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Kim Young

**City Manager**  
Joseph Gall, ICMA-CM

February 25, 2019

Senate Committee on Housing  
Oregon State Capitol  
900 Court Street NE  
Salem, OR 97301

**RE: Testimony regarding Senate Bill 10**

Dear Chair Fagan and Members of the Committee:

While Sherwood recognizes and is deeply concerned about the national, state, and regional crisis of affordable housing for all and agrees that changes are needed to help provide more housing that is available and affordable to those most in need, we are very concerned about Senate Bill 10 as it is currently written. Our specific concerns are outlined below:

Citizen Involvement

As written, Senate Bill 10 would essentially circumvent the land use planning process by requiring certain cities to allow densities far higher than may currently be provided for by existing zoning, without any citizen involvement whatsoever. Statewide Planning Goal One requires citizen involvement in the planning process. This bill would take away the ability for local residents to have any input into the planning that goes into their communities, which is completely contrary to the Statewide Planning Goals that help make our State so magnificent.

Planning (or lack thereof)

When cities evaluate zones and zone changes, we are required (by State law) to consider many factors, including transportation impacts, availability and capacity of infrastructure, surrounding uses, natural resources, etc. This bill would require that cities accommodate up to 140 dwelling units per acre outright in specified areas, without any ability or requirement to consider the multitude of potentially competing issues and impacts. Through good planning, we carefully consider all impacts of specific actions, and identify necessary mitigations and needed funding. SB 10 would not allow for any planning, let alone good planning.

De-facto zoning authority to transit providers

Because the bill ties the required density allowances to priority transportation corridors, this makes transit providers the ultimate decision maker regarding what

density is to be provided in certain locations. This is contrary to the basic principles of current land use law. Transit providers can change bus frequency and bus routes with very little process and certainly outside of a land use decision-making framework, which means that those impacted by these decisions may not be provided with adequate due process. Moreover, it is simply not realistic for local jurisdictions to be required to modify their zoning based on service delivery decisions by transit providers that could occur at any time and frequency. Furthermore, because the requirement is tied to priority transit corridors (which includes bus routes with service every 15 minutes or less during peak commuting hours) it is anticipated that, rather than welcoming more service as the need arises and funds are available, cities would be opposed to increased transit due to the additional consequence this bill would impose.

#### Lack of clarity

It is not clear whether this bill would immediately affect Sherwood or not, based on current Tri-Met service levels, and the lack of clarity causes concern. Currently, there are not any “frequent” Tri-Met bus lines serving Sherwood. However, bus 93 goes from Sherwood to the Tigard Transit Center and bus 94 goes from Sherwood to downtown Portland (also stopping at the Tigard Transit Center). Bus 94 comes to Sherwood approximately 8 to 10 minutes between 4:30 PM and 6:30 PM. In addition, these two lines combined, which follow the exact same route between Sherwood and the Tigard Transit Center, provide less than 15 minute service throughout the day and during peak hours. It is therefore unclear if the bill would apply to this transit route.

#### Significant impacts to our communities

Sherwood is a community of just under 20,000 on the western edge of the Metro area. In 1990, we were a population of 3,000. Sherwood has grown immensely in the past 30 years, while maintaining a small town feel. We are currently working on an update to our Comprehensive Plan to ensure that, as we change and grow over the next 20 years, we are able to continue to hold onto what we value: our strong schools, safe roads, great parks, and caring and inclusive community. Our highest density zone allows up to 25 units per acre. Depending on how the bill is applied, we could be required to accommodate 75 units per acre within ¼ mile and 45 units per acre within ½ mile of the 93/94 bus route. Our community was not built or planned for this type of density in the location of this existing bus route. Our transportation system would have to be completely re-evaluated. The water, sanitary and storms systems are likely not sized to accommodate that type of density and would have to be upsized. Without a plan in place, it would be impossible to fund the necessary improvements to accommodate the additional growth that this bill would allow. This would create an unfunded mandate on the cities from the state under the Oregon State Constitution.

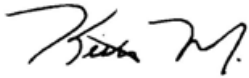
In addition, school districts, including the Sherwood School District, have not planned and would have difficulty planning for the type of unpredictable growth that could occur if this bill were passed. School planning has historically been based on zoned capacity, and new schools must be considered and funded years in advance. Sherwood schools are currently significantly overcrowded and a bond was passed in 2016 to construct a new high school, which was designed to accommodate anticipated growth but will not

accommodate the potential density increase that this bill would provide. The District cannot bond for additional facility improvements for approximately 12 years due to limits on the amount of bonded debt allowed. Furthermore, the potential for frequent and sudden changes to zoning based on bus route changes would make it impossible for a school district to accurately anticipate future growth when making future school planning decisions.

There is also a significant disconnect between how school capacity is funded and planning for increased housing density. This is especially prevalent in communities like Sherwood where the student age persons per household ratio is the highest in the state. Schools General Obligation Bonding capacity is capped at 7.95% of the real market value of all property in the district. The value of the underlying property value is not increasing at rate fast enough to account for the increased number of students and the facilities required to accommodate them.

The City of Sherwood is prepared to participate to help identify how this bill could be modified to address the concerns outlined above and to develop a more appropriate and effective solution to address the housing crisis.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith M.", is positioned above the typed name.

Keith Mays  
Mayor of Sherwood

Cc:

City Council  
Joseph Gall, City Manager  
Julia Hajduk, Community Development Director