

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, October 17, 2016. Mayor Knapp called the meeting to order at 7:07 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Councilor Starr
Councilor Fitzgerald - excused
Councilor Stevens
Councilor Lehan

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Barbara Jacobson, City Attorney
Sandra King, City Recorder
Dan Carlson, Building Official
Amanda Guile-Hinman, Assistant City Attorney
Chris Neamtzu, Planning Director
Nancy Kraushaar, Community Development Director
Dan Pauly, Planner
Chief Jeff Smith
Jordan Vance, Economic Development Director
Delora Kerber, Public Works Director
Jon Gail, Community Relations Coordinator
Holly Miller, IS Manager

Motion to approve the order of the agenda.

Motion: Councilor Starr moved to approve the order of the agenda. Councilor Lehan seconded the motion.

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

A. Appointment of Karla Tovar to the Tourism Committee to fill the unexpired term of Margaret Usher, term to expire June 30, 2018.

Motion: Councilor Stevens moved to appoint Karla Tovar to the Tourism Committee to fill the unexpired term of Margaret Usher, with a term to expire June 30, 2018. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

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B. Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.

COMMUNICATIONS

A. Introduce Dan Carlson, Building Official and Amanda Guile-Hinman, Assistant City Attorney

Amanda Guile-Hinman, new Assistant City Attorney was introduced to Council by Barbara Jacobson, City Attorney. Ms. Guile-Hinman comes to the City from private practice.

Nancy Kraushaar, Community Development Director, introduced Dan Carlson, Building Official who comes to Wilsonville from the City of Corvallis.

B. Storm Event Update

Delora Kerber, Public Works Director reported Public Works was ready and well prepared for the major storm forecasted for the past weekend which was much lighter than forecasters predicted. However, beginning at noon on Monday, localized flooding occurred throughout town due to the very heavy rainfall and leaves blocking catch basins. Ms. Kerber provided both the office hours and after hour's phone numbers for Public Works should the public see any flooding. She reminded residents not to sweep their fallen leaves into the street.

Ms. Kerber noted this Thursday at 10:20 a.m. the Great Oregon Shake Out, an earthquake simulation will take place and that there is information about self-preparedness available on the City's website.

Councilor Lehan reminded the public not to drive into standing water, and that local streams can quickly become dangerous during storm events.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

Chuck Smith 28651 SW Crestwood Drive, spoke as a member of the Wilsonville Meadows HOA Board. He thanked Council for the actions to alleviate the overflow parking in their neighborhood. Mr. Smith indicated residents on Meadows Loop expressed interest in a parking permit system for their neighborhood as a solution to the parking situation and they would like to be involved in the planning and implementation.

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COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

A. Council President Starr – (Park & Recreation Advisory Board Liaison) stated the Memorial Park fields have been closed this past week due to the heavy rains. He announced the Harvest Festival at Murase Park set for October 29th. The Councilor noted a public hearing scheduled by DEQ for the SORT Bioenergy air and solid waste permits will be held at the Library on November 17th at 6:30 p.m.

B. Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) announced the next meeting date of the Community Seniors Group and that the meeting time has been changed from 6 p.m. to 1 p.m. The Library Foundation Annual Benefit will be held at the Library on October 22nd.

C. Councilor Lehan – (Planning Commission and CCI Liaison and Tourism Promotion Committee Liaison) reported at their last meeting the Planning Commission held a work session on the Frog Pond infrastructure plan. She announced the Boones Ferry Road to Brown Road open house scheduled for October 26th and that the October 24th DRB meeting has been cancelled.

CONSENT AGENDA

A. Minutes of the September 19, 2016 Council Meetings.

Ms. Jacobson read the Consent Agenda item for the record.

Motion: Councilor Stevens moved to approve the Consent Agenda. Councilor Lehan seconded the motion.

Vote: Motion carried 4-0.

PUBLIC HEARING

A. **Ordinance No. 800**

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 7 By Adding A New Section 7.570 To Impose Time, Place, And Manner Regulations On Medical Marijuana Processors And Dispensaries And Recreational Marijuana Retailers, Wholesalers, Producers, And Processors Within The City. (staff – Jacobson/Neamtzu)

Ms. Jacobson read the title of Ordinance No. 800 into the record. She noted the ordinance will only take effect should the voters overturn the ban on marijuana facilities in the City of Wilsonville. If the voters vote to allow these types of facilities to come into the City, then the ordinance will impose time, place and manner regulations on those facilities.

Mayor Knapp opened the public hearing at 7:45 p.m. and announced the hearing format.

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The staff report was presented by Chris Neamtzu, Planning Director and Stacy Gibbons, Law Clerk.

Pursuant to Oregon House Bill 3400 (the marijuana law), the City is permitted to enact reasonable time, place, and manner regulations for recreational and medical marijuana retailers, wholesalers, processors, and testing labs, as well as recreational growing operations. If the voters elect to remove the current ban of such facilities from Wilsonville, the Council has determined that the City should impose reasonable time, place, and manner regulations for such facilities, as allowed under state law.

The minimum requirements of HB 3400 prohibit recreational marijuana facilities from locating within 1,000 feet of schools that children under 18 must attend. The House Bill also mandates that the maximum distance between two marijuana facilities cannot be greater than 1,000 feet (HB 3400, Section 33). Other than these requirements, the law is silent as to what are considered to be reasonable time, place, and manner regulations. The primary consideration for the City is where marijuana facilities should reasonably be located, i.e., the "Place" portion of "Time, Place, and Manner." Based on Councilor comments and review of City maps, this Ordinance proposes a 2,000 foot buffer around elementary and secondary schools, residential neighborhoods, public parks, City Hall and WES/SMART. This Ordinance also proposes a 1,000 foot buffer between the facilities themselves, which is the maximum buffer allowed under state law. Council could also consider an alternative of 1,000 foot buffer between like facilities (i.e., retail and retail) but a 500 foot buffer between different operations (i.e., retail and processing). As currently written, the proposed Ordinance employs the 1,000 foot buffer across the board. Maps showing the difference with respect to number of facilities that would potentially locate in Wilsonville if a 500 foot buffer (Map A) versus a 1,000 foot buffer (Map B) was put into place were provided. The Ordinance also addresses time and manner regulations, including but not limited to hours of operation, security measures, licensing processes/fees, and several other regulations. Under the proposed Ordinance all legal marijuana operations are allowed and all are allowed within the same permitted area.

Time place and manner regulations are intended to address health, safety, and nuisance concerns that could otherwise result from an unregulated proliferation of marijuana facilities within the City. If the voters decide to lift the ban on marijuana facilities, reasonable time, place, and manner regulations will enable the City to place some restrictions on marijuana businesses operating within the City, to be effective immediately upon lifting of the ban.

If the voters elect to allow marijuana facilities in Wilsonville, the City will be eligible to receive a portion of the state tax, with the amount to be determined based on the population of Wilsonville. After July 1, 2017, the portion of tax revenue received from the state will be based on both the population and the number of licenses issued in Wilsonville. The City will also be able to refer a tax of up to three percent (3%) to voters at the next statewide election, which could result in tax revenue for the City.

Several public hearings have been held in the past concerning the marijuana ban as well as this public hearing for reasonable time, place, and manner regulations.

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The proposed Ordinance will allow marijuana businesses that are legal under State law to operate in Wilsonville, so there will be benefits to people in the Community who want to access the product or operate such a business, but the Ordinance will also protect those in the Community who wish to avoid exposure. The Ordinance will also expand the allowed uses of certain buildings located within the City for marijuana operations, if desired, and will produce some tax revenue. On the negative side, marijuana facilities may cause an increase in crime and the need for additional law enforcement.

Ms. Gibbons explained pursuant to House Bill 3400 the City may enact reasonable time, place and manner regulations to restrict marijuana businesses in various ways. The City has chosen to do so through an ordinance regulating time, place and manner of marijuana business operations. Provisions are included that licenses issued under this section will terminate immediately should federal law change, if federal enforcement laws change the proposed ordinance will not conflict or interfere with any federal enforcement requirements. Ms. Gibbons provided the standards of operation requirements along with the licensing requirements

A map showing a 500 foot buffer between marijuana facilities was displayed which showed that 20 facilities could be permitted in the northwest portion of the City. However, the ordinance currently requires a 1000 foot buffer between marijuana businesses would allow six facilities.

Councilor Starr asked if the buffer could be increased to 2000 feet.

Mr. Neamtzu indicated 1000 feet is the state requirement.

Ms. Gibbons added should Council desire to do so, the buffer between certain types of facilities could be lessened.

Councilor Stevens asked if a manufacturing operation could have a retail business within the same building.

Mr. Neamtzu clarified that would be two businesses which must be separated by 1000 feet. For simplicity's sake the 1000 foot buffer was applied to all marijuana uses in the ordinance. Given the impending vote and the timelines, staff is proposing 1000 feet between facilities that would essentially separate the uses as depicted on the map.

Ms. Jacobson added under state law there is no requirement for separation between businesses. Council could allow co-location, but staff wrote the ordinance with the separation based on previous Councilor comments. She noted the City would receive tax benefits from having marijuana facilities, currently the tax is based on population but after the first year it will be based on the number of facilities located in the City.

Councilor Lehan wanted to know the purpose in separating retail and processing when there were other mixed use businesses in the area.

Ms. Jacobson explained if there is no separation between the businesses there may be a higher concentration of businesses in one area. Councilors expressed concern for safety because of the

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location of Wilsonville along I-5. Irrespective of whether two or more businesses were owned by one person each business needed its own license. Regarding co-locating a retail entity in a processing facility typically processing facilities wanted to be located in industrial areas, and retail businesses in commercial areas.

Mayor Knapp asked if Council could change the buffer regulations in the future. Staff advised the Council had the authority to do so.

Ms. Jacobson stated if the voters do not vote to lift the ban to allow marijuana facilities to come into the City, the ordinance will not go into effect.

Mayor Knapp invited public testimony, hearing none he closed the public hearing at 8:05 p.m.

Motion: Councilor Starr moved to approve Ordinance No. 800 on first reading with buffer Map B. Councilor Stevens seconded the motion.

Councilor Starr urged the most conservative stance the City can take until more information and history is known, then changes may be made if they are warranted.

Councilor Lehan expressed concerned about not allowing the processing and retail operations owned by the same owner to be co-located; however, she understood adjustments may be made in the future and the reason to be cautious due to the City's location along I-5.

Mayor Knapp asked if the City Attorney felt the treatment of the marijuana business constituted an unreasonable posture under the context of state law.

Ms. Jacobson did not since marijuana has consistently been treated separately under state law. If the voters choose not to allow marijuana facilities in the City at all, the ban will remain in place.

Mayor Knapp thought Council needed to discuss whether the current ordinance should be adopted, or whether it should be modified to allow co-location of retail and processing.

Ms. Jacobson said the 1000 foot buffer is optional; the ordinance was written to reflect Council input. In addition, the 1000 foot buffer was used for simplicity's sake because the future was unknown. If Council decides to reduce the size of the buffer now but in the future wish to increase the buffer, businesses with 500 foot buffer permits would be grandfathered.

Councilor Lehan understood the 1000 foot buffer, but the small retail included in the processing does not seem logical.

Ms. Jacobson thought the rational is there was one area in the city where these uses were concentrated and if there are two together that counts as one, the number of businesses concentrated in one area increases.

Mr. Cosgrove said staff did not know how much of an issue it is in terms of a business model; Council can always relax regulations but cannot pull back.

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The Mayor supported continuing on a cautious road and reviewing the regulations if warranted at an appropriate time.

Vote: Motion carried 4-0.

B. Ordinance No. 799

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Facility (PF) Zone To The Village (V) Zone On Approximately 1.29 Acres Located In The Villebois Village Center At The Northeast Corner Of SW Costa Circle West And SW Barber Street. Comprising Tax Lot 3300 Of Section 15AC, T3S, R1W, Clackamas County, Oregon, RCS-Villebois LLC, Applicant. (staff – Pauly)

Ms. Jacobson read the title of Ordinance No. 799 into the record.

Mayor Knapp opened the public hearing at 8:21 p.m. and announced the hearing format.

Mr. Pauly presented the staff report. Ordinance No. 799 is for a Zone Map Amendment from the Public Facility (PF) zone to Village (V) zone on approximately 1.29 acres on the northeast corner of the intersection of SW Costa Circle West and SW Barber Street, Villebois Central Phase 11, Berkshire No. 2. The zone map amendment will rezone the land proposed to be developed as 16 “detached” row houses in the Villebois Village Center. The proposed zoning is consistent with the Comprehensive Plan designation of Residential-Village. Development Review Board Panel ‘B’ unanimously recommended the Council approve the Zone Map Amendment during their September 26th meeting.

These units are the smallest of the detached unit types, and are an allowed refinement under the Villebois Zoning Code. The area is next to the piazza and is a transition zone from single family to the densest zones of multi-family and mixed use.

Councilor Starr wanted to make sure the parking for these homes was adequate.

Mr. Pauly said there is more parking than required. There is a garage for each home, and six additional off-street parking spaces provided in the driveways, with twenty-two on-street parking spaces fronting the development.

Councilor Starr asked if a standard fire truck can negotiate the circle.

Mr. Pauly said all of the buildings in Villebois are sprinkled. TVF&R has reviewed and approved the plans, the homes all face a public street which provides access for fire trucks, and the homes have fire suppression systems.

Councilor Stevens asked how many multifamily units were originally planned for the property.

Mr. Pauly said the proposal contains 21 fewer units.

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Rudy Kadlub 11422 SW Barber Street, commented the required number of parking spaces is 16, but the developer is providing 60 parking spaces. He noted the detached town homes are a new product due to the saturation of apartments currently in Wilsonville. All of the buildings are sprinkled. He introduced Steve Pools the representative of David Weekley Homes a new builder in Villebois.

Steve Pools, 19968 SW Cornwall Lane in Hillsboro said David Weekley Homes is a private builder, who has been in Oregon since 1992, and they were known as homebuilder first, and the company was known for their design and quality.

The Mayor invited public input, hearing none he closed the public hearing at 8:44 p.m.

Motion: Councilor Lehan moved to approve Ordinance No. 799 on first reading. Councilor Stevens seconded the motion.

Councilor Lehan commented it looked like a good project, nice to have new builder.

Vote: Motion carried 4-0.

C. Ordinance No. 798

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 5, Section 5.035 And Adding New Sections 5.600, 5.601 And 5.602

Ms. Jacobson read the title of Ordinance No. 798 into the record for second reading. The record for Ordinance No. 798 was left open after the first reading of the ordinance to provide the opportunity for the trucking industry to provide input should they wish to do so.

Mayor Knapp asked if there had been any outreach to the trucking industry. Ms. Kraushaar indicated staff had met with the Freight Stakeholder Committee in Salem, but had not met with the local trucking companies separately since they were part of the state group.

Motion: Councilor Lehan moved to close the public hearing. Councilor Stevens seconded the motion.

Vote: Motion carried 4-0.

Mayor Knapp closed the hearing at 8:48 p.m.

Motion: Councilor Lehan moved to approve Ordinance No. 798 on second reading. Councilor Stevens seconded the motion.

Councilor Lehan said this pilot project will be reviewed after 90 days to determine if it has the desired effect. Changes to the ordinance may be made based on the results.

Vote: Motion carried 4-0.

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Councilor Starr - Yes
Councilor Fitzgerald – excused
Councilor Stevens - Yes
Councilor Lehan - Yes
Mayor Knapp - Yes

CONTINUING BUSINESS

A. **Ordinance No. 796** – 2nd reading

An Ordinance Making Certain Determinations And Findings Relating To And Approving The Coffee Creek Urban Renewal Plan And Directing That Notice Of Approval Be Published. (staff – Kraushaar)

Ms. Jacobson read the title of Ordinance No. 796 into the record for second reading.

Jordan Vance reviewed next steps to be taken should the Council approve the Coffee Creek Urban Renewal Plan.

Motion: Councilor Stevens moved to approve Ordinance No. 796 on second reading. Councilor Starr seconded the motion.

Councilor Lehan thanked staff and the Mayor for the work to obtain the approval from Washington County.

Mr. Cosgrove thanked the Mayor and Councilor Starr for meeting with the Washington County Commission to affect the approvals.

Vote: Motion carried 4-0.
Councilor Starr - Yes
Councilor Fitzgerald – excused
Councilor Stevens - Yes
Councilor Lehan - Yes
Mayor Knapp - Yes

B. **Ordinance No. 797** – 2nd Reading

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 4, Section 4.800 By Modifying Section 4.800 Through 4.804 And Adding New Sections 4.805 Through 4.810 To Clarify And Expand City Regulation And Control Of Wireless Communications Facilities In Recognition Of Changing Laws And Wireless Technology. (staff – Jacobson)

Ms. Jacobson read the title of Ordinance No. 797 into the record for second reading.

Councilor Starr thanked staff for their work on the regulations.

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Motion: Councilor Starr moved to approve Ordinance No. 797 on second reading. .
Councilor Stevens seconded the motion.

Vote: Motion carried 4-0.
Councilor Starr - Yes
Councilor Fitzgerald – excused
Councilor Stevens - Yes
Councilor Lehan - Yes
Mayor Knapp - Yes

CITY MANAGER’S BUSINESS

There was no report.

LEGAL BUSINESS

Staff was directed to schedule an introduction meeting between the Mayor and Council President with Municipal Court Judge Pro-Tempe Weinhouse.

ADJOURN

Mayor Knapp adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor