherwood School District meeting and provided a recap of their recent Red Cross blood drive event. He reported that there was a decrease in student enrollment in the Sherwood School District and stated that the city needed to address the issue by providing affordable housing for families. He reported that Sherwood High School was putting on a production of The Lightning Thief: The Percy Jackson Musical.

Council President Young reported on hosting a troop of Boy Scouts at City Hall. She reported there would be a Veterans Day brunch at the Arts Center on November 11<sup>th</sup>. She reported that both Mayor Rosener and Councilor Mays were unable to attend this meeting as they were attending the League of Oregon Cities conference.

Police Chief Ty Hanlon reported on the upcoming Hide & Seek with a Cop event at Stella Olsen Park on

October 30<sup>th</sup>. He explained that the event was for people 12 years or older and pre-registration was required.

#### **10. ADJOURN:**

Council President Young adjourned the regular session at 7:32 pm and convened an executive session.

#### **EXECUTIVE SESSION**

- 1. CALL TO ORDER:** Council President Young called the meeting to order at 7:38 pm.
- 2. COUNCIL PRESENT:** Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, and Doug Scott. Mayor Tim Rosener and Councilor Keith Mays were absent.
- 3. STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, and Interim City Attorney Sebastian Tapia.
- 4. TOPIC:**
  - A. ORS 192.660(2)(e) Real Property Transactions**

#### **5. ADJOURN**

Council President Young adjourned the executive session at 8:01 pm.

Attest:

  
Sylvia Murphy, MMC, City Recorder

  
Tim Rosener, Mayor