



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
May 3, 2022

WORK SESSION

- 1. CALL TO ORDER:** Council President Rosener called the work session to order at 6:15 pm.
- 2. COUNCIL PRESENT:** Council President Tim Rosener, Councilors Kim Young, Renee Brouse, and Taylor Giles. Councilors Sean Garland and Doug Scott participated remotely. Mayor Keith Mays was absent.
- 3. STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Josh Soper, IT Director Brad Crawford, Police Chief Ty Hanlon, Community Development Director Julia Hajduk, Finance Director David Bodway, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

4. TOPICS:

A. Park SDC Update

Community Development Director Julia Hajduk introduced Doug Gabbard with FCS Group and explained that Mr. Gabbard was the project manager for the park SDC analysis and methodology. Mr. Gabbard presented the "Parks SDC Analysis" PowerPoint presentation (see record, Exhibit A) and provided an overview of the agenda for the SDC discussion. He stated that system development charges (SDCs) were one-time charges that were paid at the time of development. He reported that under Oregon law, SDCs were available for water, wastewater, stormwater, transportation, and parks. He stated that SDCs were for capital only, in both their calculation and in their use. He referred to the "Parks System Development Charge Methodology" document (see record, Exhibit B) and explained that the way SDCs were calculated also dictated how a city could spend their SDCs once they were collected. He stated that SDCs included both existing and planned future infrastructure cost components and SDCs were for system facilities, not local facilities. He explained that when someone paid SDCs, they were paying for a share of the total system and they were not paying for individual projects or assets. He stated that SDCs were heavily regulated by law. Council President Rosener clarified that SDCs were how cities paid for infrastructure and was one of the few ways cities could pay for projects due to the impacts of Measure 50 and Measure 5 and that SDCs were typically billed to the developer. Mr. Gabbard stated that SDCs were covered under ORS 223.297 – 314 and provided an overview of how SDCs were calculated. He explained that the charge for an SDC could consist of two layers of cost, a reimbursement fee and an improvement fee. He explained that a reimbursement fee was calculated by taking the existing assets and determining what portion of those assets had capacity available for future users. That portion of the asset cost was then segregated and divided by the expected growth during the planning period. The improvement fee was calculated by reviewing the project lists in the CIP and Master Plan and determining what portions of each project would provide capacity for future users. The portion that was for future users was the eligible portion and it was typical for most projects to have a portion that was eligible and a portion that was ineligible. The sum of the eligible portions was then divided

by the expected growth during the planning period. Community Development Director Hajduk clarified that a city could not charge new development to fix things that were already deficient, and that was why the improvement fee may not cover the entirety of the cost. Mr. Gabbard reported that there were two criteria to determine what part of a planned project was eligible. For the first criteria, it needed to be determined if the project would create new capacity. If the answer was yes, it had to be determined if the new capacity that was being created was needed for existing users. He provided an example of a street that was over capacity and needed to be widened in order to allow for the proper flow of traffic for current users. He explained that that was a deficiency and therefore a city could not make developers pay for deficiencies, cities could only charge developers for capacity that was for future use. Council President Rosener gave an example of a developer constructing a shopping center that would increase traffic problems, and asked if SDCs could cover the cost to address those anticipated issues? Mr. Gabbard replied SDCs were charged to cover the increase in demand and explained that charging SDCs and determining what parts of a project could go into the SDC cost basis were two different things. Ms. Hajduk added that if the shopping center was doing something that increased the capacity and were also completing the improvements that may add capacity, the developers would get credit for the difference. Mr. Gabbard commented that giving developers credits was something that varied from city to city. Ms. Hajduk explained that Sherwood gave SDC credits to developers when they went above and beyond what they had to do. Mr. Gabbard clarified that there was legal criteria to determine what counted as creditable. He provided an overview of Sherwood's current parks SDC rates on page 6 of the presentation and explained that the administration fee could be used to pay a consultant to develop an SDC methodology and help meet accounting requirements, and cities were legally permitted to charge SDCs to pay the cost of complying with the SDC laws. Mr. Gabbard stated that Sherwood's total cost basis of the eligible portion was \$68 million, which when divided by the 13,000 Residential Equivalents equaled an SDC per Resident Equivalent of \$5,249. He explained that the \$68 million figure was driven by the city's project list. Councilor Scott asked if \$68 million was the total cost of every project in the Parks Master Plan? Mr. Gabbard replied that \$68 million was the total eligible cost of every project. Ms. Hajduk clarified that they had reviewed the projects listed in the Parks Master Plan to determine which projects did not add capacity, and then removed those projects from the list for eligible costs. Councilor Giles voiced that he believed that the project list was a "wish list" of projects a city wanted to complete not a guarantee that the projects would happen. Ms. Hajduk stated that a project list was, "more than a wish list, less than a promise" and was an aspirational list of projects a city wanted to complete. Discussion occurred. Council President Rosener explained that this process was to determine what the SDC rates should be if the city wanted to do any of the projects in the future. He continued that if a city was confident in its growth, it could bond against those down the road. Mr. Gabbard advised that he did not recommend reducing the project list this early in the process because it was important to see the full number and see where a city was starting from. He explained that the project list was a statement of intent, not a promise, but if a city did not include a project on the list, a city could not spend SDC money on the project. He explained that a city did not have to charge the full SDC, but they could still leave all of the projects on the list, they just would not be able to fund all of them to the same level. He addressed the SDC per Residential Equivalent calculation of \$5,249 and explained that that number was then applied to the individual types of land uses a city would be charging. He explained that for residential land uses, they used local census data to estimate the number of residents per dwelling unit type. He reported that the calculated total maximum allowable SDC for a single-family dwelling unit was \$14,997 and explained that different dwelling types had different allowable SDCs. He explained that the "Employee" item listed in the table on page 7 was a per-employee charge that was charged based on the square footage of the type of building that was being constructed. Mr. Gabbard referred to the roughly 13,000 Residential Equivalents number and explained that because the city charged non-residential development, it had to figure out how to handle employees and determine what an employee's demand was compared to the demands of a resident. He explained that the FCS Group had calculated the employee hours of availability to create potential demand (e.g. jogging in the park on a lunch break) versus a resident who would have greater opportunity to create demand (e.g. having access to the parks on

weekends and evenings) and factored in census data to determine an Employee Residential Equivalent of 0.109 or 1/10th of a new resident. Council President Rosener asked what the difference was between the two "Residential Hours" column headers listed on page 8 of the presentation? Mr. Gabbard replied it was a clerical error and the right-hand column should be titled "Non-Residential Hours." He continued that determining that ten employees were equal to one resident allowed them to make direct comparisons and have one combined growth figure. He reported that he expected Sherwood's population to grow by 12,504 residents in the planning period from 2021 to 2040 with a proportional employment growth of 4,160 for a total Residential Equivalents of 12,958. He reported that all of the Master Plan projects were divided into two categories: expansion projects and infill projects. He explained that expansion projects were projects that added quantified capacity and the typical way to quantify capacity was acreage, with cities typically defining their level of service as acres per thousand residents. Mr. Gabbard reported that Sherwood had a New Quantity Needed figure of 40.68 acres and a Quantity Planned figure of 52.00 acres and explained that the city would be building slightly more park facilities than were technically needed for the level of service purposes, but not by a large margin. He continued that based on the Future Level of Service, there would be 86.48% Eligibility for all projects that added acreage. He referred to the four expansion projects listed in the table on page 10 of the presentation and stated that 86.48% of each project would be eligible to be included in the cost basis for a total of \$38,266,831 in Eligible Cost. He addressed infill projects and explained that infill projects were projects that did not add acreage but did add amenities. He referred to the infill projects listed on page 11 of the presentation and reported that all of the projects listed except one, had an eligibility of 37.89%. He explained that the 37.89% was the portion of Sherwood's future population that would be new and that the amenities that were being added in the infill projects were going to benefit both existing users and future users proportionately. Council President Rosener asked how they accounted for construction cost inflation? Mr. Gabbard replied that SDCs were easier than doing rates because with SDCs the project costs were not escalated like they were with rates, the SDC itself was escalated. Community Development Director Hajduk added that Sherwood already operated this way and explained that the escalation was based on a certain month or year average based on construction costs, a process that was passed via resolution a few years ago. Council President Rosener asked if the project cost quoted for the pedestrian undercrossing was accurate? Discussion occurred. Ms. Hajduk asked if newer, more accurate figures became available, how would that be factored into the list? Mr. Gabbard explained that Council would adopt the list as a part of this process, and he could work with staff if changes needed to be made to the numbers. Council President Rosener referred to the two pedestrian crossing projects listed and stated that they were not existing facilities that were being expanded, but were new facilities and asked if the SDCs could be charged at a higher eligibility rate since they would be servicing additional areas of Sherwood? Mr. Gabbard replied that that would be difficult to do because every SDC analysis was a snapshot in time looking forward and there was no respect for any intentions there were before or what the previous SDC methodology was. He explained that for any project listed, either expansion or infill, the city would collect SDCs and the projects would eventually begin construction over the years. After a few years, it would be time to complete another SDC analysis, and when the new analysis was conducted, those projects were no longer a future project but an existing asset that would then be analyzed from the perspective of what capacity was available for future users. He continued that for parks, the question was answered based on a level of service basis with acreage, and if a project contributed acreage where there was available capacity, then it was possible to put it into a reimbursement fee. He explained that the projects listed on the Infill Projects table were listed as such because they did not add acreage and that once any of the infill projects were started, he did not expect to see any of the projects included in the reimbursement fee as part of the existing asset cost basis. He commented that it discouraged cities from counting on SDCs beyond one cycle of methodology and explained that the law allowed cities to pay for debt service under the same circumstances that they could pay cash project costs. When projects were in a city's improvement fee list, cities could spend improvement fee dollars on the actual construction out of their SDC account, but they could also pay debt service for construction up to the eligibility percentage for that project. He commented that the law cared about the

project, not the method of financing. He added that if a city paid debt service and then redid their SDC calculations and the project fell off the improvement fee list, a city could no longer spend SDC dollars on that project. Mr. Gabbard addressed the Calculated Parks SDC table on page 12 of the presentation and reported that the total costs basis for the two project lists came to \$68 million and explained that if Sherwood implemented the full fee, it would put Sherwood on top of the list of park SDCs for comparable cities. He outlined that if Sherwood did charge the full SDC, the revenue would total \$68 million but the total project list totaled close to \$126 million, a difference of \$58 million. Councilor Scott commented it would be helpful to know when each of the comparable cities had last updated their SDC rates to help provide context. Discussion of comparison SDC rates occurred. Council President Rosener commented that he believed it was somewhat typical for the rates to differ greatly when going through an SDC rate update because the numbers were being updated from years ago. Mr. Gabbard expressed that it was common for cities to not adopt the highest rate they could and explained that cities were not legally required to charge the full SDC amount. Councilor Brouse commented that it was possible if they adopted the highest rate it may drive businesses away. Community Development Director Hajduk replied that it was less likely that businesses would be driven away given the smaller fee, but it would potentially drive away housing developers. Councilor Giles commented that he often heard how much people enjoy Sherwood's amenities and he expected that developers knew they would need to pay for access to those amenities. Council President Rosener commented that because of the property tax system, unless the city wanted to go out for a levy, this was one of the only ways to pay for infrastructure. Ms. Hajduk voiced that historically, Sherwood has had the highest SDC rates and over time other cities had caught up and surpassed Sherwood. Councilor Giles asked if it was legal for a city to charge the full SDC amount for housing development but only charge half the SDC rate for businesses? Ms. Hajduk replied that a city did not have to charge the full amount, but they had to charge everyone the same amount. Mr. Gabbard advised that Council should come to a consensus on if the equivalency was accurate or needed adjusting and see what the new rates would be, or determine if non-residential development was not a large driver of parks usage and then decide to not charge SDCs to non-residential development. He continued that if Council wished to charge non-residential, they needed to determine a reasonable equivalency and apply that number consistently. Mr. Gabbard provided an overview of the next steps and explained that Council would need to hold a public hearing during which they could decide to adopt the full SDC, adopt a phased-in SDC, adopt a discounted SDC, or not adopt the SDC. He explained that a phased-in adoption was a good compromise because it helped the development community with short-term projects that they may have but also preserved a city's revenue in the out years. Mr. Gabbard stated he recommended completing the annual process of cost indexing in order to hedge the price risk. Councilor Young asked how they would implement a phased-in SDC? Mr. Gabbard stated that there were many ways to do a phased-in approach and explained that implementation was based on two questions: How many years should the phase-in last (most were 3-5 years)? And, how high did you want to end up? (i.e. end up at the full SDC, 75% of the SDC, etc.). Discussion occurred. Council President Rosener commented he wanted an additional work session to discuss and strategize. Community Development Director Hajduk stated that she would work with Mr. Gabbard to bring Council different phase-in scenarios and asked for general direction from Council. Councilor Giles replied that he was interested in adopting the full SDC or the phased-in approach. Councilor Young and Council President Rosener commented they agreed. Councilor Young asked Ms. Hajduk to ask neighboring cities when they planned to update their SDCs or when they were last updated.

5. ADJOURNED:

Council President Rosener adjourned the work session at 7:01 pm.

REGULAR SESSION

1. CALL TO ORDER: Council President Rosener called the meeting to order at 7:08 pm.

2. **COUNCIL PRESENT:** Council President Tim Rosener, Councilors Kim Young, Renee Brouse, and Taylor Giles. Councilors Sean Garland and Doug Scott participated remotely. Mayor Keith Mays was absent.
3. **STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Josh Soper, Police Chief Ty Hanlon, Senior Planner Joy Chang, Finance Director David Bodway, IT Director Brad Crawford, Youth Services Librarian Jaime Thoreson, Library Manager Adrienne Doman Calkins, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR MAYS WAS ABSENT).

Council President Rosener addressed the next agenda item.

5. **CONSENT AGENDA:**

- A. **Approval of April 19, 2022 City Council Meeting Minutes**
- B. **Resolution 2022-023 Authorizing the City Manager to Sign the Public Library Network, Services, and Funding Intergovernmental Agreement with Washington County on behalf of Washington County Cooperative Library Services (WCCLS)**

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR MAYS WAS ABSENT).

Council President Rosener addressed the next agenda item.

6. **CITIZEN COMMENTS:**

Sherwood resident Dave Sweeney came forward to speak on his concerns about the trees at the end of Red Fern Drive in the "Flagpole" section of Cedar Creek Gardens (see record). He stated that the developer, Westwood Homes LLC, wanted to put two houses in the flagpole section. He stated that there were approximately 135 majestic, old growth Douglas Fir and cedar trees growing in the flagpole section and the developer wanted to cut down 115 of the 135 trees for two houses. He stated that the city had the authority to "determine that...certain trees or woodlands may be required to be retained" under Municipal Code 16.142.070 and that Section D.4.e of the code stated that along with a number of other reasons to retain certain trees, that they "otherwise merit retention because of their unusual size, the size of the tree stand, the trees had a historic association or species type, and there were habitat or wildlife preservation considerations" and commented that the trees met all of those criteria. Mr. Sweeney cited the section for "Open Spaces" in the Sherwood 2040 Comprehensive Plan which stated that, "Access to nature is one of the key elements in the unique quality of life in Sherwood." He commented that in the Healthy and Valued Ecosystem section of the Sherwood Parks and Recreation Master Plan, it stated that, "In 2040, Sherwood is a leader as a steward of its natural environment. Vegetated corridors are protected and weave through the city providing habitat, safe passage for wildlife, clean water and air, and a place for people to connect with nature. The city actively preserves mature trees and natural areas." Mr. Sweeney stated he strongly suggested that Council make the open space of the flagpole section a part of the Sherwood Trail System by extending the Arbor Lane Community Trail which would allow the entire community to enjoy the natural area.

He commented that children had enjoyed the trees for over 25 years and if the trees were cut down, it would "destroy a natural play area that's been there for 25 years and some cherished, childhood memories along with it." He asked that Council please protect and preserve the trees because they were a unique, historic and beautiful part of the community and well worth preserving. Mr. Sweeney referred to an issue of National Geographic magazine which focused on saving forests to help combat climate change.

Sherwood resident Neil Shannon came forward and stated he had a petition to present to Council with more than 200 signatures from Sherwood residents which asked Council to save the strip of forested land along the southern border of Sherwood behind SW Shady Grove Drive between SW Redfern Drive and Brookman Road (see record). He stated that the area was under threat as it may soon be included in an application for a subdivision request which stated that over 100 trees were to be cut down to construct two houses. He reported that the site was a part of the Cedar Creek Garden subdivision and was less than 60 feet wide and over 750 feet long. He stated that he did not object to the proposed layout of the primary area of the subdivision. He explained that the two proposed dwellings were located behind Shady Grove Drive and were isolated from the remainder of the development and required a private driveway connecting it to Brookman Road. He stated he found it ironic that, "we're discussing the destruction of so much old growth forest while we are celebrating the international recognition of both Earth Day and Arbor Day." He stated that Council had proclaimed their membership of Tree City USA since 2005 and in celebration of Arbor Day, called upon the citizens of Sherwood to, "protect our trees and woodlands." He stated it was time to answer that call. He referred to the petition and reported that it clearly outlined how the objective met the core values of the City of Sherwood's Mission Statement and the vision, goals, and objectives of the Comprehensive Plan. He voiced that over 80% of those who were approached signed the petition. He stated that if the strip of land could be saved, the best use for it would be to make it a pedestrian trail that connected Redfern Drive to Brookman Road and explained that this would be the first connection between the new developments in the Brookman Road Concept area and Sherwood proper. He outlined that it would divert pedestrians and bicycle traffic off of the major arterials of Brookman Road and Ladd Hill by moving them into neighborhood streets and trails on Redfern Drive and behind Archer Glen. He voiced that Council, "as stewards of our city have been provided the tools necessary to accomplish this task at hand." Mr. Shannon read from the petition summary which stated that, "be it known by our signatures attached on the following pages that we the citizens and friends of Sherwood understand the value of the natural resources and urge the council to act with mutual cooperation of the parties involved or by ordinance to protect the unique and significant forest area described above."

Sherwood resident Ian Frost came forward and stated he lived on Shady Grove Drive and had lived in Sherwood for four years and was an HOA board member. He stated that he felt that the two noncontiguous houses were unnecessary to the whole of the development. He stated he supported saving the trees and the natural habitat and commented that he had seen a great deal of wildlife, particularly deer, in that area. He referred to the proposed driveway for the two houses and stated that the developers had asked the county to change the right-of-way on Brookman due to the driveway's alignment. He commented that it would be unsafe to do so. He reported there was a disagreement regarding the width of the strip of land in question and explained that some surveys showed that it was closer to 50 feet while other surveys showed it was closer to 60 feet. He outlined that if it was closer to 50 feet wide, it was not wide enough to construct the house, per city ordinance, but if it was closer to 60 feet, it was considered wide enough. Mr. Frost encouraged the city to adopt the strip of land into the trail system.

Council President Rosener thanked them for their comments and commented that they could discuss the issue more offline. He asked City Attorney Josh Soper to look into the ordinances and what amount of efficacy Council could have on the issue. Mr. Soper replied he would do so. Councilor Young voiced that Council had not seen the application yet and asked Community Development Director Julia Hajduk if the application had

been submitted? Ms. Hajduk replied that the application was currently in the Planning Department and explained that the application was not yet complete. She explained that once it was complete, the application would go to the Hearings Officer with an appeal to the Planning Commission and commented that the application may never come to Council. She continued that the issues that were raised at this meeting should also be raised during the public comment period so that staff and the Hearings Officer could evaluate them. Councilor Young asked if there was an estimated timeline for the hearing? Ms. Hajduk replied that once the application was completed, a hearing was usually scheduled for four to eight weeks later. Councilor Young asked if there was a public comment period for the Hearings Officer? Ms. Hajduk replied that the city would send notice to property owners within 1,000 feet of the subject of the property, notices would be posted at the site, the four locations in town, and the website. She explained that the notices would also detail the meeting date and that people could submit comments prior to the meeting or at the hearing. Councilor Young encouraged residents to continue to voice their concerns at those meetings as well. Council President Rosener asked Community Development Director Hajduk to look into the statement of the application seeking to change the right-of-way on Brookman Road. Ms. Hajduk replied she would and explained that those things were investigated during the staff review and the hearing. She stated she strongly encouraged those who spoke or had comments about this topic to submit written comments so that they were included in the record.

Sherwood resident Robert Montgomery came forward and stated he also lived on Shady Grove Drive and asked if the application was public record? Community Development Director Hajduk replied that it was, and once the application was complete, it would be uploaded to the city's website. She commented that the application was not currently on the website as it was not yet complete, but she would speak with staff to determine if something could be put up sooner. She explained that applications were not uploaded to the website until they were complete because they were likely to change.

Sherwood resident Philip Wagner came forward and stated he lived on Redfern Drive and asked if the comments submitted at this meeting were included in the public comment records for the application? City Attorney Josh Soper replied that the comments submitted at this meeting were public comments but the Hearings Officer who was deciding on the application could only consider the comments that were submitted as a part of the public comment and hearing process for that decision. He continued that any comments made at this meeting could not be taken into consideration for that decision making process. Mr. Wagner asked how long people would have to submit comments on the application when it was complete? Community Development Director Hajduk replied that the Sherwood's noticing requirement allowed for 20 days before the hearing to submit public comment. She outlined that citizens could submit comments 20 days before the hearing and up to the hearing.

Council President Rosener addressed the next agenda item.

7. PRESENTATIONS:

A. Recognition of TeenLab Graduate

Youth Services Librarian Jaime Thoreson and TeenLAB graduate Adrianna Petrone came forward. Ms. Thoreson stated that she wished to recognize Adrianna for her achievements in bettering the Sherwood community. Ms. Thoreson explained that Ms. Petrone attended library programs and was an “exceptional volunteer” as a member of the Teen Library Advisory Board (TeenLAB). She explained that TeenLAB gave teens the opportunity to see what librarians did in the library and how librarians worked to create a diverse and equitable experience for the community. Ms. Thoreson reported that Adrianna had been a part of the TeenLAB program since it began over six years ago. She provided an overview of the projects Ms. Petrone had assisted with during her time in the TeenLAB program which included constructing a cardboard rocket ship, created displays, assisted with weeding, judged the summer reading teen art contest, assembled craft kits for kids, among many other projects. Ms. Thoreson stated, “Audrey is dedicated, she’s kind, she’s a natural leader, she’s also funny and fun to be with.” She stated that Ms. Petrone was a senior and would soon move onto college and she wanted to publicly thank Adrianna for volunteering over 160 hours to the library and stated that she had, “helped make TeenLAB what it is today.” Ms. Thoreson presented Ms. Petrone with a certificate of recognition for her dedication to TeenLAB and her service to the library. Council President Rosener asked Ms. Petrone which college she would attend and what she planned to study. Adrianna replied that she would attend the University of Oregon to study biology. Councilor Brouse asked why she chose to volunteer for the library? Ms. Petrone replied that she became involved with the library programs in 6th grade when she joined the “Fiction Friends” book club, run by Jaime Thoreson. She explained that she joined TeenLAB in 7th grade and had continued with the program because she loved the library. Councilor Brouse asked what her most enjoyable experience had been? Ms. Petrone replied that she had made many friends at the TeenLAB meetings and commented that, “it was a fun little group of people that I always looked forward to coming back to at the start of the school year. I think the friends we get to make through the program is really special.” Council stated that the library would not function without its volunteers and thanked Ms. Petrone for her service. Council thanked Ms. Thoreson for her energy, enthusiasm, and devotion to the TeenLAB program. Councilor Scott commented that it was incredibly rare and impressive for anyone to dedicate the amount of years of service to volunteering to any cause, especially for someone in the formative years of their life. He continued that it was “incredibly impressive” and was something a lot of adults could learn from. Council thanked Ms. Petrone for her service and wished her good luck at college.

Council President Rosener addressed the next agenda item and the City Recorder read the public hearing statement.

8. PUBLIC HEARING:

A. Ordinance 2022-004 Amending sections of the Sherwood Zoning and Community Development Code for New Housing Choices to comply with Oregon HB 2001 (Second Hearing)

Senior Planner Joy Chang recapped that Council held its first public hearing on the proposed ordinance on April 19th where staff provided a staff report and answered questions on the proposed amendments and no public testimony was received. She outlined that a second hearing on the ordinance was previously scheduled for this meeting, but Mayor Mays had stated he would not be able to attend the meeting and asked that the hearing be continued to the May 17th meeting. Ms. Chang stated that staff therefore recommended that Council open the second hearing previously scheduled for this meeting, take public testimony, and then

continue the hearing to the May 17th meeting. She reported that Mayor Mays had submitted written questions to staff prior to the first hearing that required further research and had also submitted additional questions to staff after the hearing. She stated that staff was preparing a memorandum answering each of the Mayor questions and would provide the memorandum to Council prior to the May 17th meeting. She asked that Council submit any additional questions on the proposed amendments to her no later than May 6th so they could be addressed in the memorandum. Ms. Chang offered to answer any questions from Council and reported that no written testimony had been received as of this meeting. Council President Rosener asked if the hearing could be scheduled for later than May 17th in order to allow Council to contemplate the answers provided in the memorandum and asked if an additional work session could be scheduled prior to the next public hearing? A councilor asked if there was a deadline that they needed to be aware of? Senior Planner Chang replied that HB 2001 required local jurisdictions to have an adopted ordinance by June 30th. City Attorney Soper clarified that if Council postponed the hearing more than two weeks, Council would have to adopt the ordinance on an emergency basis with unanimous approval to shorten the 30-day time period in order to have an effective date of June 30th. He continued that if the emergency approval was not granted then Council would have a window of time between June 30th and whenever it's effective where the Model Code would apply in the city. Councilor Young asked if the hearing could be continued to May 17th and if there were still lingering questions, could it be continued again? Senior Planner Chang replied yes. Councilor Young suggested that Council continue the hearing to May 17th, get their questions answered and commented that she did not want to push up against the emergency approval window. Council President Rosener asked City Attorney Soper what the rules were for declaring the emergency? City Attorney Soper replied that it required unanimous approval by City Council. Discussion occurred. Council stated they wished to continue the hearing to May 17th, review the answers provided by staff, and hold a work session if necessary. Councilor Brouse asked if staff felt that May 17th provided enough time to answer Council's questions about the proposed amendments? Senior Planner Chang replied that a May 17th hearing provided staff with sufficient time. Councilor Scott suggested holding a work session before the May 17th hearing. Council members agreed. Council President Rosener opened the public hearing and asked for public testimony on the proposed ordinance. Hearing none, Council President Rosener closed the public hearing and asked for a motion to continue the hearing to May 17th.

MOTION: FROM COUNCILOR BROUSE TO CONTINUE THE DISCUSSION OF ORDINANCE 2022-004 AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE FOR NEW HOUSING CHOICES TO COMPLY WITH OREGON HB 2001 TO THE MAY 17th CITY COUNCIL MEETING. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR MAYS WAS ABSENT).

Council President Rosener addressed the next agenda item.

9. CITY MANAGER REPORT:

Police Chief Ty Hanlon reported that Coffee with the Force would be held on May 7th in the Dutch Bros. parking lot from 9:00 am-1:00 pm.

IT Director Brad Crawford reported that a mailer for Sherwood Broadband had been sent out this week that included information on the project and some frequently asked questions about the construction. He reported that follow-up materials would be sent out at a later date when the project moved closer into neighborhoods. He reported that they had been inundated with requests since the mailer had gone out and commented that there had been 90 requests for service in the last three to four weeks. He reported he was working on marketing campaigns to help generate interest and offer pre-signups so neighborhoods could be prioritized.

Police Chief Ty Hanlon reported that there would be a shred event at the Police Department on May 7th from 9:00 am-1:00 pm.

Council President Rosener addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Councilor Brouse reported she attended the Library Advisory Board meeting and reported on recent and upcoming library events. She reported that Councilor Garland's wife, Madeline Garland, won second place in the Six Word Story contest. She reported the Senior Advisory Board would meet next week. She reported she attended the Trashapalooza event. She reported she attended a WEA event where they heard from two candidates running for county commissioner. She reported that the Sherwood Police Foundation Gala would be held on June 24th to help raise funds to help support police officers.

Councilor Giles reported that the Planning Commission reviewed and discussed the application for a storage center, and that the Planning Commission had welcomed two new members and commented he looked forward to working with them.

Councilor Garland reported that he attended the WIF meeting where they continued their review of ensuring the facility was protected from a Cascadia earthquake event, and that the project was on schedule and on budget. He reported that May 11th was City of Sherwood night at the Hillsboro Hops baseball game.

Councilor Young reported that the Police Advisory Board did not meet. She reported that she attended the WEA event where they heard from two candidates running for county commissioner. She stated that there were important issues on the Washington County ballots and asked that people vote. She reported she attended the LOC finance and taxation meeting where they discussed what they wanted the LOC to advocate for in the next session.

Council President Rosener reported he also attended the LOC finance and taxation meeting. He reported he met with the National League of Cities Information and Technology Committee where they discussed ways to ensure cities would be able to spend broadband money. He reported he attended the LOC Broadband Policy Committee meeting where they discussed how the state would disperse broadband funds to cities and rural areas.

11. ADJOURN:

Council President Rosener adjourned the regular session at 7:55 pm and convened an executive session.

EXECUTIVE SESSION

- 1. CALL TO ORDER:** Council President Rosener called the executive session to order at 8:03 pm.
- 2. COUNCIL PRESENT:** Council President Tim Rosener, Councilors Kim Young, Renee Brouse, and Taylor Giles. Mayor Keith Mays and Councilors Sean Garland and Doug Scott were absent.
- 3. STAFF PRESENT:** City Attorney Josh Soper, City Manager Keith Campbell, Police Chief Ty Hanlon, and Attorney Steven Schuback.

4. TOPICS

A. ORS 192.660(2)(d) Labor Negotiations

5. ADJOURN:

Council President Rosener adjourned the executive session at 9:13 pm.

Attest:



Sylvia Murphy, MMC, City Recorder



Keith Mays, Mayor