



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL SPECIAL MEETING PACKET

FOR

Tuesday, October 28, 2025

**Sherwood City Hall
(Community Room)
22560 SW Pine Street
Sherwood, Oregon**

6:00 pm City Council Special Meeting

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



6:00 PM CITY COUNCIL SPECIAL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. CITIZEN COMMENTS

6. PUBLIC HEARINGS

- A. Resolution 2025-073, Declaring an Emergency and Calling for a Special Election to Amend the Sherwood City Charter to Protect Home Rule Authority (Ryan Adams, City Attorney)**
- B. Resolution 2025-074, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment Establishing City Authority Over Annexation Decisions (Ryan Adams, City Attorney)**
- C. Resolution 2025-075, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment Regarding Citizen Involvement in Land Use Decisions (Ryan Adams, City Attorney)**

7. ADJOURN

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 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 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

AGENDA

SHERWOOD CITY COUNCIL SPECIAL MEETING October 28, 2025

6:00 pm City Council Special Meeting

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
(Community Room)**

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

(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, 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

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 at least 48 hours in advance of the scheduled meeting time. Assisted Listening Devices available on site.

TO: Sherwood City Council

FROM: Ryan Adams, City Attorney; Carrie Richter, Land Use Attorney; Eric Rutledge, Community Development Director

SUBJECT: Resolution 2025-073, Declaring an Emergency and Calling for a Special Election to Amend the Sherwood City Charter to Protect Home Rule Authority

Issue:

Shall the City Council adopt a resolution 2025-073 to hold an emergency election on January 13, 2026 or as soon as practicable thereafter?

The City Council is considering adopting Resolution 2025-073 to declare an emergency under ORS 221.230 and call a special election to submit proposed Sherwood City Charter amendments to the voters. These amendments aim to protect the City's home rule authority by ensuring robust citizen involvement in land use decisions and preserving the City's exclusive control over annexation decisions, in response to state legislation that threatens to erode local governance.

Background:

The Sherwood City Council met in public work sessions on October 7, 2025, and October 21, 2025 to discuss a potential special emergency election pursuant to ORS 221.230.

The City of Sherwood operates as a home rule city under the Oregon Constitution, granting it authority to manage local affairs through its City Charter. Recent and anticipated state legislation has raised concerns about the erosion of this authority, particularly in the areas of public participation in land use procedures and annexation decisions, which are critical to Sherwood's governance and community identity.

The proposed Charter amendments, presented to the City Council on October 7, 2025 and October 21, 2025, address these concerns by:

1. **Citizen Involvement in Land Use Decisions:** Codifying requirements for neighborhood meetings, public hearings, and mailed notices for certain land use applications (Type II or higher), ensuring transparency and public participation in alignment with the current purpose of Statewide Land Use Goal 1. These provisions protect local processes from state laws that may limit public engagement.
2. **City Authority Over Annexations:** Declaring the City's exclusive authority to review, approve, or deny annexation requests, safeguarding local control over jurisdictional boundaries from state preemption.

ORS 221.230 permits the Sherwood City Council to call an emergency election on a date other than regular election dates if it finds that an emergency exists which would cause extraordinary hardship to the community if delayed. Whether the immediate threat posed by state legislation to Sherwood's home rule authority constitutes such an emergency and hardship is a decision within the sole discretion of the City Council (ORS 221.230(3)). Delaying the vote on these amendments until the next regular election would likely cause further erosion of local control, undermining the City's ability to ensure meaningful public participation and manage its growth effectively. The proposed resolution declares this emergency, authorizes a special election on January 13, 2026, or as soon as practicable thereafter, and directs the City Recorder to prepare for the election in accordance with state law. The amendments themselves have no identified direct fiscal impact and align with Sherwood's commitment to transparent, community-driven governance.

Financial Impacts:

The direct financial impact of approving this resolution is the cost relating to elections and notice thereof. Because this would be a special emergency election, ORS 254.046 requires the City to bear the costs. The two ballot measures would be brought forward through a single emergency election, and the cost for that election is estimated to be between \$50,000-\$75,000. The cost includes reimbursement to the County election office, staff time, and contract legal counsel.

Recommendation:

Staff respectfully recommends the City Council reviews, accepts public comments, and considers adopting Resolution 2025-073, declaring an emergency and calling for a special election to amend the Sherwood City Charter to protect home rule authority.



RESOLUTION 2025-073

DECLARING AN EMERGENCY AND CALLING FOR A SPECIAL ELECTION TO AMEND THE SHERWOOD CITY CHARTER TO PROTECT HOME RULE AUTHORITY

WHEREAS, the City of Sherwood is a home rule city under the Oregon Constitution, with the authority to govern its local affairs as granted by its City Charter; and

WHEREAS, recent and anticipated state legislation threatens to abrogate and erode the City's home rule authority, particularly in the areas of public participation in land use decisions and annexation authority, which are fundamental to Sherwood's political form and community governance; and

WHEREAS, the City Council has proposed amendments to the Sherwood City Charter to ensure robust citizen involvement in land use decisions and to preserve the City's exclusive authority over annexation decisions, as detailed in the proposed Charter amendments; and

WHEREAS, ORS 221.230 allows the City Council to call an emergency election on a date other than regular election dates when an emergency exists that will require an election sooner than the next available election date to avoid extraordinary hardship to the community; and

WHEREAS, the City Council finds that an emergency exists due to the immediate threat posed by state legislation that limits the City's ability to ensure transparency, public participation, and local control over land use procedures and annexation decisions, which are critical to the community's well-being and self-governance; and

WHEREAS, delaying the submission of these Charter amendments to the voters until the next regular election would result in extraordinary hardship to the community by allowing further erosion of Sherwood's home rule authority, potentially undermining the City's ability to protect citizen involvement, local decision making, and its jurisdictional boundaries; and

WHEREAS, the City Council determines that holding a special election as soon as practicable is necessary to safeguard the City's home rule authority and to ensure that the proposed Charter amendments are considered by the voters promptly; and

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

Section 1. That an emergency exists under ORS 221.230 due to the immediate threat to the City's home rule authority posed by state legislation, requiring a special election to avoid extraordinary hardship to the community.

Section 2. That a special emergency election shall be called on January 13, 2026, or as soon as practicable, to submit the proposed Charter amendments concerning citizen involvement in land use decisions and City authority over annexation decisions to the voters of Sherwood.

Section 3. That the City Attorney and City Recorder are directed to take all necessary actions to prepare for and conduct the special election in accordance with state law and City procedures.

Section 4. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 28th day of October, 2025.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: Ryan Adams, City Attorney; Carrie Richter, Land Use Attorney; Eric Rutledge, Community Development Director

SUBJECT: **Resolution 2025-074, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment Establishing City Authority Over Annexation Decisions**

Issue:

Shall the City Council approve the ballot title and explanatory statement for, and submit to, the voters at a January 13, 2026, special emergency election, a proposed charter amendment regarding a measure establishing and protecting home rule authority with respect to annexation decisions?

Background:

The Sherwood City Council met in public work sessions on October 7, 2025 and October 21, 2025 to discuss a possible amendment to the City Charter that would preserve and enshrine certain home rule protections. Staff subsequently prepared charter language (Attachment A to this staff report), resolutions, ballot titles, and explanatory statements for the proposed amendment, for further consideration and possible approval by the City Council.

The resolution, ballot title, and explanatory statement pertain to a proposed charter amendment regarding a measure establishing and protecting home rule authority in annexation decisions, the amendment would be submitted to the voters for a January 13, 2026 special emergency election. If it is then approved by voters, this measure would amend and replace Section 3 - Boundaries of the City Charter.

Financial Impacts:

The direct financial impact of approving this resolution is the costs relating to elections and notice thereof. Because this would be a special emergency election, ORS 254.046 requires the City to bear the costs. This measure would be combined with a second measure and Charter amendment being considered under Resolution 2025-075 related to public participation in land use procedures. The cost for the single emergency election including both ballot measures is estimated to be between \$50,000-\$75,000. The cost includes reimbursement to the County election office, staff time, and contract legal counsel.

Recommendation:

Staff respectfully recommends the City Council reviews, accepts public comments, and considers adopting Resolution 2025-074, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment Establishing City Authority over Annexation Decisions.

Attachments

- A. Charter Amendment Language

Section 3. - Boundaries.

The city includes all territory within its boundaries as they now exist or are legally modified. Unless required by a public health emergency as defined by ORS 222.850 and ORS 222.855, annexations may only take effect with the approval of city voters. The city recorder will maintain as a public record an accurate and current description of the boundaries.

Determining the city's jurisdictional boundaries is declared to be a matter inherent to its political form. The City shall have the exclusive authority to review, approve, or deny annexation requests subject to the procedures and standards adopted by ordinance of the City Council. These procedures shall not be preempted by state laws that modify or eliminate this authority



RESOLUTION 2025-074

APPROVING BALLOT TITLE AND EXPLANATORY STATEMENT AND SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT ESTABLISHING CITY AUTHORITY OVER ANNEXATION DECISIONS

WHEREAS, the Sherwood City Council desires to refer to the citizens of Sherwood a measure establishing and protecting home rule authority with respect to annexation decisions; and

WHEREAS, the Sherwood City Council met in a public work session on October 7, 2025, and October 21, 2025, to discuss this recommended amendment to the City Charter; and

WHEREAS, the Council finds that recent legislation abrogating and eroding home rule presents an extraordinary hardship to the community; and

WHEREAS, the Council finds that a special emergency election is necessary to mitigate this extraordinary hardship; and

WHEREAS, the Council has determined to submit to the voters of Sherwood a ballot measure proposing to amend the City Charter with regard to establishing and protecting home rule authority with respect to annexation decisions; and

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

Section 1. An emergency election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters an amendment to the City's home rule charter establishing and protecting home rule authority in annexation decisions.

Section 2. Tuesday, January 13, 2026, is designated as the date for holding the election for voting on the measure.

Section 3. The election will be conducted by the Washington County Elections Department.

Section 4. The precincts for this election will include all of the territory within the corporate limits of the City of Sherwood.

Section 5. The Ballot Title and Explanatory Statement attached as Exhibits 1 and 2, respectively, are hereby approved and certified.

Section 6. The City Recorder will publish the Ballot Title as required by state law. The City of Sherwood authorizes the City Recorder or her designee to act on behalf of the City and to take such

further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

Section 7. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 28th day of October, 2025.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

BALLOT TITLE FOR REFERRAL TO AMEND THE SHERWOOD CITY CHARTER WITH REGARD
TO ESTABLISHING AND PROTECTING HOME RULE AUTHORITY IN ANNEXATION
DECISIONS

Caption: Amends Charter: Establishes City Authority Over Annexation Decisions

Question: Shall the Sherwood Charter be amended granting Sherwood exclusive authority over annexation decisions, independent of state laws modifying such authority?

Summary: A Yes vote will amend the City Charter to make two changes to Section 3.- Boundaries relating to annexation. First, this amendment would add clarifying language that voter approved annexation is required in all cases, except with respect to health hazard abatement. Second, this amendment declares that the procedures governing review of annexation requests i.e. hearings, notices, annexation agreements are foundational components of open and democratic governance within the City. This amendment grants the City exclusive authority to review, approve, or deny annexation requests subject to procedures and standards adopted by the Sherwood City Council through ordinance. These procedures cannot be preempted by state laws that alter or constrain the City's annexation authority. The amendment ensures local control over annexation decisions and confirms home rule authority. No direct fiscal impact has been identified.

EXPLANATORY STATEMENT

This measure amends the Sherwood City Charter to confirm the City's control over decisions about expanding its boundaries through annexations. It declares that deciding which areas become part of Sherwood is a core part of the City's governance (political form). The City Council will set rules for approving or denying annexation requests, and these rules cannot be overruled by state laws that try to limit or change the City's authority. This measure ensures Sherwood keeps local control over its growth and boundaries. It also reinforces Sherwood's home rule authority under the Oregon Constitution. No direct financial impact is expected.

The Charter would be amended to state:

Section 3. - Boundaries.

"The city includes all territory within its boundaries as they now exist or are legally modified. Unless required by a public health emergency as defined by ORS 222.850 and ORS 222.855, annexations may only take effect with the approval of city voters. The city recorder will maintain as a public record an accurate and current description of the boundaries.

Determining the city's jurisdictional boundaries is declared to be a matter inherent to its political form. The City shall have the exclusive authority to review, approve, or deny annexation requests subject to the procedures and standards adopted by ordinance of the City Council. These procedures shall not be preempted by state laws that modify or eliminate this authority"

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: Ryan Adams, City Attorney; Carrie Richter, Land Use Attorney; Eric Rutledge, Community Development Director

SUBJECT: Resolution 2025-075, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment Regarding Citizen Involvement in Land Use Decisions

Issue:

Shall the City Council approve the ballot title and explanatory statement for, and submit to, the voters at a January 13, 2026, special emergency election, a proposed charter amendment regarding a measure protecting home rule authority and citizen involvement in land use decisions?

Background:

The Sherwood City Council met in public work sessions on October 7, 2025 and October 21, 2025 to discuss a possible amendment to the City Charter that would preserve and enshrine certain home rule protections. Staff subsequently prepared charter language (Attachment A to this staff report), resolutions, ballot titles, and explanatory statements for the proposed amendment, for further consideration and possible approval by the City Council.

The resolution, ballot title, and explanatory statement pertain to a proposed charter amendment regarding a measure protecting home rule authority and citizen involvement in land use decisions, the amendment would be submitted to the voters at a January 13, 2026 special emergency election. If it is then approved by voters, this measure would add a new "Section 49" to the Charter.

Financial Impacts:

The direct financial impact of approving this resolution is the costs relating to elections and notice thereof. Because this would be a special emergency election, ORS 254.046 requires the City to bear the costs. This measure would be combined with a second measure and Charter amendment being considered under Resolution 2025-074 related to allowing the city to have exclusive authority over annexation decisions. The cost for a single emergency election including both ballot measures is estimated to be between \$50,000-\$75,000. The cost includes reimbursement to the County election office, staff time, and contract legal counsel.

Recommendation:

Staff respectfully recommends the City Council reviews, accept public comments, and considers adopting Resolution 2025-075, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment Regarding Citizen Involvement in Land Use Decisions.

Attachments

A. Charter Amendment Language

Section 49. - Citizen Involvement in Land Use Decisions.

As a city that is of the people, by the people, and for the people, Sherwood is committed to hearing from the people. Sherwood is entrusted to ensure citizen involvement in land use decisions, as mandated by Statewide Land Use Goal 1. The City Council shall establish, by ordinance, procedures to ensure transparency and meaningful public participation in all phases of the land use process, including notice, hearings, and appeals. These procedures are inherent to Sherwood's political form and are rooted in Sherwood's home rule authority. These procedures shall not be preempted by state laws that limit public engagement and include:

No Type III or higher land use application, as specified by adopted city ordinance, shall be decided without at least one duly noticed neighborhood meeting and one public hearing before the City Council or its delegated decision-making body. A public hearing shall also be held before deciding any appeal, using procedures set by ordinance; and

Mailed notice in advance of neighborhood meetings and public hearings must be sent to all property owners within 1,000 feet of the subject property for all Type II or higher applications, using the classifications and timelines prescribed by ordinance. Additional notice methods, such as published or electronic notices may also be required.



RESOLUTION 2025-075

APPROVING BALLOT TITLE AND EXPLANATORY STATEMENT AND SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT REGARDING CITIZEN INVOLVEMENT IN LAND USE DECISIONS

WHEREAS, the Sherwood City Council desires to refer to the citizens of Sherwood a measure protecting home rule authority and citizen involvement in land use decisions; and

WHEREAS, the Sherwood City Council met in a public work session on October 7, 2025, and October 21, 2025, to discuss this recommended amendment to the City Charter; and

WHEREAS, the Council finds that recent legislation abrogating and eroding home rule presents an extraordinary hardship to the community; and

WHEREAS, the Council finds that a special emergency election is necessary to mitigate this extraordinary hardship; and

WHEREAS, the Council has determined to submit to the voters of Sherwood a ballot measure proposing to amend the City Charter with regard to Citizen involvement in land use decisions; and

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

Section 1. An emergency election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters an amendment to the City's home rule charter regarding citizen involvement in land use decisions.

Section 2. Tuesday, January 13, 2026, is designated as the date for holding the election for voting on the measure.

Section 3. The election will be conducted by the Washington County Elections Department.

Section 4. The precincts for this election will include all of the territory within the corporate limits of the City of Sherwood.

Section 5. The Ballot Title and Explanatory Statement attached as Exhibits 1 and 2, respectively, are hereby approved and certified.

Section 6. The City Recorder will publish the Ballot Title as required by state law. The City of Sherwood authorizes the City Recorder or her designee to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in

compliance with the applicable provisions of law.

Section 7. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 28th day of October, 2025.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

BALLOT TITLE FOR REFERRAL TO AMEND THE SHERWOOD CITY CHARTER WITH REGARD
TO CITIZEN INVOLVEMENT IN LAND USE DECISIONS

Caption: Amends Charter: Enshrines Citizen Involvement in Land Use Decisions

Question: Shall the Sherwood Charter be amended acknowledging existing neighborhood meeting, public hearing, and notice requirements for certain land use applications?

Summary: A Yes vote will amend the City Charter committing Sherwood to citizen involvement in land use decisions, consistent with Statewide Land Use Goal 1. It directs the City Council to establish ordinances ensuring transparency and meaningful public participation throughout the land use process, including notice, hearings, and appeals. These procedures, rooted in the city's home rule authority, cannot be preempted by state laws that limit public engagement. Key requirements include: No Type III or higher land use application may be decided without at least one duly noticed neighborhood meeting and one public hearing before the City Council or delegated body. Appeals require a public hearing based on procedures set by ordinance. For Type II or higher applications, mailed notice must be sent in advance to all property owners within 1,000 feet of the subject property, using classifications and timelines set by ordinance. Additional methods, such as published or electronic notices, may also be mandated. This amendment has no direct fiscal impact identified and will not alter the City's current land use processing procedures.

EXPLANATORY STATEMENT

This measure amends the Sherwood City Charter to strengthen public participation in land use decisions. It ensures Sherwood citizens have a voice by requiring at least one neighborhood meeting and one public hearing before the City Council or its designated body decides on major land use applications (Type III or higher, as defined by city ordinance). For significant land use applications (Type II or higher), the City must mail notices to property owners within 1,000 feet of the project site, following timelines set by city ordinance. Other notice methods, like online or newspaper postings, can also be used. This measure aligns with Oregon's goal of involving citizens in land use planning and protects Sherwood's right to maintain these processes despite state laws that might limit public input. It does not change current city procedures or have a direct financial impact.

The Charter would be amended to state:

Section 49. - Citizen Involvement in Land Use Decisions

"As a city that is of the people, by the people, and for the people, Sherwood is committed to hearing from the people. Sherwood is entrusted to ensure citizen involvement in land use decisions, as mandated by Statewide Land Use Goal 1. The City Council shall establish, by ordinance, procedures to ensure transparency and meaningful public participation in all phases of the land use process, including notice, hearings, and appeals. These procedures are inherent to Sherwood's political form and are rooted in Sherwood's home rule authority. These procedures shall not be preempted by state laws that limit public engagement and include:

No Type III or higher land use application, as specified by adopted city ordinance, shall be decided without at least one duly noticed neighborhood meeting and one public hearing before the City Council or its delegated decision making body. A public hearing shall also be held before deciding any appeal, using procedures set by ordinance; and

Mailed notice in advance of neighborhood meetings and public hearings must be sent to all property owners within 1,000 feet of the subject property for all Type II or higher applications, using the classifications and timelines prescribed by ordinance. Additional notice methods, such as published or electronic notices may also be required."