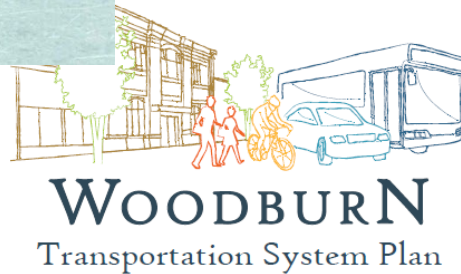
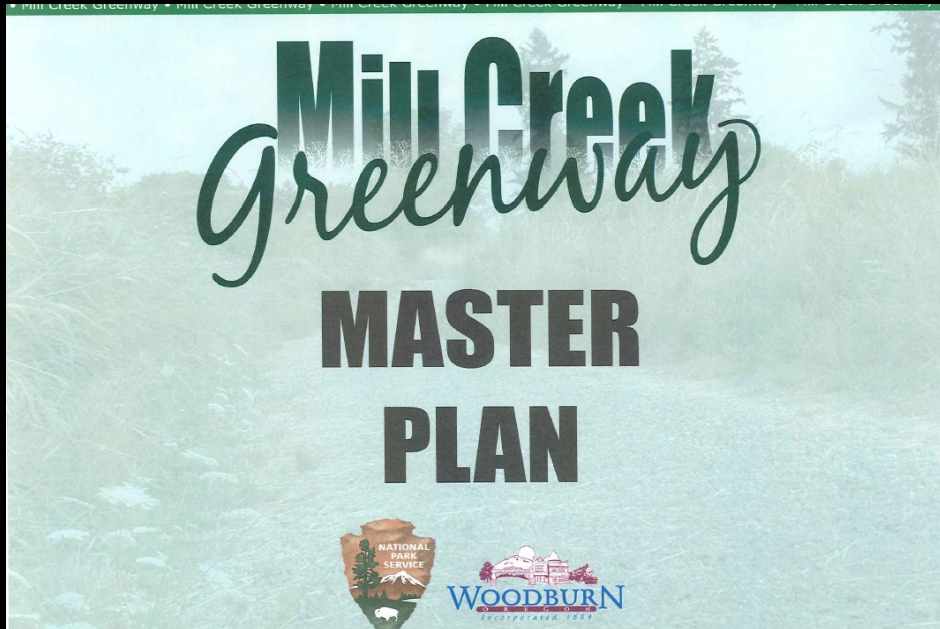
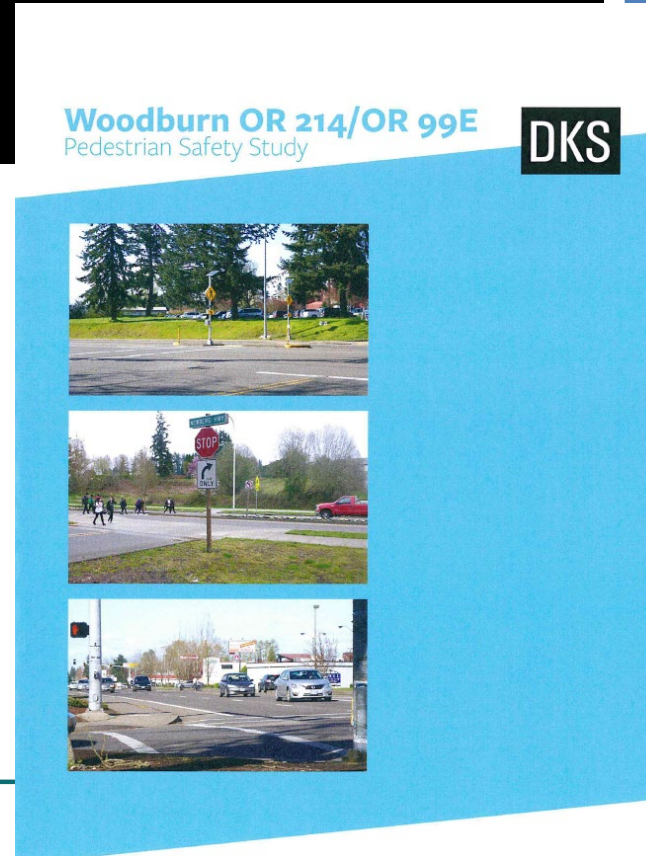


Student/Pedestrian Safety Projects Update and Grant Briefing



FINAL | SEPTEMBER 2019



February 13, 2023



Oregon Community Pathways (OCP) Grant

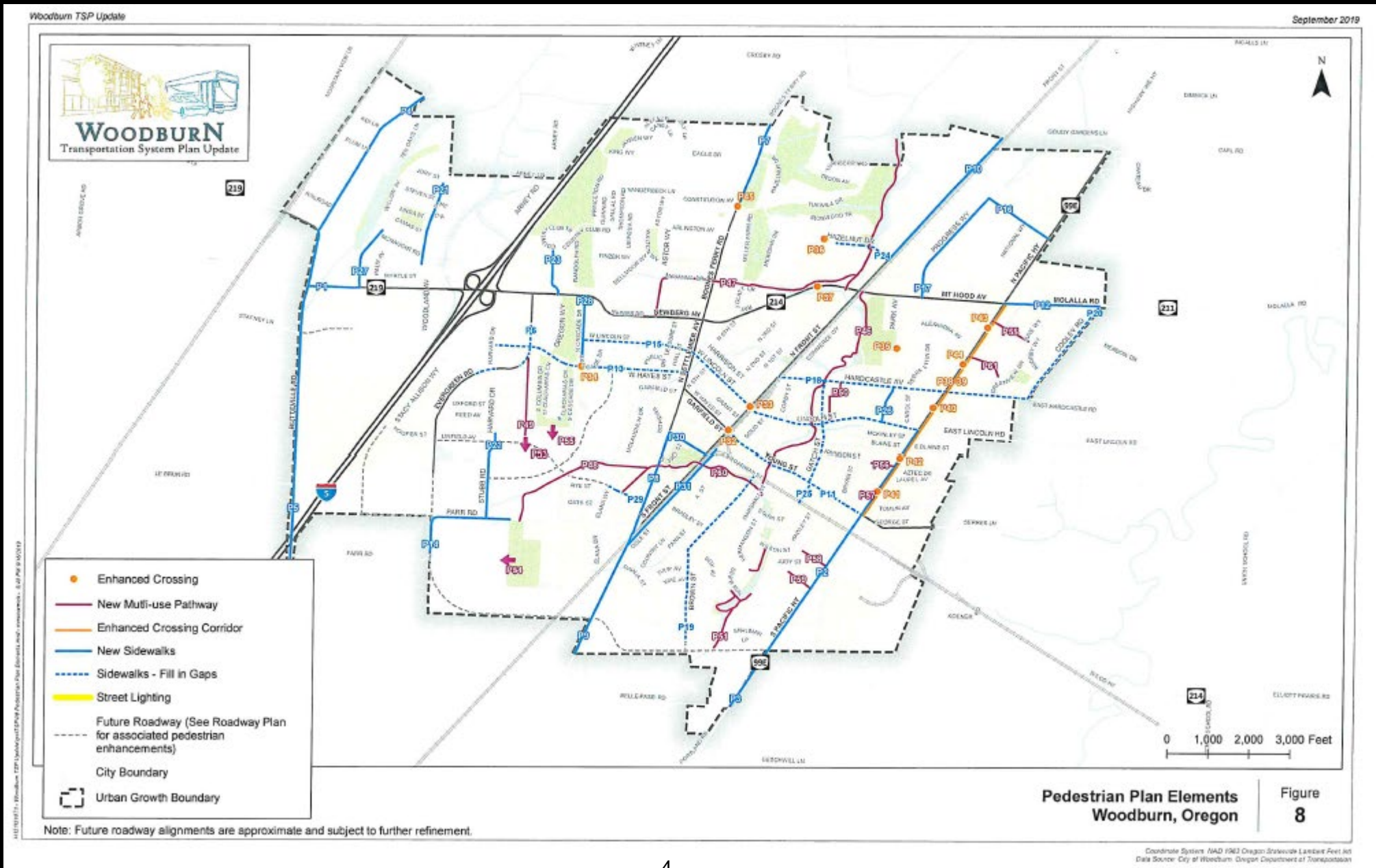
- FY22/23 application cycle. If awarded, projects must be completed by October 2026 (3-years from contract execution)
- Approx. \$36.9 million for FY22/23
- Trails, paths, bike lanes, sidewalks, etc. connected to a street are ineligible for OCP funding- must be for *off-street multi-use trails* to connect employment, social services, and school sites
- Eligible Grant Types
 - Federally Project Refinement funding is limited to \$150,000 - \$750,000 per project.
 - Federal Construction funding is limited to \$500,000 - \$6,000,000 per project.
 - State Construction funding is limited to \$300,000-\$1,000,000 per project.
 - \$3 million in additional SRTS funding if a letter of support from school district provided

Mill Creek Greenway Master Plan (2006)

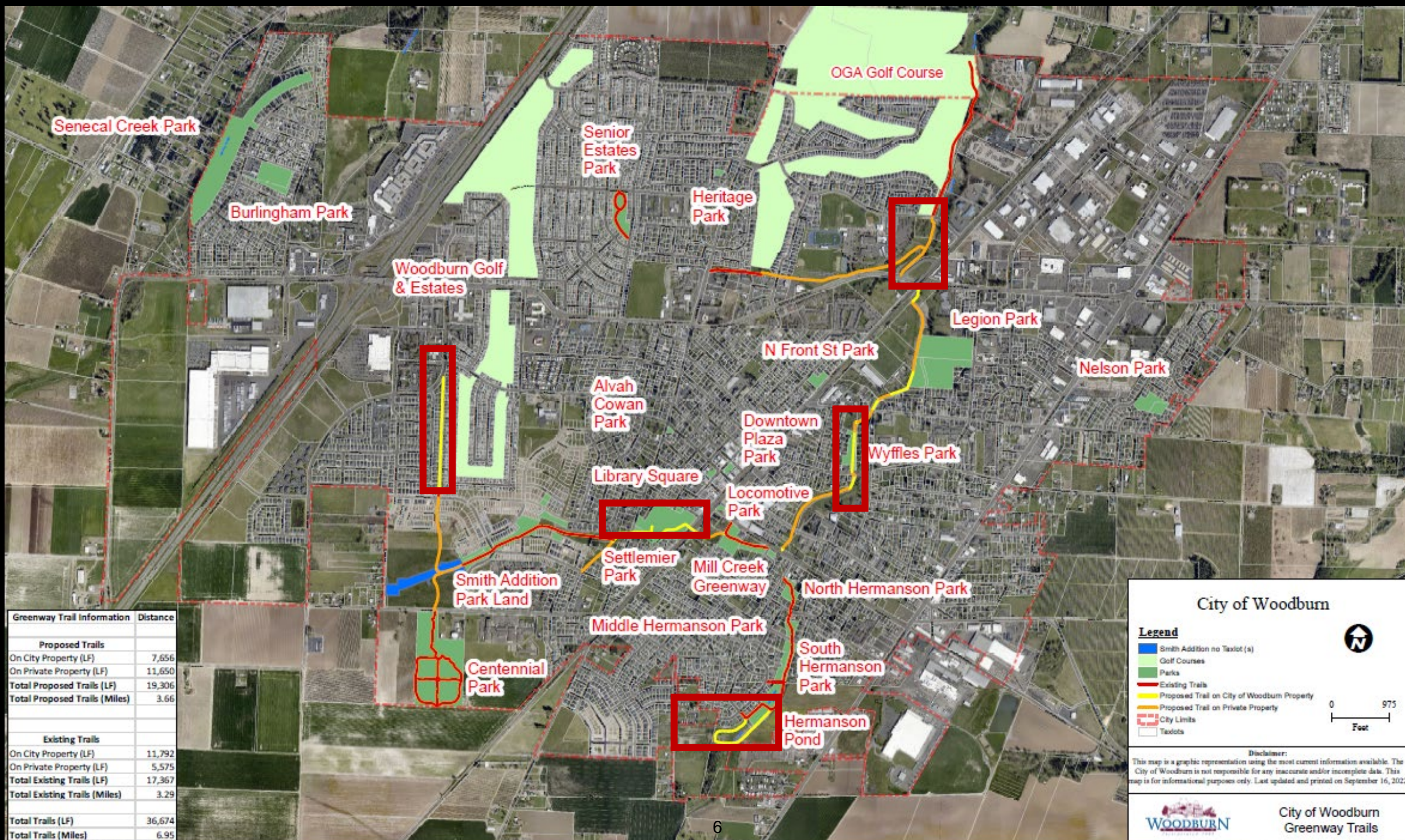
- Runs the length of the City, north to south, from Tukwila golf course to Hermanson Pond, and includes Goose and Senecal Creeks to provide additional connectivity for the entire community.
- Marion Co Rural Transportation System Plan proposes future connection to Gervais and Aurora



Transportation System Plan (2019)







Greenway Trail Information		Distance
Proposed Trails		
On City Property (LF)		7,656
On Private Property (LF)		11,650
Total Proposed Trails (LF)		19,306
Total Proposed Trails (Miles)		3.66
Existing Trails		
On City Property (LF)		11,792
On Private Property (LF)		5,575
Total Existing Trails (LF)		17,367
Total Existing Trails (Miles)		3.29
Total Trails (LF)		36,674
Total Trails (Miles)		6.95

City of Woodburn

Legend

- Smith Addition no Taxlot (a)
- Golf Courses
- Parks
- Existing Trails
- Proposed Trail on City of Woodburn Property
- Proposed Trail on Private Property
- City Limits
- Taxlots

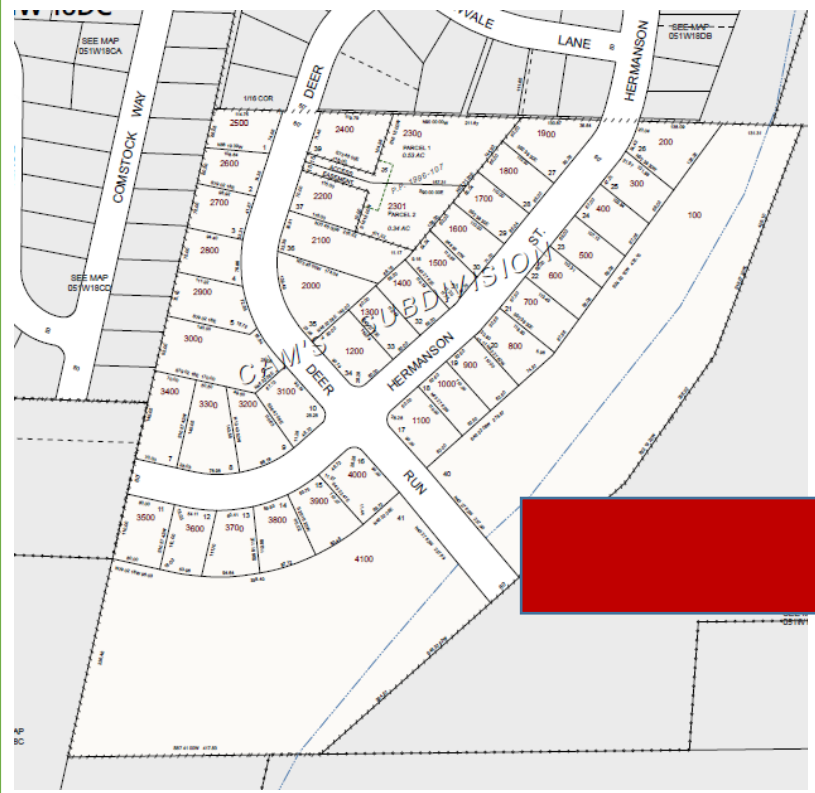
0 975
Foot

Disclaimer:
This map is a graphic representation using the most current information available. The City of Woodburn is not responsible for any inaccurate and/or incomplete data. This map is for informational purposes only. Last updated and printed on September 16, 2022

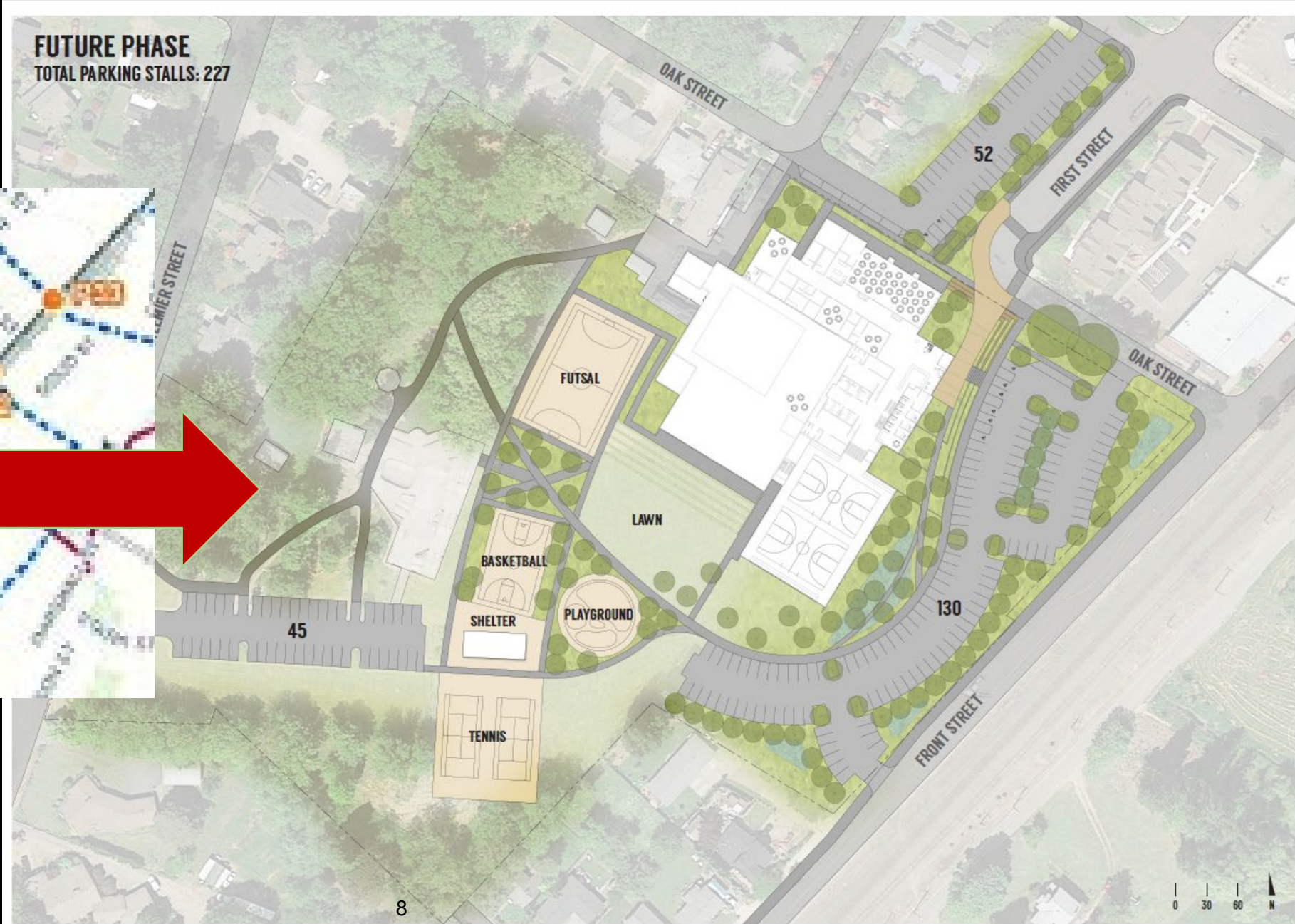
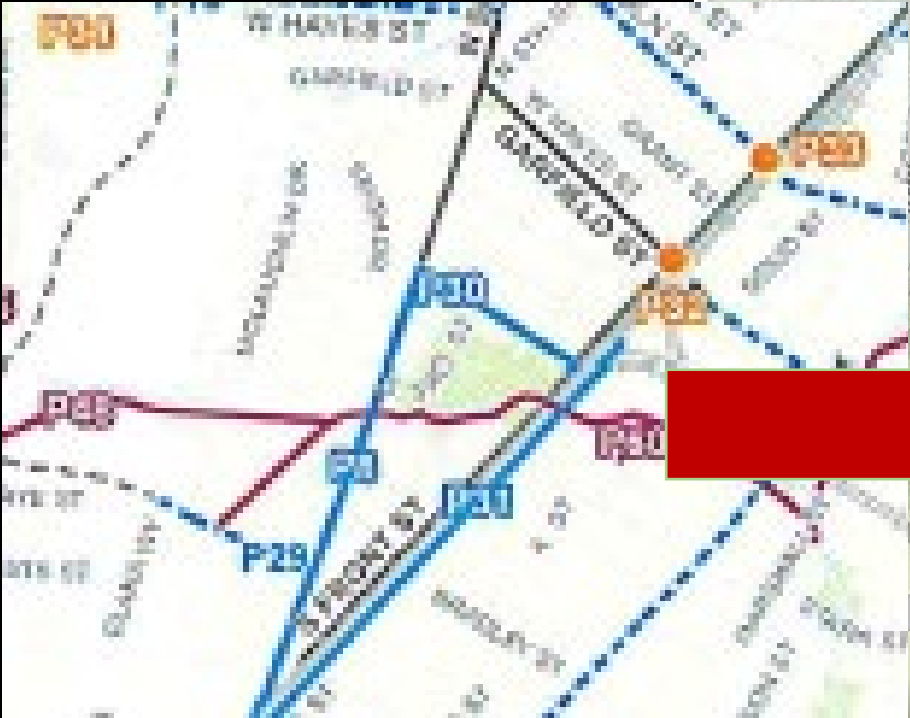
WOODBURN
OREGON

City of Woodburn
Greenway Trails

Hermanson Pond loop



Settlemier Park Trail



Wyffels' Park and Trail

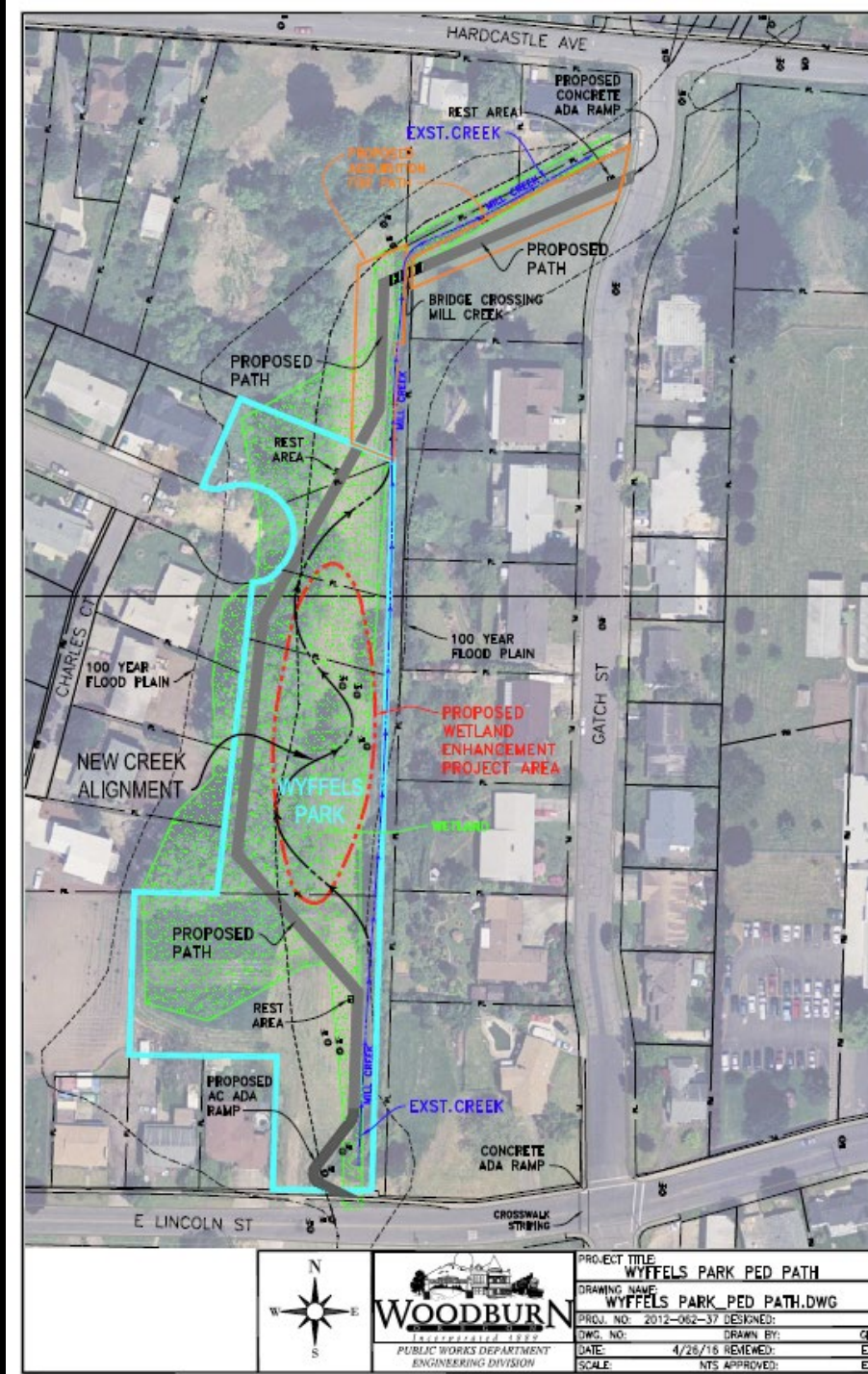
Wyffels' Park Stream & Wetland Restoration



Looking westerly towards where new playground will be placed.



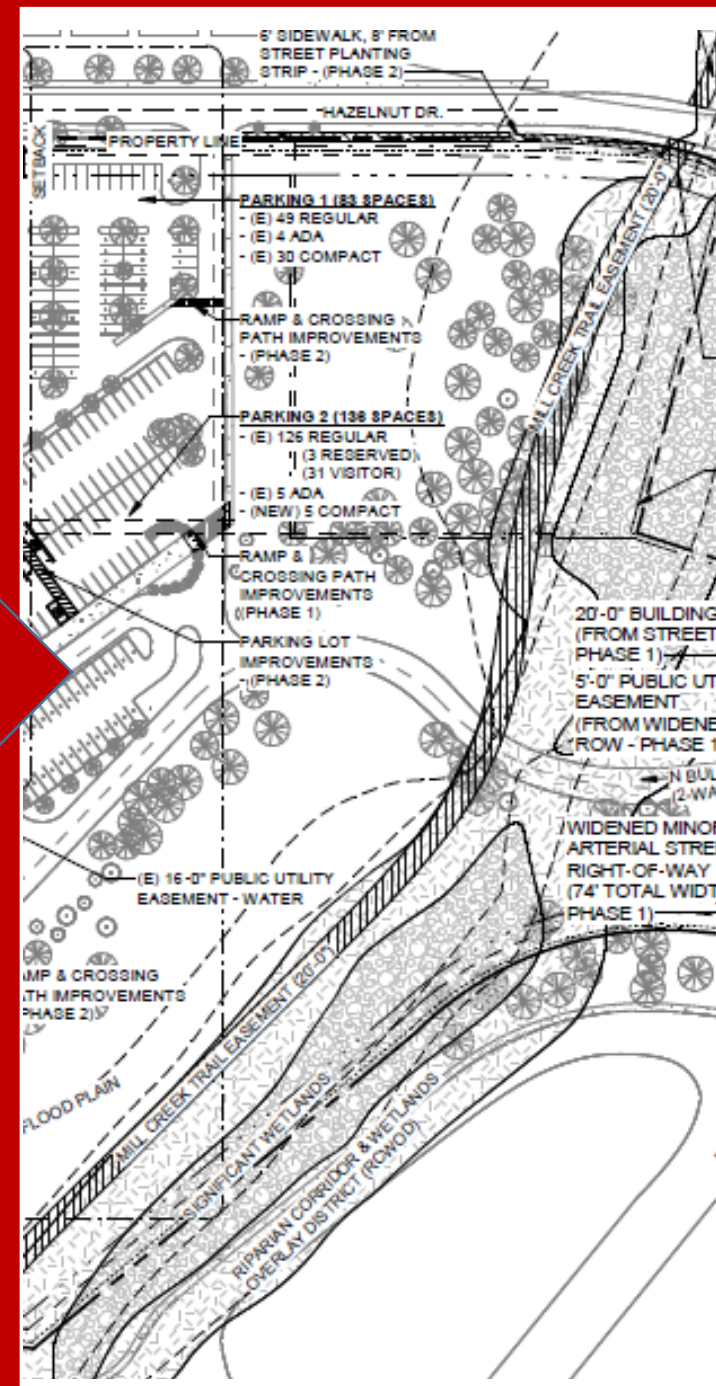
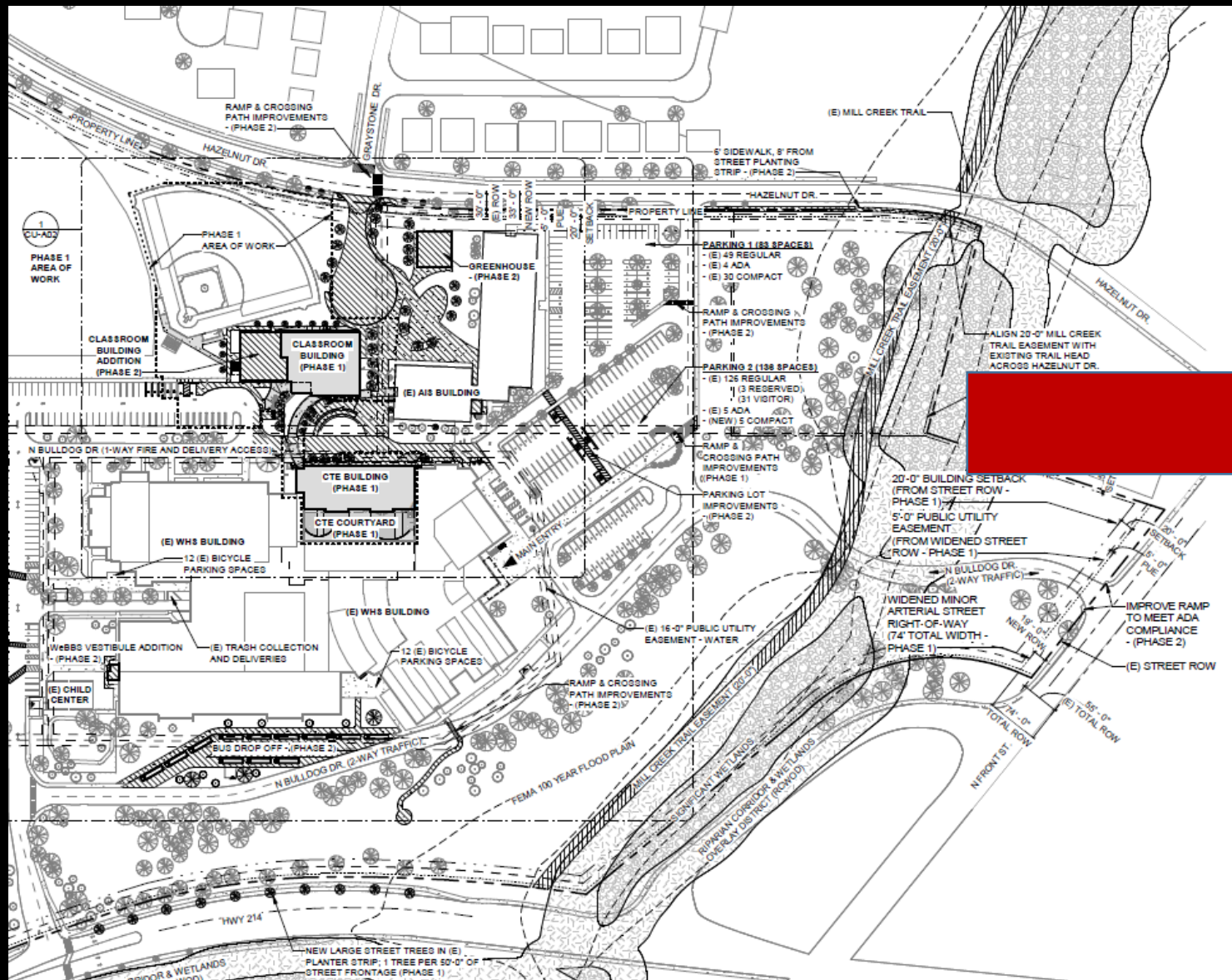
Mill Creek area near Lincoln Street



Evergreen Rd pathway



Woodburn High School



Safe Routes to School (SRTS) Project Refinement/ Rapid Response application



- Capped at \$500,000 and requires a 20-40% match (other infrastructure improvements within last 5 years may also qualify as match).
- Funding can only be used within ODOT right-of-way.
- 2024 Project Identification Program (PIP) will be another source for long-term program funding once we complete the Project Refinement short-term program work.
- School District has identified five (5) focus areas: Access from Front Street; increased lighting at the 214/Front Street crosswalk/on-ramp; installation of a crosswalk at the Front Street crosswalk/on-ramp; 214/North Bulldog access and desire for an elevated walking path; deterrence, improvements, and education on other “natural paths” students are opting to take.

Upcoming Opportunities

2023:

ODOT Safe Routes to School Construction **Rapid Response and Innovative Mobility** grant programs are now open

2024:

Solicitations begin for competitive grants and services for ODOT Safe Routes to School **Construction** and **Education** programs.

- **Construction and Planning Assistance** grants: The next solicitation is planned to open in spring 2024. ODOT anticipates up to \$26 million in competitive construction grants and planning assistance for Safe Routes to School Plans to 15-20 additional communities.
- **Education grants and services:** ODOT's **SRTS Education Program** public call for applications in early spring 2024 (February) for projects starting in fall 2024 (October).

Next steps

Oregon Community Pathways

- Application submitted by January 31, 2023 deadline
- May 2023 - Oregon Bicycle Pedestrian Advisory Committee makes recommendations to OTC
- October 2023 - Projects awarded

SRTS Project Refinement

- Letter of support from School District and submit application
- ODOT engineers refine project scope and eligibility; final design; and balance toward construction (short-term)
- Project Refinement used to access additional funding through ODOT or other sources (long-term)

COUNCIL MEETING MINUTES

JANUARY 23, 2023

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, JANUARY 23, 2023

CONVENED The meeting convened at 7:00 p.m. with Mayor Loneragan presiding.

ROLL CALL

Mayor Loneragan	Present
Councilor Carney	Present
Councilor Cornwell	Present
Councilor Schaub	Present
Councilor Swanson	Present -via video conferencing
Councilor Morris	Present
Councilor Cabrales	Present

Staff Present: City Administrator Derickson, Acting City Attorney Granum, Assistant City Administrator Row, Deputy Police Chief Millican, Public Works Director Stultz, Community Development Director Kerr, Finance Director Turley, Economic Development Director Johnk, Special Projects Director Wakely, Community Services Director Cuomo, Public Affairs and Communications Coordinator Moore, City Recorder Pierson

APPOINTMENTS

Mayor Loneragan proposed the following appointment:

- **Mid-Willamette Valley Community Development Partnership (MWVCDP) Board**
 - Alice Swanson

Carney/Schaub...approve the appointment. The motion passed unanimously.

PRESENTATIONS

Woodburn Fire District – Woodburn Fire Chief Joe Budge provided information to the City Council on their capital project funding request for the construction of a new fire station and regional emergency preparedness facility and asked the City Council for a letter in support of the request.

Greg Leo - WES Commuter Train from Wilsonville to Salem – Greg Leo, Government Affairs Council for the City of Wilsonville, spoke to the City Council about HB2662 which would fund an Oregon Department of Transportation study on extending the WES commuter train from Wilsonville to Salem and asked for a letter of support be sent to Mayor Julie Fitzgerald with the City of Wilsonville.

CONSENT AGENDA

- A. Woodburn City Council minutes of January 9, 2023,
 - B. Woodburn City Council Executive Session minutes of January 9, 2023,
 - C. Memo on Retirement of City Attorney from PERS,
 - D. Memo from Mayor Regarding Authorization to Adjust the City Administrator and City Attorney's Employment Agreement.
- Carney/Morris...** adopt the Consent Agenda. Mayor Loneragan stated that the motion passed.

COUNCIL MEETING MINUTES

JANUARY 23, 2023

COUNCIL BILL NO. 3203 - A RESOLUTION RENAMING LOCOMOTIVE PARK TO FRANK SCHEER LOCOMOTIVE PARK IN RECOGNITION OF FRANK SCHEER'S PASSION AND DEDICATION TO THE RESTORATION AND MAINTENANCE OF THE SP 1785 LOCOMOTIVE

Carney introduced Council Bill No. 3203. City Recorder Pierson read the bill in full. Kathy Figley spoke in favor of renaming the park and about Frank Scheer's passion and dedication to the restoration and maintenance of the locomotive. On roll call vote for final passage, the bill passed unanimously. Mayor Lonergan declared Council Bill No. 3203 duly passed.

FY 2023/24 FINANCIAL PLAN

City Administrator Derickson provided a staff report. **Carney/Schaub...** Adopt the attached FY 2023/24 Financial Plan (Budget Policies and Fiscal Strategy) via a motion. The motion passed unanimously.

LETTER IN SUPPORT OF NEW GERVAIS FIRE STATION & REGIONAL EMERGENCY PREPAREDNESS FACILITY

Carney/Cornwell... authorize the mayor to sign the attached letter. The motion passed unanimously.

LETTER IN SUPPORT OF HB 2662 IN 2023 STATE LEGISLATIVE SESSION: ODOT STUDY OF EXTENDING WES COMMUTER TRAIN FROM WILSONVILLE TO SALEM

Carney/Cabrales... authorize the mayor to sign the attached letter addressed to Mayor Julie Fitzgerald of Wilsonville. The motion passed unanimously.

COUNCIL BRIEFING OF PLANNING COMMISSION APPROVAL OF A DESIGN REVIEW APPLICATION PACKAGE FOR A SPECULATIVE INDUSTRIAL DEVELOPMENT ("SPECHT" INDUSTRIAL) LOCATED AT THE ON TERMINUS OF EVERGREEN RD. (DR 22-02, VAR 22-01, EXCP 22-01)

Community Development Director Kerr provided a staff report. The City Council declined to call this item up.

At 8:05 p.m. Mayor Lonergan noted that Councilor Swanson, who was having audio issues, sent an email to the City Recorder at 7:55 p.m. stating that she had intended to vote no on the Consent Agenda.

CITY ADMINISTRATOR'S REPORT

The City Administrator reported the following:

- Woodburn Fire District won the chili cook off.

MAYOR AND COUNCIL REPORTS

Councilor Cornwell stated that she was impressed with the chili cook off and would like to see a clam chowder cook off. She added that she enjoyed the event at the Bungalow Theater and thanked staff and the volunteers for their efforts. She expressed that the commuter train would be lovely.

Councilor Carney congratulated staff on the event at the Bungalow Theater and that he enjoyed the movie.

Councilor Schaub concurred with Councilors Cornwell and Carney and added that it is a nice asset to the City. She thanked City Administrator Derickson and Finance Director Turley for the

COUNCIL MEETING MINUTES

JANUARY 23, 2023

informative financial packet.

Mayor Lonergan reported the following:

- Attended the Museum and Bungalow Theater event and it was a job well done.
- Met with the Ford Family Foundation along with Councilor Carney and City Administrator Derickson regarding leadership training in Woodburn.
- Met with the ministerial association about what is going on in Woodburn.
- Met with the morning Kiwanis about what is happening in Woodburn.
- Met with Alison Kelley of Liberty House and discussed the great things they are doing to help children in the region.
- Met with a couple of principals at the local schools and learned about the great things going on there.
- Had lunch with Jaime Arredondo with CAPACES and discussed economic vitality and housing issues.
- Met with various department heads and got caught up to speed with what the City Council has been working on in the last few years.
- Met with Fire Chief Budge and was able to share in the graduation of the new firemen at the Woodburn Fire District.
- Met with Woodburn Ambulance and discussed how their relationship with the City is going.
- Met with Ray of Hope Today and they discussed their relations with the City and what they provide to citizens.
- Met with Ewert Brown during Community Connection Day and met some fine volunteers.
- Attended a ride along with a police officer to see what issues they deal with every day and added that he was impressed with their professionalism.
- Thanked the City for welcoming him.
- Provided an update on Community Center funding. Thanked Senator Thatcher and Representative Cramer for their support.

ADJOURNMENT

Morris/Schaub...move to adjourn. The motion passed unanimously. Mayor Lonergan adjourned the meeting at 8:21p.m.

COUNCIL MEETING MINUTES
JANUARY 23, 2023

APPROVED _____
FRANK LONERGAN, MAYOR

ATTEST _____
Heather Pierson, City Recorder
City of Woodburn, Oregon



Agenda Item

February 13, 2023

TO: Honorable Mayor and City Council through City Administrator
FROM: Jim Row, Assistant City Administrator
SUBJECT: **Municipal Judge Employment Agreement**

RECOMMENDATION:

Authorize the Mayor to sign the enclosed employment agreement with current Municipal Judge, Fred Weinhouse.

BACKGROUND:

In late 2015, following the retirement announcement of Judge Janice Zyryanoff, the City Council appointed Lori Coukoulis to the vacant position. After serving one year as Woodburn's Municipal Judge, Lori Coukoulis submitted her resignation on January 24, 2017. On February 13, 2017, the City Council appointed Fred Weinhouse to the position of Municipal Judge and approved the resulting three-year employment agreement. Upon its expiration in February 2020, the City Council approved a three-year extension to Judge Weinhouse's Employment Agreement.

DISCUSSION:

Mr. Weinhouse retired at the end of 2015 after a 30-year career as an Assistant United States Attorney. He has served effectively as the City's Municipal Judge since February 14, 2017. His current employment agreement expires February 13, 2023. The enclosed employment agreement is for a term of three years, expiring February 13, 2026.

Pursuant to section 10. of the Woodburn City Charter, the Municipal Judge is one of three positions appointed directly by the City Council. The enclosed employment agreement is for a term of three years.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x___

FINANCIAL IMPACT:

Expenditures related to the employment of the Municipal Judge are included in the adopted FY 22/23 budget.

Employment Agreement

**Fred Weinhouse
City of Woodburn
Municipal Judge**

THIS AGREEMENT is made and entered into this day of February 14, 2023 between the City of Woodburn, an Oregon municipal corporation, hereinafter referred to as “City”, and Fred Weinhouse, hereinafter referred to as “Weinhouse,” both of whom understand and agree as follows:

RECITALS

Whereas, Pursuant to the Woodburn City Charter, it is the responsibility of the City Council to appoint a Municipal Judge.

Whereas, Fred Weinhouse has served as the City’s Municipal Judge since February 14, 2017; and

Whereas, City Council desires to continue the employment of Mr. Weinhouse as Municipal Judge for the City of Woodburn and to provide an inducement for him to remain in such employment; and

Whereas, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and to set working conditions of said Employee; and

Whereas, Weinhouse understands and agrees to the terms of employment and desires to continue serving in the position of Municipal Judge for the City of Woodburn; and

Whereas, with the approval of the City Council, the Mayor has authority to execute this agreement on behalf of the City.

Now, therefore, in consideration of the mutual covenants herein contained, the parties agree as follows:

1. Duties

City hereby agrees to employ Weinhouse as the Municipal Judge, of the City of Woodburn to perform on a continuing basis the functions and duties, which are generally described in Section 22. of the Woodburn City Charter.

2. Hours of Work

Weinhouse shall devote sufficient time to complete the duties and responsibilities of his position. Weinhouse shall ensure effective maintenance of the docket and provide adequate opportunities for court appearances by the public.

3. Term

- A. The term of this Agreement shall be for three (3) years commencing on February 14, 2023 and ending February 13, 2026 ("Services Period").
- B. The term of this Agreement may be extended by written consent of the parties for a period mutually acceptable to both parties (Continuing Service Period). If the parties decide to extend this Agreement, negotiations shall commence by August 12, 2026.

4. Termination

Weinhouse's employment with the City shall be "at will". As such, nothing in this Agreement shall prevent, limit or otherwise interfere with the right of City for any reason whatsoever with or without cause to terminate the services of Weinhouse at any time as provided herein.

5. Resignation

Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of Weinhouse to resign at any time from this position with City subject to the provisions of the Agreement. In the event Weinhouse voluntarily resigns this position before the expiration of the aforesaid term of employment, Weinhouse shall give City a minimum of sixty (60) days written notice, unless the parties agree otherwise.

6. Compensation

During Services Period, City agrees to pay a wage of one hundred twenty-five dollars (\$125) per hour, for services rendered pursuant to this agreement. Weinhouse shall be paid for a minimum of two hours for each court session that he presides over. Such wages shall be payable in installments at the same time as the regular employees of City are paid and are subject to normal and/ or authorized deductions. At its discretion, the City Council may periodically conduct a review of Weinhouse's performance, at which time, an increase in salary may be negotiated.

7. Public Employees Retirement System

If Weinhouse meets the Oregon Public Employees Retirement System's eligibility requirements, City shall pay both the "employee" and "employer" portions for Employee retirement program under the Oregon Public Employees Retirement System.

8. Sick Leave

Weinhouse will earn one (1) hour of sick leave for every 30 hours worked. Sick leave will accrue to a maximum of 80 hours in a calendar year and may only be used in a manner that is consistent with the City policy and the state law.

9. Judge Pro Tem

Pro Tem Judges shall be selected from a list of qualified candidates that have been approved by the City Council. Weinhouse shall arrange for a Pro Tem Judge should he be unable to perform his regular duties due to illness, personal leave, or unanticipated personal needs.

10. Professional Development

With prior approval, City shall participate with other agencies where Weinhouse serves as a municipal court judge in reimbursing Weinhouse a proportional share of the costs of attending professional conferences, maintaining required judicial licenses and certifications and maintaining membership to professional associations, in an amount not to exceed \$300 per fiscal/calendar year.

11. Liability

City agrees to indemnify, hold harmless and defend at its expense Weinhouse from any and all claims, actions, losses, damages, charges, expenses or attorney's fees to which Weinhouse may be subject to arising out of, or resulting from the performance of his official duties hereunder, excepting from criminal acts or gross negligence. Notwithstanding the foregoing, City's obligation under this Section shall not apply to any punitive or exemplary damages that may be awarded by a Court against Weinhouse.

12. Other Terms and Conditions

- A. City may from time to time fix other terms and conditions relating to Weinhouse performance hereunder, provided such terms and conditions are not inconsistent or in conflict with the provisions of this Agreement.
- B. Weinhouse shall perform his duties in accordance with all the laws, ordinances, rules, and regulations applicable to his position and be subject to City Policies and Procedures as applicable.
- C. The entire Agreement between the parties with respect to the subject matter hereunder is contained in this Agreement. Except as herein expressly provided to the contrary, the provisions of this Agreement are for the benefit of the parties solely and not for the benefit of any other person, persons or legal entities.

- D. Weinhouse acknowledges that he has not been induced to enter into this Agreement by any representation or statements, oral or written, not expressly contained herein or expressly incorporated by reference. City makes no representations, warranties and guarantees contained in this Agreement.

13. Notice

Any written notice hereunder shall become effective as of the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addresses as stated in this Agreement, or at such other address as may hereafter be specified by notice in writing. In lieu of mailing, written notice shall become effective as of the date it is personally delivered to the addressee. Any notice required to be given under the terms and conditions of this Agreement shall be given as follows:

City of Woodburn
Scott Derickson, City Administrator
270 Montgomery Street
Woodburn, OR 97071

Fred Weinhouse
Municipal Judge
10020 SW Citation Place
Beaverton, OR 97008

14. Severability

If any part, term, or provision of this agreement is held by the courts to be illegal or in conflict with the laws of the State of Oregon, the validity of the remaining portions of the Agreement shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision.

In Witness Whereof, the parties hereto have executed this Agreement on the day and year first written above.

FRANK LONERGAN
MAYOR

FRED WEINHOUSE
MUNICIPAL JUDGE

CITY OF WOODBURN
Community Development Department

MEMORANDUM

270 Montgomery Street Woodburn, Oregon 97071

(503) 982-5246

Date: February 1, 2023

To: Chris Kerr, Community Development Director

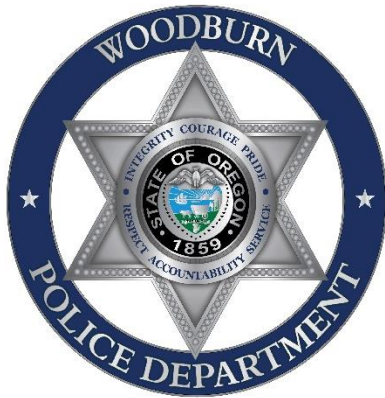
From: Melissa Gitt, Building Official

Subject: **Building Activity for January 2023**

	2021		2022		2023	
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount
Single-Family Residential	15	\$3,908,937	43	\$12,434,166	5	\$1,610,571
Multi-Family Residential	1	\$2,558,803	0	\$0	0	\$0
Assisted Living Facilities	0	\$0	0	\$0	0	\$0
Residential Adds & Alts	2	\$12,509	6	\$202,046	12	\$110,900
Industrial	0	\$0	0	\$0	0	\$0
Commercial	1	\$100,000	4	\$1,032,295	5	\$1,195,820
Signs and Fences	0	\$0	0	\$0	0	\$0
Manufactured Homes	0	\$0	1	\$70,000	2	\$152,600
TOTALS	19	\$6,580,249	54	\$13,738,507	24	\$3,069,891
Fiscal Year to Date (July 1 – June 30)		\$23,797,416		\$522,838,662**		\$63,428,910

- Totals represent permit valuation.

****Project Basie (Amazon) permit valuation is \$451,339,834**



2022

Woodburn Police Department Use of Force & Vehicle Pursuit Report

Use of Force

A goal of the Woodburn Police Department is to resolve each call for service safely and peacefully. While most police calls for service end with no physical force used, a small number of contacts require physical force to resolve the situation.

The Woodburn Police Department's use of force is guided by department policy, state and federal law, from a reasonable officer's perspective and based upon the totality of the circumstances at the time the force was used.

The Woodburn Police Department has several policies that outline the types of devices and techniques officers can use and the circumstances for use, including:

- Use of Force
- Control Devices and Techniques
- Conducted Energy Device
- Firearms
- Vehicle Pursuits
- Canine Program

After each use of force incident, the involved Police Officer(s) are required to document the event in a Use of Force Report. This report is reviewed by department's supervisory and command staff.

At the end of each year, this annual Use of Force and Vehicle Pursuit Report is completed for review by the Chief of Police, Command Staff and survival skills instructor cadre. This report is used to evaluate current trends and techniques in order to address any training, equipment needs, or policy changes.

Historical Use of Force Overview

The Woodburn Police Department's three-year trend shows a 39% increase in Use of Force incidents from 2020-2021. From 2021 to 2022, there was a 12% decrease.

Chart 1

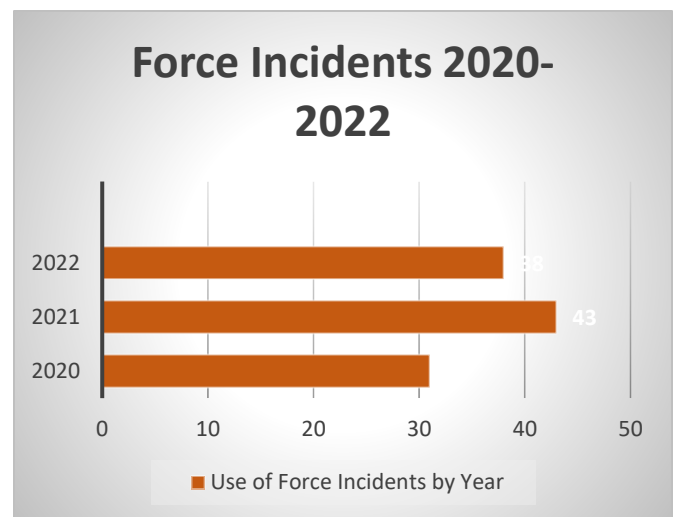


Chart 1 shows the annual number of use of force incidents for the last three years.

Table 1 represents annual data to include the percentage change compared annually over the last three years.

Table 1

Force Incidents 2020-2022		
Year	Incidents	% + or -
2020	31	-34%
2021	43	+39%
2022	38	-12%

Table 1 shows the yearly increase or decrease from the previous year.

In 2022, the Woodburn Police Department responded to approximately 13,816 calls for service, which was an increase of 603 calls for service (+5%) as compared to 2021. The number of arrests from 2021 to 2022 decreased by 98. The rate of arrests and use of force incidents was 1 use of force event for every 22 arrests in 2022.

**Of note, 2021 call for service and arrest totals have been amended utilizing updated call and arrest criteria search methods. Following are amended arrest totals for 2022 and 2021:*

2022 Arrest total: 836

2021 Arrest total: 934

2021 Calls for service total: 13,213

Table 2

Rates of Force Incidents Per Arrest			
Year	# of Arrests	# Involving Force	Rate
2020	878	31	1 in 28
2021	934	43	1 in 22
2022	836	38	1 in 22

Table 2 shows the rate of arrests made per year and those involving force used.

The Woodburn Police Department received four separate complaints surrounding a use of force event in 2022. All complaints were determined to be unfounded after a review of available body camera footage, reports and available witness interviews.

Force Data

The Woodburn Police Department records certain information from each Use of Force report. Gender, intoxication, suspect injury, officer injury, and the types of force used are captured in the charts and graphs below.

Chart 2

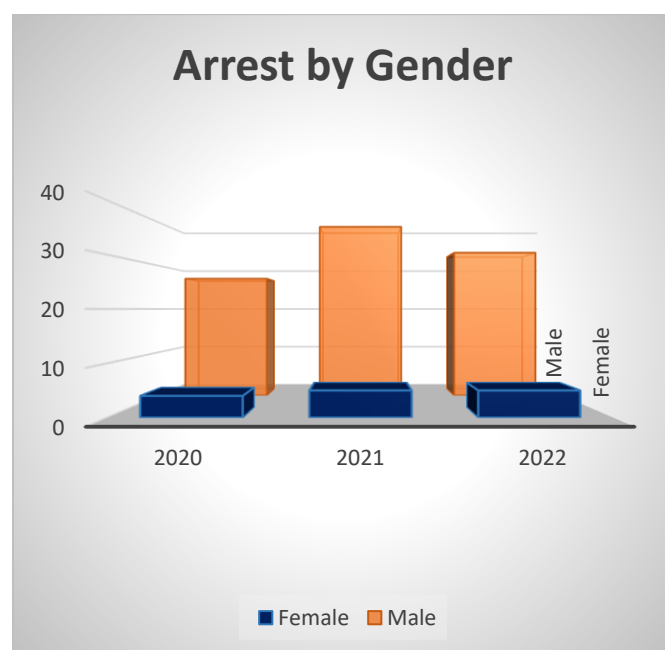


Chart 2 compares the number of force events involving females vs. males.

As shown in Chart 1, for 2022, Woodburn Officers reported 38 use of force incidents. Each officer is required to report the individual force used even if force is used upon the same suspect by multiple officers.

Intoxication levels often times are a key factor when a suspect becomes non-

compliant, which can result in the need of the officer to utilize force to make an arrest.

Table 3

Under the Influence			
Year	2020	2021	2022
Alcohol	7	15	10
Drugs	9	13	6
Alcohol & Drugs	1	11	0
Unknown	3	5	9
Not Under the Influence	11	12	13

Table 3 represents the number incidents of self-reported use of alcohol and/or drugs by suspects and/or officer observations.

Officers must report any use of force situation if the force used, could or would likely cause injury to the suspect. Table 4 shows the type of force used in each incident.

The display of an officer's service weapon and/or Conducted Energy Device (CED) are recorded separately from use of physical force.

Table 4

Physical Control and Firearm/CED Displayed by Frequency			
Year	2020	2021	2022
Firearm Displayed	18	11	12
CED Displayed	n/a	4	6
Control Hold	5	1	7
Takedown	5	7	4
K9	1	1	0
Focus Blows	2	1	0
CED Use	9	5	4
Wrist Lock	7	2	3
Shoulder Lock	5	3	3
Other	0	20	7

*Table 4 represents the type of force used and the number each technique or device used. *Of note CED Displayed is included in 2021 & 2022 reports.**

In 2022, our officers used a mechanical restraint system (WRAP) in 1 incident. This device was designed to secure an individual safely for transport to the jail in order to prevent injury to themselves or others, or causing damage to a patrol vehicle.

The Woodburn Police Department has a K9 program consisting of two patrol protection/apprehension canines. The K9's are utilized as force options.

The K9 can be deployed two ways. The first is to track and apprehend a fleeing suspect. The second is a show of force to non-compliant suspects. Anytime the K9

deployment results in the canine biting a subject, the incident is considered a use of force, therefore requiring reporting.

Table 5

Patrol K9 Team Deployments				
Year	# of Deployments	# of Captures	# of Deployments resulting in a canine bite	% of Deployments resulting in a canine bite
2020	31	11	1	3.2%
2021	27	3	1	3.7%
2022	20	3	0	0%

Table 5 represents three years of K9 deployments, captures, bites and percentage of bites resulting from deployment

The Woodburn Police Department utilizes a Conducted Energy Device (CED) as a force option. The CED can be utilized under four options.

Two of the options are considered mere presence and the others are considered a physical use of force.

The laser of the CED can be activated showing the suspect where the CED darts are targeted. The spark demo is when the dart cartridge is removed and the CED is triggered. The CED's electrodes arc across metal conductors giving off a spark as a visual demonstration.

The probe mode is when the two CED probes are fired from the device at the suspect. The thin insulated wires connected to the CED's metal probes deliver the electronic stimulant. The drive stun mode is when the CED is pressed upon the subject's body, sending the electronic stimulant from the CED itself.

Table 6

CED Use (Probe or Drive Stun) and Arrests Involving CED's			
Year	CED Use	Arrests	% of Arrest & CED's
2020	9	878	1%
2021	4	934	0.4%
2022	4	836	0.5%

Table 6 represents three years of data on CED use and the percentage of use in force incidents.

Injuries reported in Use of Force Incidents

Injuries can occur to both officers and suspects during violent encounters. Data shows that officers report fewer injuries than suspects during a use of force incident. The following tables represent the number of officers and suspects injured and the type of injuries sustained.

Table 7

Officer Injury by Type			
Year	2020	2021	2022
No Injury	31	40	38
Cuts/Abrasions	0	2	0
Injured Joint/Torn Ligaments	0	1	0
Gun Shot	0	0	1*
Bruise/Swelling	0	0	0

Table 7 shows the number of officers injured and the type of injuries sustained. Gun Shot injury was in the course of a Marion County SWAT mission.

In 2022, 97% of the time Officers used force they did not report injuries. For suspects, 74% of them were uninjured during a use of force incident.

Table 8

Suspect Injury by Type			
Year	2020	2021	2022
No Injury	19	27	30
Abrasions	7	2	5
ECD Puncture	5	1	3
Cut/Puncture	0	0	0
Bruise/Swelling	0	1	0

Table 8 shows the number of suspects and injury sustained.

Days and hours of the Week

Tables 9 and 10 display the number of incidents regarding the Use of Force during each work shift.

Table 9

U of F by Shift	Day Shift	Night Shift
2022	16	22

Table 10

U of F by day of week	Total # for 2022
Monday	5
Tuesday	5
Wednesday	3
Thursday	6
Friday	7
Saturday	5
Sunday	7

Tables 11 and 12 display the number of incidents regarding pointing a firearm/CED. The Woodburn Police Department operates generally on two shifts. Dayshift hours are 6:00am to 6:00pm. Night shift hours are 6:00pm to 6:00am. This report also displays days of the week when Use of Force incidents occurred.

Table 11

Pointing a Firearm/CED	Day Shift	Night Shift
2022	7	11

Table 12

Pointing a Firearm/CED by day of the week	Total # for 2022
Monday	2
Tuesday	2
Wednesday	1
Thursday	3
Friday	6
Saturday	1
Sunday	3

Vehicle Pursuits

Table 13

Vehicle Pursuits by Year		
Year	# of Pursuits	% + or -
2020	8	800%
2021	8	0%
2022	4	-50%

Table 13 shows the number of pursuits each year along with the percentage change.

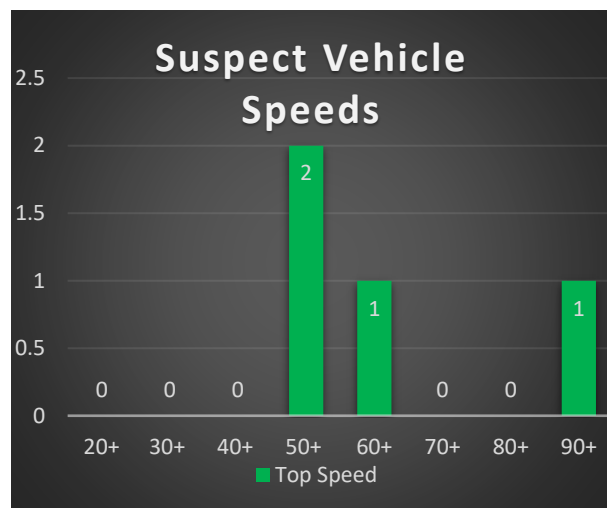
The Woodburn Police Department reports and reviews each vehicle pursuit. Vehicle pursuits are inherently dangerous to the community, the pursuing officer and the pursued suspect. Each vehicle pursuit is unique and poses a wide variety of risks and outcomes. Vehicle pursuits are closely monitored and reviewed to ensure best practices and training are adhered to.

The annual report is used by the Chief of Police and Command Staff to evaluate the department's pursuit training, response, and liability for each vehicle pursuit.

Pursuits increased from zero pursuits in 2019 to eight pursuits in 2020, which explains the significant percentage change in 2020. In 2021, the amount of pursuits was the same as 2020 and in 2022 there was 50% decrease in pursuits, with only four initiated pursuits. There has been a growing trend by law enforcement agencies throughout the country in instituting more restrictive pursuit policies. This is due to in part because of

case law, litigation, and community expectations regarding use of force and law enforcement vehicle pursuits. One pursuit involved a person felony crimes, two pursuits were initiated due to theft/property crimes and one pursuit was initiated due to a traffic violation. All four pursuits were terminated after additional information was learned that did not justify the continuation of the pursuit or it was determined that the risk of apprehension did not outweigh the danger posed to the public.

Chart 3



Additional facts for 2022 vehicle pursuits:

- 2 of the 4 pursuits occurred between the hours of 6:00pm and 6:00am.
- 2 occurred on Tuesday, 1 on Thursday, and 1 on Sunday.
- There were no injuries reported.

A concerning factor with pursuits are how they end. Vehicle pursuits may end in either a termination or conclusion.

Terminations occur when the pursuing officers stop their attempt to apprehend the suspect. Conclusion is when the suspect vehicle stops and is no longer moving. Any

officer or supervisor can make the decision to terminate a vehicle pursuit at any point. Pursuits are terminated for a variety of reasons. Often because the risk of apprehension does not rise to the level of the associated dangers of continuing to pursue.

Officer(s) must deactivate all emergency equipment and end their attempt to apprehend the suspect upon termination of a pursuit.

The conclusion of a pursuit can also occur when the suspect vehicle stops on its own, stopped by intervention techniques (i.e. stop sticks or pursuit intervention technique), or the suspect vehicle becomes disabled.

Chart 4 shows how each of the 2022 pursuits ended.

Chart 4

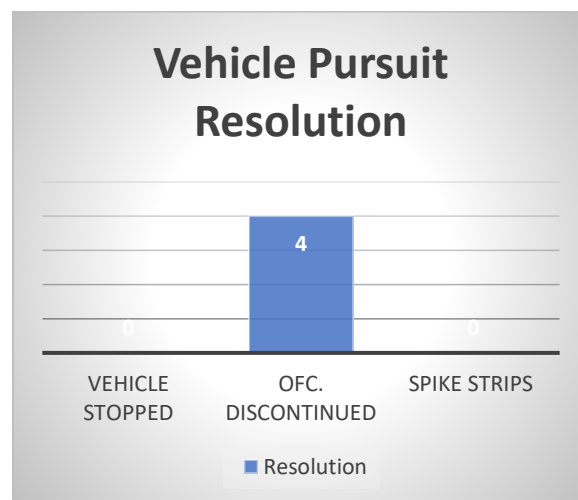


Chart 4 shows how each 2022 pursuits were resolved.

2022 Conclusion

All of the Use of Force incidents were determined to be within policy and in compliance of state and federal laws.

February 13, 2023

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *CK*

Subject: **Council Briefing of Planning Commission approval of a Conditional Use application package for Townsend Farms industrial uses and building addition at 960 Young St (CU 22-02, DR 22-11, & VAR 22-09)**

RECOMMENDATION:

Staff recommends that the City Council take no action on this item and provides this summary pursuant to [Woodburn Development Ordinance \(WDO\)](#) Section 4.02.02. The Council may call up this item if desired and, by majority vote, initiate a review of the Planning Commission decision.

BACKGROUND:

On January 26, 2023, the Planning Commission approved a conditional use request per Woodburn Development Ordinance (WDO) Table 2.03A, row C4 "motor freight transportation and warehousing, including local or long-distance trucking or transfer services, storage of farm products, furniture, other household goods, or commercial goods, and mini-storage", minus mini-storage, and is focused on "motor freight transportation and warehousing, including local or long-distance trucking or transfer services, storage of farm products ..." specifically, with an emphasis on trucking and warehousing of farm products (berries). Approval included a design review application for net additional 2,400 square feet (sq ft) of building area as an industrial freezer tunnel at the southeast corner of the subject property as well as a Variance application with two variance requests to vary from the WDO to:

1. Not dedicate right-of-way (ROW) or streetside public utility easement (PUE) along "Joyce Way"; and
2. Neither construct Joyce Way west half-street improvements nor pay fee in-lieu.

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Some background about "Joyce Way": The name refers to an unimproved unnamed City ROW 50 feet (ft) wide that runs northerly-southerly between 960 and 1030 Young Street (Tax Lots 051W18AD08300 & 051W18AD08400) and extends to Young at the north and Willamette Valley RR at the south. County Tax Map 051W18AD delineates it. (City Planning staff has referred to it as "Joyce Way" since the time of pre-application meeting PRE 2020-04 on February 27, 2020 because that is the same name as the nearest street to the north along an imaginary line, Joyce Street, and WDO 3.01.06C.1d lists the suffix "Way" as an acceptable one.)



Subject property outlined in green; approximate west half of "Joyce Way" ROW indicated by purple bar

The unanimous motion to approve included all proposed conditions of approval, except that the Commission struck Condition V2 regarding Joyce Way that would have required (a) ROW dedication of 5 feet (f) and (b) a streetside public utility easement (PUE) grant of 5 ft minimum as well as (c) have required Townsend Farms to pay in the indefinite future for removal of any existing east yard fencing from within the widened Joyce Way ROW.

There was no testimony other than by members of the applicant's team.

The subject property of approximately 3.62 acre is located at 960 Young Street, along the south side. The east/southeast side borders Joyce Way, and the south/southwest side borders the Willamette Valley Railroad track. The property is zoned Commercial General (CG), has been an industrial development for about 40 years, and is occupied by Townsend Farms, a berry business.

The final decision document includes conditions of approval that relate to the following topics:

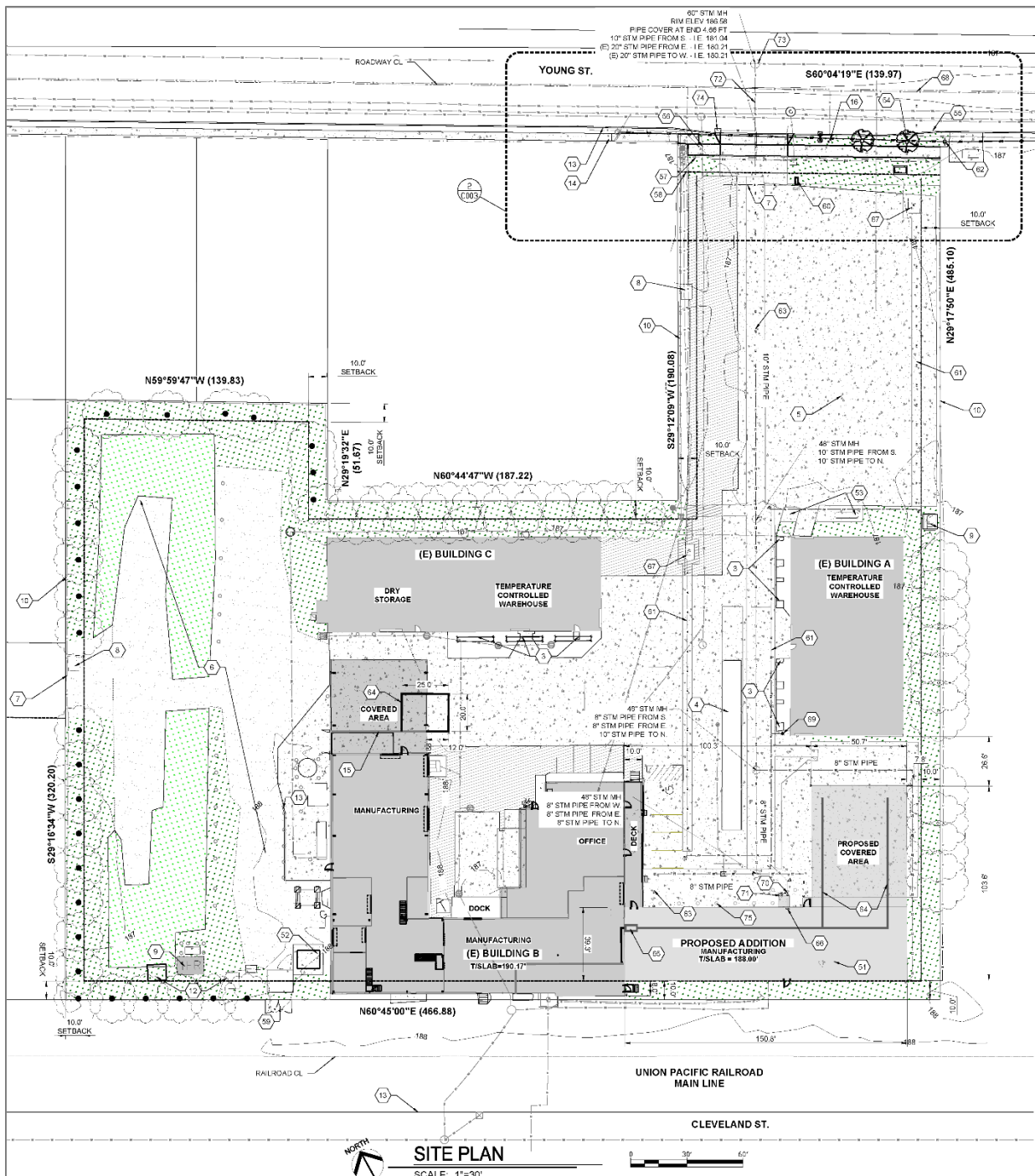
1. Young Street frontage/street improvements including sidewalk and street trees;
2. Landscaping as buffering/screening of the south large blank wall of the addition and of the northeast outdoor storage yards; and
3. A transit service fee to alleviate traffic congestion and improve walking, cycling, and local bus ridership.

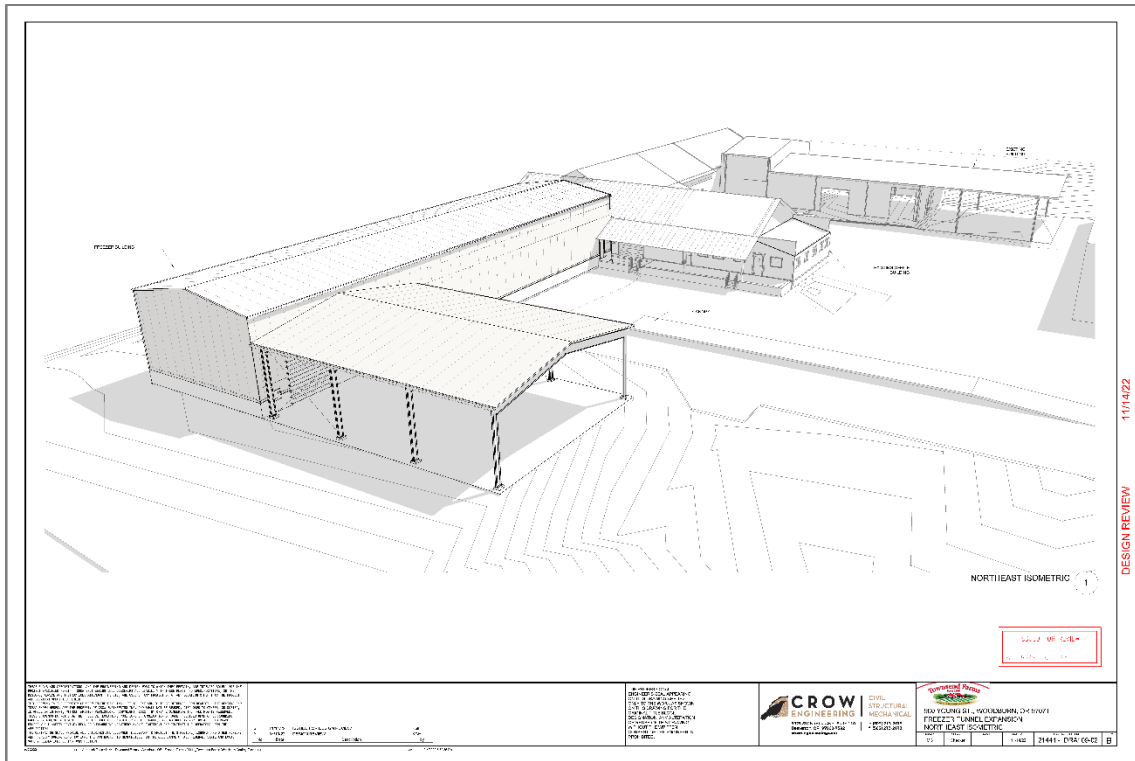
Additional application materials are found via the [CU 22-02 City project webpage](#).

An aerial view, site plan, and perspective renderings are below:

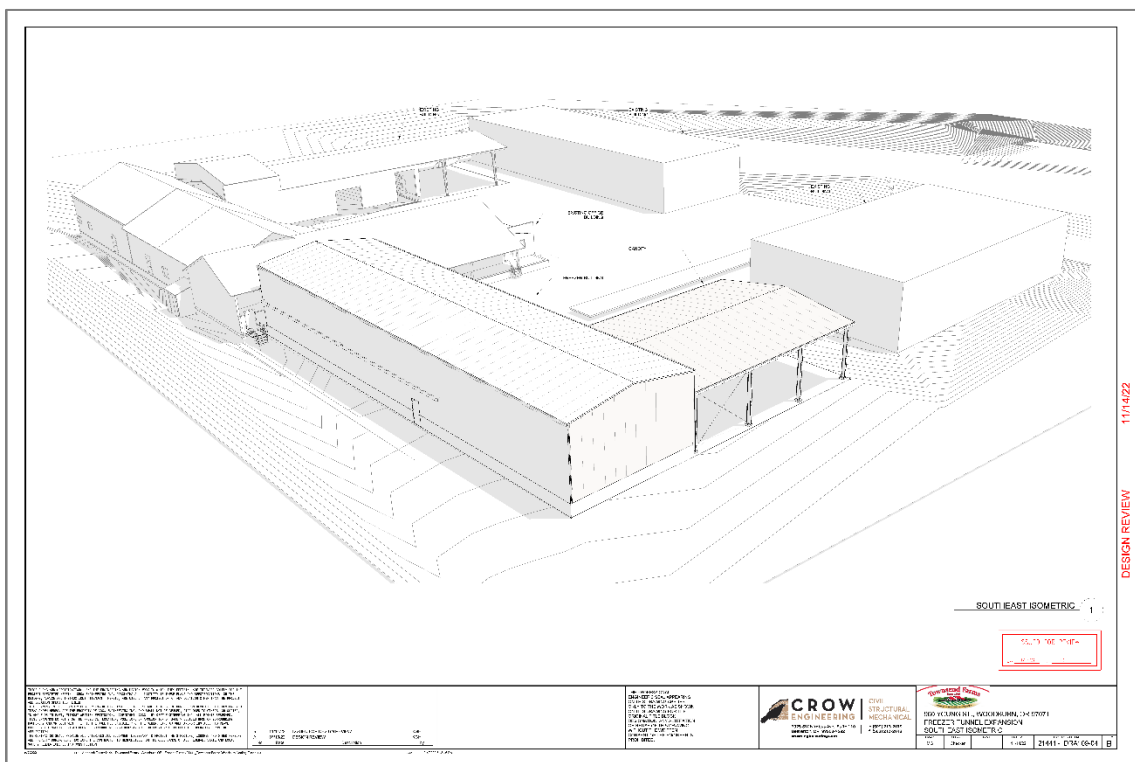


Vicinity of subject property; subject property outlined in green





Addition perspective view from east/northeast



Addition perspective view from south/southeast

February 13, 2023

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *CK*

Subject: **Council Briefing of Planning Commission approval of a Variance application for WinCo Foods Distribution Center at 400 S. Woodland Ave (VAR 22-14)**

RECOMMENDATION:

Staff recommends no action be taken on this item but provides this summary pursuant to [Woodburn Development Ordinance \(WDO\)](#) Section 4.02.02. The Council may call up this item if desired and, by majority vote, initiate a review of this Commission decision.

BACKGROUND:

On January 26, 2023, the Planning Commission unanimously approved a Variance request for WinCo Foods Distribution Center to exceed the maximum height limit for exterior lighting fixtures. One resident, Margaret Schoessler of 367 Ben Brown Lane, testified in opposition.

The subject property, 400 S. Woodland Ave, is an 80.18-acre triangular property developed with an industrial warehouse and distribution facility for WinCo Foods. City staff reviewed and administratively approved a land use application on December 7, 2022 to construct a paved outdoor storage area south of the building for additional trailer storage (DR 22-16). The decision included a condition of approval to have any new exterior lighting fixtures comply with the height restrictions that were added to the code in June 2022 via Ordinance No. 2602.

Through this Variance application, the applicant requested to modify the exterior lighting provisions within Section 3.11 of the WDO in order to allow for 38-foot tall pole fixtures and 45-foot tall wall-mounted fixtures for the new trailer storage area. These new fixtures match the heights of the existing fixtures

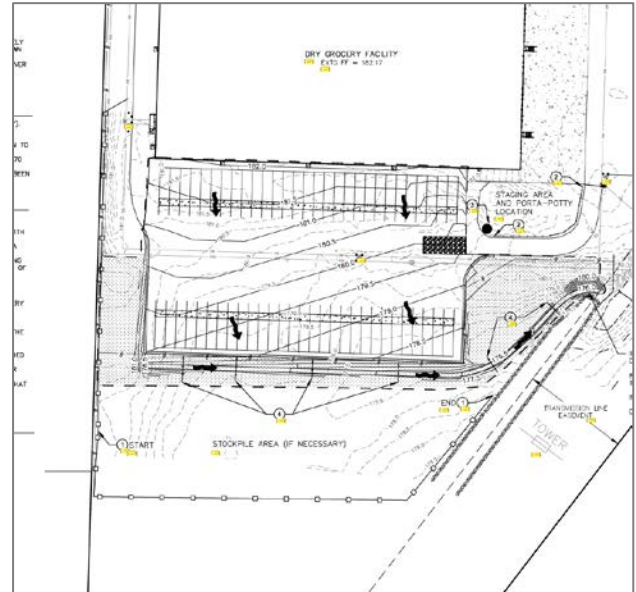
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throughout the rest of the property and are consistent with adjacent lighting for Amazon and Do It Best.

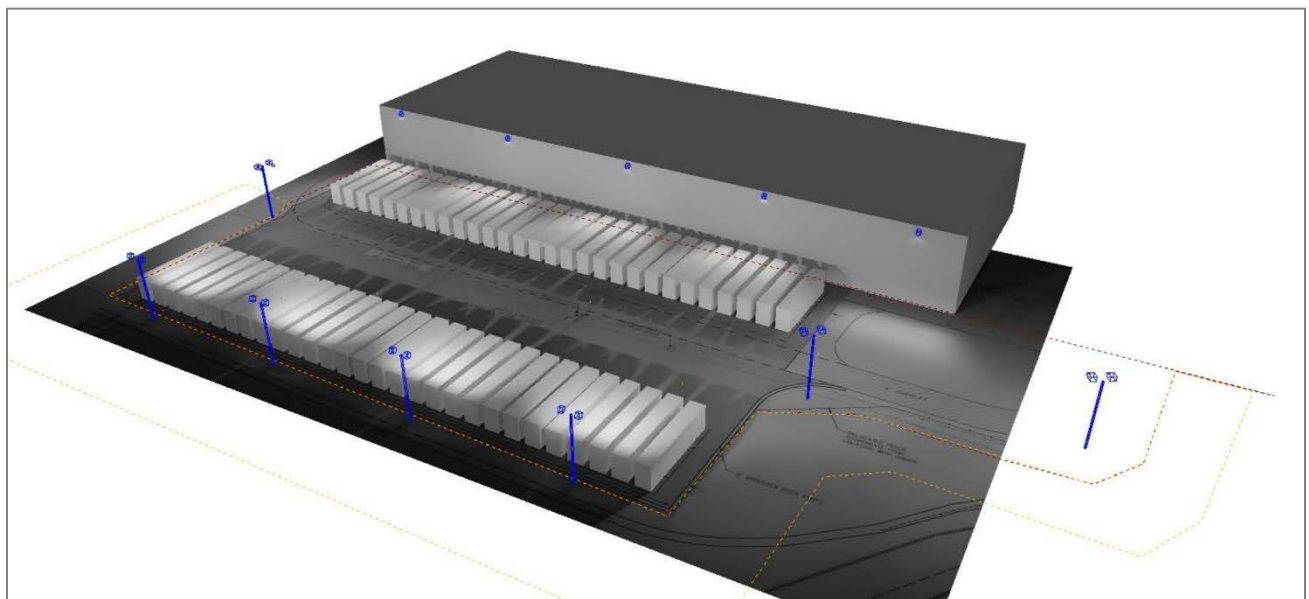
Aerial, site plan, and lighting illustration are below:



Existing Conditions



Paved Trailer Storage Area



Conceptual Rendering of Approved Lighting Fixture Heights

February 13, 2023

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *CK*

Subject: **Council Briefing of Planning Commission approval of a Preliminary Partition and Variance application package for 1420 Commerce Way (PAR 22-04 & VAR 22-11)**

RECOMMENDATION:

Staff recommends no action be taken on this item but provides this summary pursuant to [Woodburn Development Ordinance \(WDO\)](#) Section 4.02.02. The Council may call up this item if desired and, by majority vote, initiate a review of this Commission decision.

BACKGROUND:

On January 26, 2023, the Planning Commission unanimously approved a Preliminary Partition and Variance application package. No parties testified in opposition.

The subject property, 1420 Commerce Way, is a 6.44-acre property within the Light Industrial (IL) zone. It is developed with a single-family dwelling, which was built in 1890, and the remaining land has historically been used for agricultural purposes. The applicant sought to partition the property into two new parcels in preparation for future industrial redevelopment of the site. Through the Variance application, the applicant requested to defer the following requirements to future site redevelopment:

- Street frontage improvements (3.01.03-05);
- Mill Creek greenway improvements (3.01.08);
- Streetside public utility easement (3.02.01B), Mill Creek trail public access easement (3.02.01D), and creek maintenance easement (3.02.02A);
- Street lighting (3.02.03);
- Underground utilities (3.02.04C); and
- Street trees (3.06.03A).

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Commerce Way right-of-way along the subject property is unimproved besides a gravel driveway serving the single-family dwelling.



Aerial Image of 1420 Commerce Way

February 13, 2023

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *CK*

Subject: **Briefing on the Community Development Director's approval of a Design Review, Street Exception, and Zoning Adjustment application package for Taco Bell at 1520 N. Pacific Hwy (DR 22-12, EXCP 22-06, & ZA 22-01)**

RECOMMENDATION:

Staff recommends no action and briefs the Council on this item pursuant to Woodburn Development Ordinance (WDO) Section [4.02.02](#). The Council may call up this item for review if desired and, by majority vote, initiate a review of this decision.

BACKGROUND:

The subject property – simply referred to as the Safeway property – is 9.23 acres in the Commercial General (CG) zone. It is already developed with a Safeway grocery store and gas station, Starbucks café, and retail commercial building. The applicant proposed to build a drive-through Taco Bell restaurant in the southwest corner of the site with parking and landscaping improvements. Through the Street Exception application, the applicant requested to generally maintain existing street improvements along the frontage of N. Pacific Hwy and Molalla Rd, with two safety improvements proposed – reflective striping on the median within N. Pacific Hwy and an improved pedestrian crossing across the Molalla Rd driveway. The applicant submitted the Zoning Adjustment application with a request to not grant a cross-access easement that would benefit the adjacent property to the south.

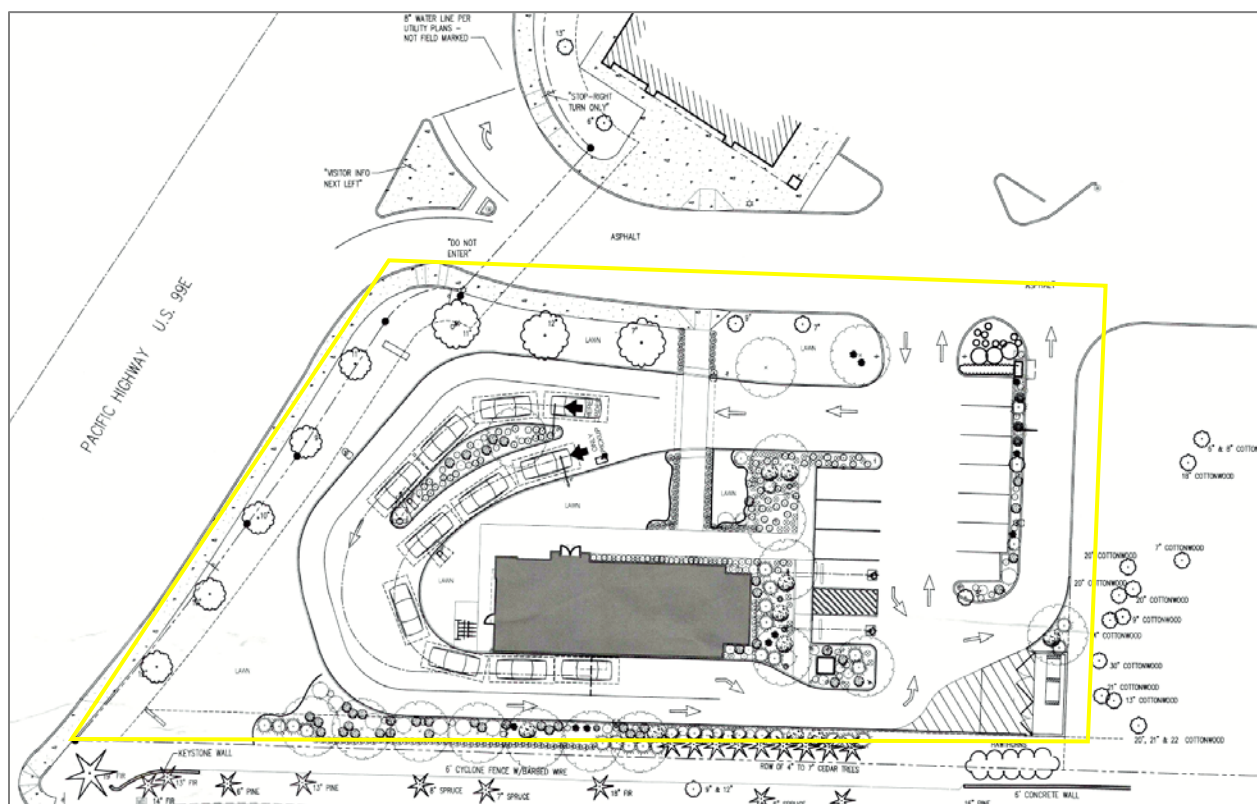
The original development approval for the site dates back to 2001. It included the Safeway grocery store, the fuel pump station, and several commercial/retail buildings. A bank was anticipated where the Taco Bell is now proposed. The bank never materialized however the traffic impacts were already studied and the

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2001 approval included a vested number of vehicle trips. The Taco Bell applicant provided a traffic memo that noted the trip generation of the restaurant will not exceed the vested trip generation of the original bank proposal.



Aerial image of the site



Approved site plan