



**CITY OF SILVERTON
JOINT CITY COUNCIL AND PLANNING COMMISSION SPECIAL MEETING
MINUTES**

Oregon Gardens – Natural Resources Education Center 879 W. Main St. and Zoom Web Conference Platform

March 18, 2024, 6:30 p.m.

I. OPENING CEREMONIES – Call to Order, Pledge of Allegiance, & Roll Call

Mayor Freilinger called the meeting to order at 6:34 p.m. The City Council and staff were present both in person and through the virtual meeting platform Zoom. Mayor Freilinger explained the meeting was being held in a hybrid format, pursuant to City of Silverton Resolution 22-06, adopted March 7, 2022.

City Council Members:

Present	Excused	
<u> X </u>	_____	Mayor Jason Freilinger
<u> X </u>	_____	Council President Elvi Cuellar-Sutton
<u> X </u>	_____	Councilor Jess Miller
<u> X </u>	_____	Councilor April Newton
<u> X </u>	_____	Councilor Eric Hamond
<u> X </u>	_____	Councilor Marie Traeger
<u> X </u>	_____	Councilor Matt Gaitan

Planning Commissioners Present:

Present:	Excused:	
<u> X </u>	_____	Chairman Clay Flowers
<u> X </u>	_____	Madam Vice-Chair Cara Kaser
<u> X </u>	_____	Commissioner Peter Matzka
<u> X </u>	_____	Commissioner Morry Jones
<u> X </u>	_____	Commissioner David Castle
_____	<u> X </u>	Commissioner Randell Walling
_____	<u> X </u>	Commissioner Derek Evan

STAFF PRESENT:

City Manager Cory Misley, Deputy City Manager/Finance Director Kathleen Zaragoza, Community Development Director Jason Gottgetreu, Public Works Director Travis Sperle, Assistant to City Manager/HR Coordinator Tammy Shaver, and Assistant to City Manager/City Clerk Jamie Ward.

II. Proclamation

2.1 Mayor Freilinger read the proclamation proclaiming Tuesday, March 19, 2024, Silverton High School Girls Basketball Team Day.

III. Council and Planning Commission Discussion

3.1 Land Use Presentation and Discussion – Beery Elsner and Hammond LLC Assistant Attorney, Ashleigh Dougill.

Ms. Dougill introduced herself and delivered a PowerPoint presentation to the Council and Commission members, focusing on legal issues related to land use and quasi-judicial decision-making authority. The presentation provided a brief overview of land use basics, including a historical overview of Oregon land use law, roles of the State and cities, and types of land use decisions. Specific topics covered in the presentation included Bias, Ex Parte Contacts for Conflicts of Interest, Other Government Ethics Issues, Public Meeting Issues, Hearing Requirements and for Issues, Criteria for Findings, Appeals, 120-Day and Fixed Goalpost

Rules, Clear and Objective Requirements, and Constitutional Issues. Ms. Dougill gave a few lessons from Oregon Land Use Board of Appeals (LUBA) and recent court decisions siting.

Ms. Dougill highlighted that last year marked the 50th anniversary of the origin of land use practice in Oregon, which began with the adoption of Senate Bill 100 in 1973. The main purpose of this legislation is to manage land uses to achieve a variety of competing and complementary goals, as reflected in the statewide planning goals. Local Comprehensive Plans are required to be consistent with these statewide planning goals. These plans are reviewed by the State's Land Conservation and Development Commission (LCDC). Once LCDC approves a city's Comprehensive Plan, it becomes acknowledged, and then serves as the controlling document for that area.

Ms. Dougill continued her presentation by explaining the two types of land use decisions the Planning Commission and City Council are required to act on: Legislative and Quasi-Judicial Decisions. Legislative decisions involve the adoption of general applicable policies and standards that apply to a variety of factual situations with a broad class of people. Examples include amending the comprehensive plan, zone change that applies to broad large areas, or changes to the development. Ms. Dougill noted that because legislative decisions are expressions of City policy, the City is not required to reach a decision on a legislative proposal and may table the issue or decline to review it. Bias and ex parte requirements do not apply to legislative decisions.

Ms. Dougill then explained the primary difference between Legislative and Quasi-Judicial Decisions, as established in the Strawberry Hill 4-Wheelers v Benton County Board of Commissioners case in 1979. She outlined three key factors: Quasi-Judicial decisions typically involve a single property or a small group of properties, decisions are based on pre-existing criteria, and the city is obligated to make a decision. Ms. Dougill emphasized the "judicial" aspect of Quasi-Judicial decisions, indicating members essentially act as judges to assess compliance with applicable criteria and requirements. Given this higher standard, additional requirements such as bias, ex parte contacts, and conflicts of interest apply. Ms. Dougill provided definitions and examples of these requirements offering guidance on how to address such situations. She further highlighted, government ethics issues, including the use of position or office and accepting gifts, extend to relatives, household members, and businesses, and may result in personal liability for officials, including fines up to double the financial gain. Ms. Dougill recommended that members with questions should contact the Oregon Government Ethics Commission for clarification.

Next, Ms. Dougill covered Oregon Public Meeting Law, underscoring that both the Planning Commission and City Council are bound by its provisions. According to this law, all meetings must be publicly noticed and open to the public. It applies to gatherings where decisions or deliberations on matters of official business take place, extending to electronic communication channels like email or social media. Ms. Dougill further elucidated the Quasi-Judicial process regarding Criteria and Findings, outlining the appeals process at both the local and state levels, and explaining the 120-Day Rule and the fixed goalpost rule in public hearings. She stressed the importance of adhering to these procedures to ensure fairness and legality in land use decision-making. Additionally, Ms. Dougill provided the definition of clear and objective standards, noting that while they may seem straightforward, their implementation can often be complex and involved in practice.

Ms. Dougill transitioned to Constitutional issues regarding land use, particularly focusing on the concept of "taking" outlined in the Fifth Amendment. Taking refers to the governmental appropriation of private property, which should not occur without just compensation according to the Constitution. Such taking can result from regulations limiting property use or through exactions, which are conditions of approval requiring the transfer of private property like road dedication or construction of improvements. Exactions must meet two criteria to be valid: Nexus and Rough Proportionality, which Ms. Dougill illustrated with a few examples.

Ms. Dougill concluded her presentation by highlighting lessons from recent decisions by LUBA and courts. She noted a clear trend toward strictly interpreting "clear and objective" standards in residential context, almost akin to a mathematical standard. This trend is expected to be litigated in the near future. Additionally, she emphasized issues with ambiguous code language in nonresidential contexts. Cities should ensure clarity in how the code will be applied and interpreted, and parties should be given the opportunity to respond with evidence while the record is open.

3.2 Comprehensive Plan Overview and Legislative Update – Melissa Ahrens, Oregon Department of Land Conservation and Development (DLCD) Mid-Willamette Valley Regional Representative.

Ms. Ahrens provided Council and the Commission with an overview presentation of the Department of Land Conservation and Development (DLCD), outlining its role and services. DLCD serves as a support network for local governments and land use planning, offering funding opportunities, regional coordination, and guidance on state law. Staffed to the Land Conservation and Development Commission (LCDC), DLCD is legislatively directed to manage urban growth, protect farm and forest lands, coastal areas, and natural resource lands. Additionally, DLCD is tasked with fostering safe and livable communities in alignment with the vision of local communities.

Ms. Ahrens provided a brief history of land use planning in Oregon, highlighting the establishment of periodic review as a framework from the first comprehensive planning acknowledgment period in 1976 until around 1986. This process mandated regular updates of local governments' comprehensive plans following their initial acknowledgment if updates were deemed necessary. Although periodic review is no longer a requirement, it remains a voluntary process outlined in state law.

Ms. Ahrens referenced statewide planning goals and provided a review list, emphasizing the presentation would mainly concentrate on Goal 2 – Land Use Planning. She outlined Goal 1, which mandates citizen involvement programs for cities and counties to ensure citizen participation in all planning phases. Moving on to Goal 2, she highlighted the requirement for local governments to have comprehensive land use plans and implement ordinances in compliance with applicable Statewide Planning Goals. Additionally, decision-making must be based upon adequate factual base, and coordination with other affected governments is necessary.

Ms. Ahrens proceeded to explain that a comprehensive plan must be built upon an adequate factual base, typically established through resources such as historical inventory, geotechnology and topography mapping, and wetland assessments, all of which are acknowledged during the initial period and updated during periodic reviews and comprehensive plan updates. This plan comprises goals, policies, and statements of intent to guide implementation measures. Implementing measures are commonly found in zoning and development codes. Additionally, a comprehensive plan includes land use and resource maps, along with sections detailing the planning program's history and community values or vision, which many jurisdictions find beneficial. The goal of a comprehensive plan update is to refresh and modernize outdated plans, ensuring their relevance and effectiveness with policies and measures meaningful for the next twenty (20) years.

Ms. Ahrens provided an overview of the comprehensive plan update process, outlining two types of updates cities can choose: Post-acknowledgement Plan (PAPA) or Voluntary Periodic Review (PR). Typically, cities hire a consultant team to assist in updating the factual basis, conducting public outreach, and aiding in policy work. In the PAPA process, PAPAs are appealable to DLCD, with each separate PAPA being subject to potential appeal. On the other hand, in Voluntary Periodic Review, cities are paired with a state agency periodic review assistance team for support. This approach involves establishing a work plan from the beginning, providing a more structured process with organized submittals and phases per work task, rather than separate PAPAs. Ms. Ahrens mentioned historically there have been technical assistance grants from DLCD for either one of these processes to assist local governments in going through this process. A comprehensive plan update step by step overview includes Data/Analysis, Policy/Plan Evaluation, Draft update of background factual documents and policies, and noticing a legislative process for adoption. All of these steps incorporate public input and equitable engagement.

Ms. Ahrens handed over the meeting to Celestina Tava, Housing Planner with the Oregon Department of Land Conservation and Development (DLCD), to discuss legislative updates related to housing land use adjustments in Senate Bill 1537.

Ms. Tava started the presentation by explaining that due to the recent passage of the bill, comprehensive slide decks are not yet prepared. However, she said a FAQ document will be developed and made available to local governments soon.

Ms. Tava elaborated on Senate Bill 1537, underscoring that the housing land use adjustment section spans sections 37-43, with a primary focus on section 38, which mandates adjustments to housing development standards. She began a brief overview by delineating the types of applications covered under the housing land use adjustments portion of the bill. She emphasized the presence of both technical eligibility requirements and housing-related eligibility requirements.

Regarding technical eligibility considerations, Ms. Tava explained they are oriented toward development on land with a current land use approval for residential uses or mixed-use residential, ensuring conformity with the target density for the city size. For example, in Silverton, this would mean 6 units per residential acre development within the Urban Growth Boundary (UGB).

Ms. Tava emphasized that eligibility for land use adjustments warrant one requirement be met for consideration for housing land use adjustments, the application eligibility necessitates stating how at least one of the requirements must be met, whereas technical applications must fulfill all the requirements. She provided a few examples to illustrate this, ranging from allowing development to having a net increase in housing units, compared to what would be possible without the land use adjustment. Ms. Tava explained the the adjustment could decrease the sale or rental price of the units, thus increasing affordability. Additionally, Ms. Tava addressed land use adjustments affecting affordable housing developments creating an increase in affordable housing due to allocations from under the land use change.

Ms. Tava presented a table illustrating the legislation's approach, identifying specific development standards and allowable adjustments under the process. These adjustments can be requested and processed accordingly. The housing standards are applicable to all housing applications, while development standards umbrella manufactured dwelling parks, multifamily housing, and mixed-use residential housing applications, specifically for non-single unit detached standards. Design standards for all housing types can include façade materials, color or pattern, roof forms and materials, entry and garage door materials. Additionally, for housing types other than single unit detached, considerations can include balconies, porches, or requirements for recesses and offsets, aiming to streamline design standards to prioritize housing production.

Next, Ms. Tava explained that limited land use decision statutes were amended in HB 1537, stating that all limited land use decisions proceed according to the prescriptive process outlined in the bill. Additionally, several other types of land use decisions were explicitly added to the category of limited land use decisions. These include replats, property line adjustments, and changes to non-conforming uses. Ms. Tava noted that these updates will be included in the FAQ document that is currently under development.

Ms. Tava proceeded by stating local governments have the option to apply for an exemption to the housing accountability and production office by January 1, 2026. In order to qualify for the exemption, a city must meet specific criteria: the local government should review requested design and development adjustments for all applications for housing development within its jurisdiction, ensuring that all listed development and design adjustments are eligible for an adjustment under the local government process. Additionally, within the previous 5 years, the city must have approved 90 percent of the received adjustment requests, or alternatively, the adjustment process should be flexible and accommodating to project needs. This flexibility should be demonstrated by testimonials from housing developers who have utilized the adjustment process within the previous five years. These qualifications were emphasized as crucial for local governments seeking exemption under the legislation. Ms. Tava then proceeded to explain the exemption application process.

Ms. Tava emphasized the mandatory housing land use adjustment statute will come into effect starting January 1, 2025, and is set to sunset on January 1, 2032.

Council and Commission took a break from 7:54 p.m. to 8:00 p.m.

3.3 Adopted City Council FY 2024-25 Goals

City Manager Misley explained the focus of this agenda item was to provide the Planning Commission with the opportunity to ask questions regarding the adopted fiscal year 2024-25 City Council Goals. Misley

mentioned staff is currently in the process of compiling the proposed budget for the fiscal year, with the first budget hearing scheduled for Tuesday, May 7, 2024. Over the course of two or three hearings, the budget committee will approve the budget, which will then be sent to the Council for adoption in June, taking effect on July 1, 2024.

Misley noted that while some goals may be fairly abstract, there are more specific department objectives and budget line allocations that will fund and support the work. These allocations may include funding for staff, consultants, or capital projects aimed at advancing these goals and bringing them to fruition.

Misley emphasized the goal under Silverton 2050, which is to initiate a full update to the City's Comprehensive Plan. This update aims to prepare for and manage expected growth while guiding investments in land use and public facilities. Misley highlighted this will be a significant undertaking, requiring substantial time from the Planning Commission, City Council, potential community advisory and stakeholder groups, as well as an internal project management team. The plan is to spend the next six months getting oriented on what the City wants the process to look like, officially starting the process sometime in the Fall. This endeavor is expected to take a minimum of a year to eighteen months.

Commissioner Jones inquired if the title Silverton 2050 signifies when the complete Comprehensive Plan will lead us to and about the Aquifer Storage and Recovery project.

Councilor Gaitan inquired about City Manager Misley's experience in Sisters and whether they had a Comprehensive Plan that was already developed, or if he oversaw the development of one from scratch.

City Manager Misley responded to all three questions in detail.

Commissioner Kaser inquired whether the City was planning on hiring a consultant to assist with the plan update and what the timeline was for the remainder of the year.

City Manager Misley responded affirmatively and provided a brief overview of what the timeline could potentially look like, along with funding possibilities.

Chairman Flower inquired about previous surveys that the City used to conduct. Council and Commission engaged in discussion with staff regarding the past surveys submitted and the possibility of conducting surveys in the future. They also explored different approaches to gathering community feedback.

3.4 Update on Proposed Silverton Tree Code Amendments

Community Development Director Jason Gottgetreu provided an update to the Council and Commission on the tree code amendment process and the steps being taken. He highlighted the current tree preservation ordinance, established in 2008, is being revised to incorporate clear and objective standards, which have become a significant part of the legislative landscape since then. Staff is currently working on updating the tree code amendments to include clear and objective standards in sections where they are not yet applied.

The process has undergone review by the Planning Commission and the Environmental Management Committee and is currently under legal review. The general intent is to establish a tree canopy percentage standard based on the site's characteristics. This involves a mathematical equation to determine the appropriate tree canopy standard for each site.

During the development process, a list of significant trees will be required to be preserved at the current standard canopy with a specific requirement percentage for allowable removal. Any removed trees will need to be replaced as part of the development process. If further reduction of trees is necessary beyond the established threshold standard, developers will need to provide a subjective justification to the Planning Commission. However, a clear and objective path will be available for developers throughout the process.

Director Gottgetreu further explained one of City Council's goals is to create an urban forestry program to document and make policy decisions for the city as a whole. The intent is to scale back the development code

to focus community development, addressing the current gap in regulatory authority related to tree preservation. He mentioned legal review is ongoing, and once it is complete and reviewed by staff, they will proceed to finalize the tree preservation amendments as they relate to the development code. The amended package will then undergo review by the Planning Commission and the Environmental Management Committee as part of the adoption process.

Mayor Freilinger excused the Planning Commission from the meeting and expressed gratitude for their presence at the joint meeting.

IV. City Council Discussion/Action Items

4.1 Authorizing the City Manager to Sign the Professional Service Agreement with NV5 Subject to Legal Revision for Engineering Design and Construction Administration of the Pettit Trail and Pickleball Courts in the Amount Not to Exceed \$397,347

Community Development Director Jason Gottgetreu presented his staff report regarding the engineering design and construction management contract with NV5 for Pettit Trails and Pickleball Courts. He provided a brief history of the Request for Proposals process, mentioning that the City received four submittals for the design. Following this, negotiations began with NV5, the top-rated design firm, who subsequently provided a scope of work for the two projects. City staff then met with NV5 to address cost concerns, as the initial costs were higher than anticipated. The consultant successfully reduced the overall scope by approximately ten percent.

Director Gottgetreu proceeded to provide the council with a breakdown of the two projects. For the Pettit Trail design services, the cost will be \$187,000, with an additional \$38,000 allocated for construction administration and bidding. This contract will cover the pre-design phase, including surveying the site and preliminary trail layout, followed by the 60% design phase, which involves a public meeting with the City Council. Subsequently, the final design will be presented before being sent out for bidding. NV5 will also oversee the contractor hiring process and administer construction administration, ensuring the project is completed according to specifications and plans through site visits. Director Gottgetreu noted that this project entails significant design work due to the topography of the site, with the design costs expected to represent half of the overall project cost. Typically, this process accounts for about 10 to 15 percent of the project cost.

Council asked questions regarding the challenging layout of the land, inquired about the overall cost of the project, and the opportunity for volunteer work with Salem Area Train Alliance (SATA).

Director Gottgetreu proceeded to explain the pricing for the Pickleball design service. The original plan was to focus on Phase 1, which included three courts and some additional gravel parking. However, an alternative option was presented for a full build-out project, which would include parking on-site and the potential relocation of the dog park, along with six courts. Staff is recommending the full build-out project due to the potential affordable housing project currently in the RFP process. This full build-out project would also entail the extension of Davenport Lane, resulting in the removal of the current parking for the dog and skate park.

Director Gottgetreu discussed the next agenda item, which involved Council authorizing the submission of an Oregon Parks and Recreation Department (OPRD) grant to assist with the construction costs of the pickleball courts. He explained that the OPRD Local Government grant cycle is currently open, with applications due by April 1, 2024. The grant operates on a 60-40% cost-sharing basis, with the grant covering 60% of the project costs.

Director Gottgetreu noted there is more funding available in this round than in previous rounds, allowing the City to pursue the full phase of the pickleball courts and the associated parking lot. He explained that for every \$4 the City invests, OPRD will contribute \$6. However, as the exact cost of the project is unknown, the City is erring on the side of caution by estimating higher costs. While it's not possible to spend grant dollars if awarded more than estimated, if the project costs are lower, the City will only receive the amount requested and will need to cover any shortfall from its own funds.

Director Gottgetreu explained the majority of the design work occurs during the 60% design phase. However, the intent is to double-check some of these cost estimates with NV5 before the April 1, 2024, deadline to ensure that the City is requesting an appropriate amount of funding and is in the correct ballpark for project costs.

Council engaged in discussion with staff regarding the grant process and community engagement, seeking clarification on the scope of the project, and expressed interest in ensuring the project is ADA accessible.

Councilor Sutton inquired about the potential expansion of the Skate Park.

A motion was made by Councilor Sutton to authorize the City Manager to sign the Professional Service Agreement with NV5 Subject to legal Revision for Engineering Design and Construction Administration of Petit Trail and Pickleball Courts in the Amount Not to Exceed \$397,347.00. Councilor Miller seconded the motion. There was no discussion. Freilinger, Traeger, Sutton, Miller, Newton, Gaitan and Hammond voted aye; the motion carried (7-0).

4.2 Resolution No. 24-04 Authorizing the City of Silverton to Apply for a Local Government Grant from the Oregon Parks and Recreation Department

Director Gottgetreu discussed this agenda item during the 4.1 presentation.

A motion was made by Councilor Miller to adopt Resolution 24-04 – Authorizing the City of Silverton to Apply for a Local Government Grant from the Oregon Parks and Recreation Department. Councilor Newton seconded the motion. There was no discussion. Freilinger, Traeger, Sutton, Miller, Newton, Gaitan and Hammond voted aye; the motion carried (7-0).

4.3 Ordinance No. 24-04 An Ordinance of the Silverton City Council Amending Silverton Municipal Code Chapters 13.02 and 13.52 to Comply with State and Federal Requirements

City Manager Misley stated this is the same ordinance and the language is the same information that was discussed with Water Quality Supervisor Brad Jensen, City Attorney Ashleigh Dougill, Public Works Director Travis Sperle and himself during the March 18, 2024, City Council Special Meeting.

A motion was made by Councilor Traeger to have the first reading of Ordinance No. 24-04, by title only. Councilor Miller seconded the motion. There was no discussion. Freilinger, Traeger, Sutton, Miller, Newton, Gaitan, and Hammond voted aye; the motion carried (7-0).

City Manager Cory Misley read Ordinance No. 24-04 by title only.

A motion was made by Councilor Hammond motion to pass Ordinance No. 24-04 on its first reading. Councilor Sutton seconded the motion. Freilinger, Traeger, Sutton, Miller, Newton, Gaitan, and Hammond voted aye; the motion carried (7-0).

A motion was made by Councilor Newton to have the second reading of Ordinance No. 24-04, by title only. Councilor Sutton seconded the motion. There was no discussion. Freilinger, Traeger, Sutton, Miller, Newton, Gaitan, and Hammond voted aye; the motion carried (7-0).

City Manager Cory Misley provided the second reading of Ordinance No. 24-04.

A motion was made by Councilor Sutton to adopt Ordinance No. 24-04 on its second and final reading. Councilor Miller seconded the motion. There was no discussion. Freilinger, Traeger, Sutton, Miller, Newton, Gaitan, and Hammond voted aye; the motion carried (7-0).

4.4 Lease Extension to June 30, 2024, for the Community Center (National Guard Armory) with the Oregon Military Department and Authorize the City Manager to Extend Sub-Leases with SACA and Jazzercise until June 30, 2024.

City Manager Misley explained that lease extensions have been a topic of discussion for several months, particularly navigating the change of plans with the YMCA not continuing the sublease agreement with the Oregon Military Department beyond March 31, 2024. Following discussions and direction given to staff, conversations were held with SACA and Jazzercise to extend the lease by 90 days through June 30, 2024. Additionally, it was decided to allow SACA to take over the lease if they deem it appropriate and are willing and able to do so before that date. If they choose to continue after that date, they will need to manage it independently.

This amendment constitutes a sublease between the City and SACA, as well as the City and Jazzercise, to continue through that time period. Activities associated with the YMCA, the Hoke Family Foundation, and any other entities under the umbrella of the lease and insurance will end on March 31, 2024.

Council held discussion regarding the facilities maintenance that the Public Works department currently takes care of in that building and if they will give those duties over to the subleases.

A motion was made by Councilor Miller to approve the Lease Extension to June 30, 2024, for the Community Center (National Guard Armory) with the Oregon Military Department and Authorize the City Manager to Extend Sub Leases with SACA and Jazzercise. Councilor Sutton seconded the motion. There was no discussion. Freilinger, Traeger, Sutton, Miller, Newton, Gaitan and Hammond voted aye; the motion carried (7-0).

V. Consent

A motion was made by Councilor Sutton to approve the Consent Agenda including agenda item 5.1. Councilor Miller seconded. There was no discussion. Freilinger, Traeger, Sutton, Miller, Newton, Gaitan and Hammond voted aye; the motion carried (7-0).

5.1 Resolution No. 24-05 – A Transfer Resolution to Increase Appropriations for the Second Street Project.

VI. Council Communication

Mayor Freilinger asked Councilor Traeger how the preparation for the grand opening of the new City Hall is going.

Councilor Traeger said it was going well she just needs the opening date and a budget.

Councilor Hammond expressed concern about the absence of a City park on the Northeast side of town, particularly in the Mark Twain School area. He indicated that residents in that area heavily rely on that property. Councilor Hammond suggested that the city should approach the school district and negotiate a purchase agreement to acquire the property, thereby integrating it into the city and utilizing it as a park.

Mayor Freilinger added he is intrigued by the idea but emphasized the school district has a very specific mission that is extremely important. Their primary focus is on educating the youth and creating an environment conducive to that goal, all while operating within a limited budget. While there have been concerns about some actions taken by the school district, Mayor Freilinger noted that understanding their decisions within the context of their mandate is crucial. However, he expressed interest in exploring possibilities because the space in question is currently only used for soccer games and picnics. Mayor Freilinger suggested potentially partnering with the school district to develop a more suitable use for that area.

Community Development Director Jason Gottgetreu added the Parks and Recreation Master Plan Advisory Group conducted an analysis revealing deficiencies in parkland. Additionally, they reviewed the 2008 project list, which included plans that were not implemented. Among these was the Mark Twain School Park

Acquisition and Development project, which involved partnering with the Silver Falls School District to designate and acquire a 3-acre oak grove and greenspace as a neighborhood/school park, as well as utilizing a 1.4-acre triangle for a large functional open space. He further noted if the Council expresses interest in pursuing this initiative in the future, it will be incorporated into the Parks and Recreation Master Plan Update and the Capital Improvement Plan.

Councilor Newton mentioned she and Councilor Traeger recently toured the new facilities at the hospital, which opened their doors today. She shared that despite a little chaos, everything she heard indicated that the opening went well.

Councilor Miller inquired about the material presented today, expressing his belief that the City is well positioned for the Housing Land Use Adjustment (HOPA) office for mandatory adjustments. He noted some recent Council decisions on zoning or development changes were split decisions, but in retrospect, with this bill, the City could position itself well with all those approvals by becoming more local and retaining the ability to exempt itself from those decisions. Councilor Miller feels the city meets the criteria for such an exemption. He expressed his desire to see support from other councilors to have this matter placed on the agenda for discussion in July.

Mayor Freilinger acknowledged Councilor Miller's point as interesting and emphasized the importance of working with facts. He noted that Councilor Miller's suggestion is something to keep in mind, but also pointed out the decision will depend heavily on what transpired three to five years ago. Mayor Freilinger expressed openness to exploring the possibility of an exemption in the future based on past actions.

City Manager Misley added his thoughts align with keeping in touch with the DLCD representatives. He emphasized the importance of understanding that whenever there's something new, there are always details to iron out. By staying in touch with DLCD and gaining a deeper understanding of the facts, the city can better comprehend what the process entails. Additionally, he suggested looking into how other cities handle similar situations. This approach would allow the city to gather more information and insights before revisiting the matter in the future.

Community Development Director Gottgetreu added the House bill discussed doesn't go into effect until January 1, 2025.

VII. Adjournment

Meeting Adjourned at 8:37 p.m.

VIII. Executive Session

Mayor Freilinger read ORS provisions of 192.660(2)(i) – To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

Council went into Executive Session at 9:31 p.m.

Council came back from Executive Session at 10:32 p.m.

Respectfully submitted by:

/s/Jamie Ward – Assistant to the City Manager/City Clerk