

# **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, July 15, 2013. Mayor Knapp called the meeting to order at 7:14 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp  
Council President Starr  
Councilor Goddard  
Councilor Fitzgerald  
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager  
Jeanna Troha, Assistant City Manager  
Mike Kohlhoff, City Attorney  
Sandra King, City Recorder  
Nancy Kraushaar, Community Development Director  
Katie Mangle, Manager of Long Range Planning  
Steve Adams, Engineer  
Stephan Lashbrook, SMART Director  
Barbara Jacobson, Assistant City Attorney  
Mark Ottenad, Government Affairs Directors  
Dan Pauly, Associate Planner  
Blaise Edmonds, Manager of Current Planning  
Stan Sherer, Parks and Recreation Director  
Delora Kerber, Public Works Director  
Casey Peck, Senior Utility Worker Roads

Motion to approve the order of the agenda.

**Motion:** Councilor Fitzgerald moved to approve the order of the agenda and to remove Resolution No. 2434 to New Business for discussion. Councilor Stevens seconded the motion.

**Vote:** Motion carried 5-0.

### **MAYOR'S BUSINESS**

A. Parks and Recreation Advisory Board Appointment

Mayor Knapp indicated Council was not prepared to make the Parks and Recreation Board appointment at this meeting, but would do so at the next meeting.

B. Upcoming meetings were announced.

### **COMMUNICATIONS**

A. Casey Peck, Roads Scholar (staff – Kerber)

Mayor Knapp presented the Oregon Roads Scholar Program award to Casey Peck of the Public Works Street Department. The Oregon Roads Scholar Program provides local agency transportation workers

## CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

---

with the latest information on road maintenance procedures and technologies. Through this program local government personnel can heighten their maintenance skill and enhance their knowledge by attending training sessions on current procedures and state of the art technologies.

### **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.

Mayor Knapp clarified to the audience that if their comments were related to a specific application or public hearing later on the agenda, to defer their comments until that point; however, if they wanted to speak in a broader sense they could do so now.

John Ludlow, Clackamas County Commissioner, stated Clackamas County Commissioners had divided the County into five areas; each of the Commissioners were responsible to meet with organizations, agencies and residents in the area to listen and take the information back to the other Commissioners. The area assignments would rotate every six months. Chair Ludlow is the representative for Wilsonville and he can be reached at [jludlow@clackamas.us](mailto:jludlow@clackamas.us).

Mike Shangle, 29220 SW San Remo Court, Wilsonville. Mr. Shangle wanted to know what was driving the high density and apartments being built in Wilsonville. He was concerned with increase in traffic and preferred to see more single family home developments similar to Morey's Landing and Merrifield.

Mayor Knapp commented a housing analysis study has started which would provide detailed information on the housing inventory in the City now. Once the study is completed there will be a policy discussion about the future. There will be multiple chances for public input throughout the process.

Councilor Starr added a many of the developments being built now were approved ten years ago but construction was stalled with the downturn in the economy and developers are finishing their building. The Councilor shared Mr. Shangle's concern.

Councilor Goddard stated some Councilors were asking the same questions. The Councilor felt people from outside the community should not have a say in how Wilsonville develops.

Mr. Shangle encouraged Councilors to review the ECONorthwest study assumptions carefully.

Councilor Fitzgerald added the developments were planned a long time ago and they met a demand for those people who did like living in an area that has more green space and fewer yards. The Jory Trail area has been zoned multi-family for many years, much longer than the time that Villebois was put in, it's just the interpretation of multi-family when you fill it with mobile homes is much different than when you fill it with apartment buildings.

Doris Wehler, 6855 SW Boeckman Road, Wilsonville remarked when the City lost Thunderbird Mobile Court it made sense to build apartments there because they were along the freeway. Ms. Wehler found the Housing Needs Analysis presentation by ECONorthwest accurate and confirmed what many Wilsonville citizens suspected about the ratio of apartments to single family homes. She encouraged Council to challenge the inclusion of the current density to figure out density for the future. Ms. Wehler thought the Frog Pond and Advance Road areas should be developed into single family detached homes

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

on larger lots and one-level homes for older residents. She encouraged Council to include balancing housing types as a Council Goal.

Bo Wu, 28608 SW Morningside Dr., Wilsonville, OR. Mr. Wu was concerned with the density and apartments which he thought negatively impacted schools and the performance of the students.

Bill Buhrow, 28511 SW Cascade Loop, Wilsonville, OR. Mr. Buhrow distributed a list from the 2007-11 U.S. Census Bureau regarding homeownership, and a page listing the social benefits of homeownership. Mr. Buhrow moved to Wilsonville for the quality of the schools four years ago; however, he would not make the same decision today due to low homeownership rate, density, income, school quality, school test scores, and community standards. The higher density and apartments flood the school with a demographic that requires more effort. He thought a certain demographic of the population was not selecting Wilsonville due to the higher density and he wanted to maintain a balance of housing. Mr. Buhrow asked the Councilors "Do you believe that Wilsonville's current homeownership rate is ideal for creating or sustaining a healthy community, strong schools, and keeping Wilsonville a desirable location for people who are choosing to move? Or, do you believe that it is too high or too low?"

Councilor Fitzgerald stated the City could use more homeownership.

Councilor Goddard did not think it was ideal and the City should spend more time listening to the people who live in the community, not developers.

Mayor Knapp thought the downturn caused more activity in rental housing and the City needs to move back towards a balance. The question is does government build houses or does the private sector build housing, that's part of what this study will figure out. After the data is collected a discussion about the appropriate policy would occur.

Councilor Starr stated zoning added to the growth of multi-family housing. The multi-family to single family housing ratio is out of balance and it was time to start building more single family houses.

Councilor Stevens said the housing analysis will generate the conversation. Planning the Frog Pond and the Advance Road sites will be important as the City deals with the issue.

Don Mole, 31235 SW Willamette Way West, Wilsonville, OR commented the mix of housing was out of proportion and single family homes were in demand in Wilsonville.

Eric Postma, 32220 SW Willows Court, Wilsonville, OR. Mr. Postma thought the policy discussions about density should include the impact of density on schools and the quality of education.

Lonnie Gieber, 10558 SW Sunnyside, Wilsonville, OR expressed concern about the unintended consequences of policy decisions on the education system and the sense of community as more people are put into dense living situations. He asked Council to consider both the qualitative and quantitative sides of policy decisions.

Phillip Rosebrook, 28379 SW Morningside Ave, Wilsonville, OR said his family moved to Wilsonville for the community and the quality of the schools; however, he did not like the direction the community was going.

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

Kurt Godfrey, 10502 SW Sunnyside Dr. Wilsonville, OR, stated he has seen the density getting thicker and he would like to see it go back to what it was when he moved to Wilsonville ten years ago. Mr. Godfrey agreed with the previous comments.

**COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS**

Mayor Knapp announced nominations for the Heart of the City Volunteer Awards were due July 31, 2013.

Council President Starr – Park & Recreation Advisory Board, Chamber/City Leadership.

Councilor Starr thanked the citizens who shared their opinions regarding housing density noted those comments were consistent with last year's city-wide survey results. He suggested adding housing density balance to the Council Goals.

The Councilor reported the Chamber of Commerce is developing ways to attract new businesses to Wilsonville and to retain the current businesses. Councilor Starr testified before Metro on bringing the Advance Road area into the UGB for a new school. He invited the community to the Fun In The Park event, as well as the Scenic Trolley Tours, and the Wilsonville Farmer's Market in Villebois.

Councilor Goddard – Library Board, Chamber Board, and Clackamas County Business Alliance stated the Library summer reading program exceeded 2,000 participants for the first time; and announced the Wilsonville History Program to be held at McMenamins. He invited the Community to the Rotary Concerts, and the Kiwanis Kids Fun Run.

Councilor Fitzgerald – Planning Commission; Committee for Citizen Involvement; and Library Board announced the 60<sup>th</sup> anniversary of the Korean War Cease Fire Agreement and Movies in the Park. The Councilor reported the Planning Commission discussed proposed changes to the Villebois Master Plan for a 42-acre single-family home development on the Living Enrichment Center property to be built by Polygon Northwest.

Councilor Stevens – Development Review Panels A and B; and Wilsonville Seniors, announced the next DRB and Wilsonville Seniors meeting dates. She announced the SMART walking group activities, and the North Willamette Research Center open houses.

**CONSENT AGENDA**

A. **Resolution No. 2431**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Elting Northwest, Inc. For The Rivergreen Drainage Project (Capital Improvement Project #7012).

B. **Resolution No. 2432**

A Resolution Of The City Council Of The City Of Wilsonville Acting As The Local Contract Review Board, Authorizing The South Metro Area Regional Transit Department (SMART) To Purchase Two Used 30-Foot, Diesel Buses From Transit Sales International.

C. **Resolution No. 2433**

A Resolution Of The City Of Wilsonville Acting In Its Capacity As Its Local Contract Review Board Authorizing The Execution Of A Professional Services Agreement With Murray, Smith

**CITY OF WILSONVILLE  
CITY COUNCIL MEETING MINUTES**

---

And Associates To Provide Engineering And Consulting Services For The Wastewater Collection System Projects.

D. **Resolution No. 2434** *removed from Consent Agenda to New Business*

E. Minutes of the June 3 and June 17, 2013 Council Meeting.

Mr. Kohlhoff read the titles of the Consent Agenda items into the record.

**Motion:** Councilor Starr moved to approve the Consent Agenda. Councilor Stevens seconded

**Vote:** Motion carried 5-0.

**PUBLIC HEARING**

A. **Resolution No. 2428** *Continued from June 17, 2013 Meeting – Hearing left open.*

A Resolution Approving a Rate Increase for Republic Services of Clackamas and Washington Counties, for Solid-Waste and Recycling Collection in the City of Wilsonville.

Mr. Kohlhoff read Resolution No. 2428 into the record by title only. The City Attorney noted at the last meeting the Council had questions of Republic Services who provided the answers via letter.

Mayor Knapp stated the June 17, 2013 public hearing to allow for additional public notification and comment.

Mark Ottenad prepared the staff report included here for clarity.

On June 17, 2013, City Council held a public hearing to consider the rate increase requested by the City's solid waste, yard debris and recycling collection franchisee Republic Services ("Franchisee"). City Council continued and kept open that public hearing to July 15, 2013, directing staff to meet again with the Franchisee in order to obtain additional information concerning the rate increase, and to give the Franchisee the opportunity to provide a more in-depth response to questions raised by Councilors and a citizen who testified.

Staff provided detailed information on Wilsonville Code (WC) 8.4 and Ordinance No. 204 of 1982 that govern solid-waste collection and disposal in the June 17 Staff Report. Staff met again with several representatives of the Franchisee on June 25, 2013, to discuss issues around the rate-increase request and City Council members' and citizen concerns, as expressed at the June 17, 2013, hearing. Staff suggested that the Franchisee provide a supplemental letter to better address each Ordinance criteria, to clarify certain information provided at the prior City Council meeting, and to address issues raised by Councilors and a citizen.

Lake Oswego City Council approved the Republic Services rate increase request, as presented, on June 18, 2013. The City of Tualatin City Council has received a rate increase request from Republic Services and has scheduled a hearing on the matter for July 22, 2013.

While not part of the rate-increase request or process, City Council may wish to consider the following related issues at a later date. Specifically, Ordinance No. 204 is 31 years old (passed in 1982). While subsequent ordinances and resolutions (Ordinance 281, 1985; Ordinance No. 424, 1994; Resolution No. 2040, 2007; Resolution No. 2196, 2009; Resolution 2300, 2011) have enlarged the scope of services and increased the rates, the original Ordinance text still governs.

## CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

---

Staff suggests that Ordinance 281 should be updated to reflect newer information and methods of doing business, changes in governing statutory provisions, the actual basis on which the Franchisee calculates the need for a rate increase (based on prior operating expenses and not on anticipated increases in future operating expenses), liability insurance coverage and changes in law and technology. Staff welcomes Council direction on this issue.

Additionally, through various mergers and acquisitions, the City has done business with the same franchise-holder for over 30 years. While there are no performance issues with the quality of the Franchisee's services and Franchisee has served the community well for many years, the City Council may want to consider opening-up the solid-waste franchise for bid at some point in the future in order to be consistent with competitive public contracting laws and objectives. The current Ordinance requires three years prior notice to the Franchisee from January 1 of any given year before such a process can take place. Staff will await Council direction on this issue at some point in the future.

Metro staff is proposing an amendment to the Metro Administrative Procedures of the Regional Service Standard that would specify glass continue to be collected separately from other recyclable materials, which has been standard practice in the region for two decades. The amendment is directed toward maintaining the high quality of the region's recyclables in order to support local markets for paper and glass. A number of cities and counties have made this a requirement of their haulers, including the cities of Beaverton, Portland, West Linn, Gresham and Washington and Clackamas Counties. Metro is proposing to codify the practice this summer in order to ensure it continues into the future. It should be noted that the City's current Agreement is silent on this issue but that Franchisee has not proposed changing any of its programs in conjunction with this rate increase request.

The Franchisee requested a rate increase effective July 1, 2013. Staff had recommended approving the Franchisee's rate increase request but with an effective date of September 1, 2013, in order to give citizens a more reasonable amount of advance notice of the rate increase. The City will continue to collect a 3% franchise fee from the Franchisee. The overall projected rate increase for the solid-waste services has a minimal positive impact on the city's 2013/14 budget.

Community involvement has included advertising the hearing for Resolution No. 2428 in the June 12, 2013, edition of the *Wilsonville Spokesman* newspaper and on the City's website. The City also produced an article entitled, "City Council Continues Public Hearing to Consider Solid-Waste Collection Rate Increase," in the 11,000-plus circulation, July-August 2013 edition of the *Boones Ferry Messenger* all-city newsletter. City staff received only one public comment as of July 3.

Mr. Ottenad added Republic Services responded to the issues of concern raised by the Councilors which included questions around rates pertaining to certain services provided in other cities. Republic Services provided information showing how the tonnage of waste generated, the types of service, collection frequency, route density and number of loads obtained from a given route, all impact the rate structure. They also provided additional information on why industrial rates in Wilsonville vary due to the number of customers having their own containers. Mr. Ottenad noted the error on page 11 of Attachment "A" had been corrected.

In response to the Mayor's question about the types of fuels used by SMART vehicles Mr. Ottenad explained SMART has 25 diesel, 5 gasoline, and 2 CNG buses. The City is in the process of receiving two additional CNG buses, and two full sized diesel/electric hybrid buses.

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

Councilor Goddard asked if there had been substantive changes to the requests of Republic Services as a result of these follow up conversations. Mr. Ottenad said there were not.

Derek Ruckman, General Manager, Republic Services, indicated his staff had spent time with City staff to answer questions and provide greater detail about how rate structures are established. Mr. Ruckman asked that the rate adjustment become effective August 1, 2013.

Councilor Fitzgerald asked how the public would be told of the August 1<sup>st</sup> rate increase.

Mr. Cosgrove thought Republic Services would send notices to their customers; the City did advertise in the Boones Ferry Messenger that rate increases would be before Council. The August first date was a suggestion for meeting the franchisee half way.

Mayor Knapp invited public comment.

Doris Wehler stated she did not mind paying a few dimes more to count on having her garbage picked up.

The public hearing was closed at 8:45 p.m.

**Motion:** Councilor Starr moved to approve Resolution No. 2428 with the increase to begin August 1, 2013. Councilor Goddard seconded.

Councilor Goddard noted for the record that was the same motion he made at the June 17<sup>th</sup> Council meeting and he was pleased to see a second for the motion.

Councilor Staff indicated he did not second the motion in June because he did not have enough information; since he met with Republic Services he feels he has enough information.

**Vote:** Motion carried 4-1.  
Mayor Knapp voting "No".

**B. Ordinance No. 717 – first reading**

An Ordinance Of The City Of Wilsonville To Increase The Number Multi-Family Residential Dwelling Units And To Modify Ordinance No. 703 That Imposed A Limitation On The Number Of Multi-Family Residential Dwelling Units Within Brenchley Estates North. The Subject Property Being Affected By This Ordinance Is Located On Portions Of Tax Lots 105 And 200 Of Section 14A, T3S, R1W, Clackamas County, Oregon. Holland Partner Group/Brenchley Estates Partners, LP, Applicant.

Ordinance No. 717 was read into the record by title only by the City Attorney.

Mayor Knapp declared a recess at 8:45 p.m. and reconvened the meeting at 8:54 p.m.

The Mayor stated the public hearing format and opened the public hearing at 8:54 p.m.

Blaise Edmonds prepared the staff report which is included here for clarity.

In May of 2011, Development Review Board Panel B ("DRB") approved Brenchley Estates (Jory Trail at the Grove). Jory Trail at the Grove which is comprised of 356 residential units divided

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

among 14 apartment buildings (324 units), a community building/swimming pool in Phase I, and 32 detached single-family dwellings in Phase II. Jory Trail at the Grove Apartments is approximately 92 percent occupied.

In March of 2012, DRB Panel B approved a modification to the Stage I Preliminary Plan that combined Brenchley Estates-South with Brenchley Estates-North. The combined master planned area is 59.96 acres and was comprised of 71 single-family detached houses and 683 multi-family units, for a total of 754 units. However in April of 2012, City Council adopted Ordinance No. 703 that rezoned Brenchley Estates North from RA-H to PDR-4. Ordinance No. 703 reduced the total number of multi-family units by 39 units and the Applicant agreed to voluntarily age restrict 46 units, to be contained in the next phase of the development, to occupants 50 years or older, excluding 25 market rate single family houses which were not to be age restricted. Ordinance No. 703 resulted in allowing up to 715 total residential units (reduced from 754 units), with 359 of those units in Brenchley Estates North.

**Special Needs Housing:** The Applicant is seeking City Council approval to modify Ordinance No. 703 to gain back the 39 units and add 27 additional units for a total of 66 additional multi-family units. The justification for the request to increase residential density is based on Comprehensive Plan Implementation Measure 4.1.4.v which states; *“Site development standards and performance criteria have been developed for determining the approval of specific densities within each district. Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).”*

The Applicant asserts that the proposed Active Adults At The Grove Multi-Family Project will help meet an unmet demand for rental units for occupants age 55 years or over, including those with disabilities, and will fill a gap between independent and assisted living in the market. The additional 66 multi-family units will be accommodated by using a 4-story building with three elevators. The building will have a total of 112 units. The Applicant has represented that it would not be financially feasible to install the elevators if the building had less units or one less story. The addition of the extra story required the DRB Panel B to approve a height waiver.

The Applicant proposes to make the entire building age restricted for occupants 55 years or older (at least one resident in each unit must be age 55 or older). The Applicant also proposes to increase the number of specially equipped Type “A” American National Standards Institute (ANSI) units from the required 3 units to 12 units, which would provide for meeting the “special needs” of residents with disabilities. The 12 units equates to approximately 10% of the total building unit count. Rent will be at market rates.

DRB Panel B’s primary role was to determine whether or not to approve the Applicant’s proposed site development plan, including a height waiver, based on the applicable criteria for Site Design Review, including the granting of a height waiver. . At the DRB hearing the Applicant testified the height waiver would only be needed if City Council granted the requested density increase. Based on testimony presented, the DRB elected to make a recommendation of approval to City Council.

The proposed modifications to Ordinance 703 are contained in the proposed Ordinance 717.

The proposed Ordinance 717 is being forwarded to the City Council with a recommendation of approval from DRB Panel B to modify Ordinance No. 703. DRB Panel B also approved several companion applications for the proposed Active Adults at the Grove Multi-Family project



## CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

---

including a modification to the Stage I Preliminary Plan, approving a Stage II Final Plan, a waiver to allow a 47 foot high 4 story building, Site Design Review and a Type 'C' Tree Plan. DRB Panel B determined that the Applicant has met Implementation Measure 4.1.4.v.

Adoption of Ordinance No. 717 would allow for increased density in the development of the proposed Active Adults At The Grove Multi-Family Project. If approved construction would begin this summer.

The proposed Active Adults At The Grove is a private development so the Applicant is responsible to make all public and private improvements and pay City application fees and systems development charges for parks, storm sewer and streets.

**Legal Review / Comment:** The applicant has the burden of proving by a preponderance of the evidence that it meets Comprehensive Plan Implementation Measure 4.1.4.v. for particular needed housing in order to justify an increase density. The Measure uses the terms elderly and handicap. See above. The terms are somewhat archaic in use from the 1980's, and are generally known under more modern terminology. The Applicant proposes all units be age restricted to at least one occupant per unit being 55 or above to ensure the provision of senior housing. Webster's New Collegiate Dictionary (copyright 1977) defines elderly being past middle age. Black's Law Dictionary (Ninth Ed.) defines abuse of the elderly as abuse of senior citizens. Age 55 for many purposes defines senior citizen (HUD uses the age 55 and up for senior housing) and 55 is commonly viewed as just passed middle age. The prior use of the property was a Mobile Home Park, limiting the occupants to seniors 55 and up. When this Measure was recently used to allow a one unit increase in density, age 55 was used as the age determination for the term elderly. Twelve of the units will have additional accessibility features for occupants with disabilities, which equates to the handicap term. Additionally, in determining the need for this type of housing, it is appropriate for the Council to consider the economics of providing such housing in determining the likelihood that need for such housing can be met. The proposed age restriction and accessibility units meet the Measure terms should the Council determine there is a need to increase density on this site to economically provide for this type of housing. The proposed ordinance is approved as to form, and the required public hearing notices have been sent.

#### Potential Impacts or Benefit to the Community:

- Help meet the demand for housing of occupants 55 years or over and bridge the gap between market rate independent living apartments and assisted living.
- Provide more customers and clients for City businesses.
- Provide housing that is within walking distance to Wilsonville Town Center.
- The 55 and older population will create fewer traffic impacts.
- Increase transit ridership generated by the project next to a major transit route along SW Parkway Avenue.
- New construction jobs.
- Increase in Annual Property Taxes \$458,788 (Applicant's estimate).

The decision on the site development approval and building height waiver was a DRB quasi-judicial decision. If the additional 66 units are not approved by City Council, the Applicant may not need the height waiver and may elect to redesign the layout and Council may remand the project to the DRB for further review.

Blaise Edmonds, Manager of Current Planning stated the criterion applicable to the application is stated in

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

Implementation Measure 4.1.4(v) of the Comprehensive Plan, which reads, “Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).”

Council will be making a policy decision to decide whether or not this project should be granted. The applicant is requesting 66 additional dwelling units over what the Council approved with Ordinance No. 703. Mr. Edmonds showed the location of the site via PowerPoint and provided the history of development of the site.

With the approval of Ordinance No. 703, Council approved a total of 715 units (280 multi-family residences, 46 future multi-family for 50 years and older and 25 single family residents). The current application proposes adding back the 39 units removed last year from the project, plus adds an additional 27 to the original 46, for a total of 781 units.

The applicant is asking the Council to modify Ordinance No. 703 to increase the total density based on Implementation Measure 4.1.4(v) of the Comprehensive Plan that addresses special needs housing for elderly or handicapped people with rent levels at market rate. There will be twelve special equipped Type-A American National Standard Institute ADA units. An argument was made to the Development Review Board the entire building, with the additional 66 units, would be age restricted to 50 and older. Because the residents will be senior citizens there will not be a demand on the school system.

The building will be shaped like an “I” with each unit having a balcony. Open space areas will surround the site and the largest grove of Oregon White Oaks will be retained. A bus turnout and shelter will be conveniently located near the building.

Although the DRB’s function is to address site design elements, the issue of density – a Council policy decision – was raised and whether the DRB wanted to make a recommendation to the Council. The DRB recommended the density for the project should be approved; however, the primary discussion was whether the building fit into the site and the other buildings on the site. Mr. Edmonds displayed a height comparison of the Active Adults building to the other apartment buildings on the site. He listed the other four-story buildings in Wilsonville which include: The Bell Tower Old Town Square, Creekside Woods Apartments, The Charleston Apartments in Villebois, and The Alexan Apartments next to the Piazza in Villebois. The applicant is requesting a partition to divide the property into separate parcels; Lot 2, Lot 4 and Lot 5 are vacant and designed for future single family residential homes.

DRB member Cheryl Dorman, was concerned about the discussion Council had in their work session about the balance of single family homes to apartments and felt strongly that was a concern; at the same time she wanted to bring this message to Council in the DRB meeting minutes and hoped the Council would read the minutes of the DRB which explained the reasons for their decision. Mr. Edmonds indicated the DRB panel approved the applications for site development, waivers, and to forward a recommendation to approve the 66 additional units for a total of 112 units for the project.

Councilor Starr asked for clarification of B4. On page 50 of 78 regarding outdoor recreation space. Mr. Edmonds explained the developer is providing 320 square feet of outdoor recreation space for each of the 112 units satisfying the 300 square foot requirement.

Councilor Starr wanted to know more regarding the ODOT statement about exceeding the sound requirement; was ODOT referring to freeway traffic, or the fourth story, or because the sound is so loud to begin with.

## CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

---

Mr. Edmonds responded ODOT sent a cautionary or disclaimer statement exhibit for the record to protect their liability in the event there was a complaint.

Councilor Fitzgerald wanted to know where the reference was in the DRB minutes for the density discussion. Mr. Edmonds indicated pages 19-21 of the May 30, 2013 DRB Minutes.

Councilor Stevens referred to the slide showing the location of Lots 2, 4 and 5 which would be 27 single family homes and asked how large the lot sizes would be and the size of the back yards.

Mr. Edmonds said that had not been a part of the master plan revision.

Councilor Goddard asked about the commercial space in the original plan and the number of individual lots in the original concept plan. Mr. Edmonds said the commercial didn't meet the test for neighborhood commercial.

Councilor Fitzgerald wanted clarification on page 2 of 4 of the staff report where it states, "...the entire building age restricted for occupants 55 years or older..." was the intent to read 50 years or older.

Mr. Edmonds responded Ordinance 703 approved the 50 years and over.

Mayor Knapp asked how the trees removed to build the project will be replaced and would anything be planted along the sound wall or would ODOT allow trees to be planted in their right of way.

Mr. Edmonds explained when the Thunderbird Mobile Club was first developed; there were no trees save the grove of Oaks, the residents planted all the other trees. The applicant did preserve specimen trees to be replanted on site. He said the garages would be next to the sound wall and he did not know if ODOT would allow trees to be planted.

Councilor Starr asked if the road maintenance fee was a county or City standard. He felt each additional unit was being subsidized by residential.

Mr. Kohlhoff stated this City fee is for road maintenance and is levied against both residential and commercial properties; multi-family buildings have a per unit charge; a standard trip rate for multi-family buildings and residential homes based on the average number of trips during certain times of the day.

Mr. Cosgrove added the methodology used to calculate the rates assumes there are fewer trips from a one-bedroom apartment than a four-bedroom house.

Councilor Starr asked if there would be four-bedroom units. Mr. Edmonds replied there would be 29 one-bedroom units, and 82 two-bedroom units.

Mayor Knapp invited the applicant to make their presentation.

Mr. Kohlhoff said a number of letters had been presented and were made part of the record. Letters were submitted by the following individuals:

Those against:

- Debi Laue, PO Box 147, Wilsonville, OR
- Aelyn Thomas, Wilsonville, OR [aelynthomas@yahoo.com](mailto:aelynthomas@yahoo.com)
- Laura Atanes, 25780 SW Canyon Creek Road, Wilsonville, OR
- Patrick Weis, [patrickweis10@gmail.com](mailto:patrickweis10@gmail.com)

## CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

---

- Jennifer Koenig, 7720 SW Summerton St, Wilsonville, OR, [jennkow@msn.com](mailto:jennkow@msn.com), (received via email at 5:40 p.m. on July 15, 2013)
- Rachael Howe, [rachelkhowe@yahoo.com](mailto:rachelkhowe@yahoo.com) (received July 16, 2013 at 12:54 p.m.)
- Don Mole, [donaldrmole@comcast.net](mailto:donaldrmole@comcast.net) (received email with copy of testimony presented at July 15, 2013 Council meeting)

Those in favor:

- Bob Miller, Artistic Auto Body, 29775 SW Parkway Ave, Wilsonville
- Alana Wilson, 8570 Ash Meadows RD #528, Wilsonville, OR
- Mary A. Moffitt, 23545 SW Gage Road, Wilsonville, OR

Clyde Holland CEO, and Chairman, Holland Partner Group, 1111 Main Street, Vancouver, WA provided the background leading to the development before the Council. The goal is to fit into a city and address community housing needs, while providing a quality product and living experience.

Although not required a sound wall was installed. The applicant offered to plant trees on the ODOT right of way if ODOT agreed.

Residents of Jory Trail participated in focus groups to talk about their housing preferences. The group was primarily older, retired or semi-retired adults with no children at home who wanted a quality, comfortable place to call home without the maintenance of a single-family home.

Brenner Daniels talked about what they heard from the residents in the focus groups. Two focus groups made up of a diverse population were held, the first with 11 participants and the second with 19. They learned this demographic desired:

- more space, 1-3 or 4 bedroom units, which are not available in the available senior housing
- true master bedrooms
- storage space
- elevators
- secure access to the building
- concierge service
- walk to transit
- walk in showers

These characteristics are being worked into the building.

Mr. Holland said they feel their proposal would serve an unmet need for housing stock in Wilsonville, is an opportunity for individuals to move into a place where they want a little more service, not maintain a home, but want to remain active and live in the community. The people in the focus groups did not want to have to purchase the mandatory meals and services as traditional retirement communities require. They found the ages of 55 to 70 the primary active retirement years is growing faster than the average total demographic, and the need for that renter is significantly unmet. Having a building that is available with the sized of the units, elevator access, secure building and level of service is not available in town right now.

Mr. Daniels added the focus groups were not interested in owning a home again due to the maintenance.

Regarding natural open space, the amount of trails, green space and walkability of this neighborhood makes it a top neighborhood. The mature landscaping will be brought back and will substantially exceed the replacement standards.

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

Don Hanson, OTAK talked about the comprehensive plan and the implementation measure that allows, through the planned development process, to increase density by providing for and meeting special needs. This project will address the independent housing needs of elderly and handicapped individuals who want to remain active and the units will be moderately priced with the unbundling of services. The building will be secure, and each floor will have exercise facilities, hobby and gathering areas, and there will be increased common areas throughout the building. The location of the building works well with the town center concept and is a good transition between the freeway and the properties to the east.

Mr. Holland responded to the question about the size of the single family lots noting the lots on the north will be larger than on the south side. The homes would have the master bedroom on the main level.

Councilor Fitzgerald confirmed the single family homes were to be sold. Mr. Holland affirmed they were for sale.

Councilor Starr questioned if the additional density was not approved, would Mr. Holland still provide this type of housing for active seniors.

Mr. Holland stated to provide elevator access they need to have a minimum number of units. If the density was not approved we would not be able to build this building, we would do more single family homes.

Councilor Starr asked if 50 single family homes would be displaced if the Active Adults building was approved. Mr. Holland said it was about 28-29.

Councilor Starr didn't think the size of the units in the proposed Active Adults building would meet the requests of the focus group for larger units.

Mr. Holland put the size of the Active Adults units into context with the alternatives. The average square feet of a unit in an alternative one-bedroom assisted living is 650-700 square feet, and 900 square feet for a two bedroom unit, a 2-bedroom/den will be between 1300 and 1400 square feet. The Active Adult units would be 50 percent larger than what is available on the market now. The size of the single family homes for the senior section would be about 1800 square feet; primarily one-story with master on the main floor, there may be some two-story homes.

Councilor Goddard asked why the developer had not met that demand with the existing units that are under construction or built and leased out.

Mr. Holland responded there are about 200 individuals 50 years plus that living in those units, but what they really want is an opportunity to live in an age restricted building where they did not have children around. They wanted a secured building and an elevator. So that's a different kind of building and we've looked at that design and brought that design here so we could meet those needs.

Councilor Goddard wanted to know if Mr. Holland was aware of this need before.

Mr. Holland stated they were surprised; we've had a significant number of individuals ask for the secured building, elevators and larger units. We think the 112 units will meet that need for those individuals and provide something not available in the market place at a price they can afford.

Councilor Fitzgerald asked if the single family houses were restricted to those 55 and older; and for Mr. Holland to address the matter of 'affordable;' and describe how that compares to the standard subsidized

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

housing.

Mr. Holland said the homes were not age restricted. Regarding subsidized housing, HUD calculates affordability at the median income, 80% of the units on the first floor units at Jory Trail and Terrene meet the HUD median income expectations. Compared to the building alternatives we are not requiring mandatory purchase of meals, services, medical, etc., the rents at this building will be 2/3 of what is available in the market place.

Councilor Starr asked if the approval last year was single family housing for 55 and older only.

Mr. Holland said the Councilor was correct, 49 single family homes were approved and half of those were age restricted. What we've done is double that with respect to what is available to those 55 and older, all of the units that were age restricted in the original approval were included in the Active Adults building and the entire building is age restricted.

Mayor Knapp wanted to know if the applicant was proposing the property be deed restricted so the age category carried forward. How will the rents in this proposed building differ from the rents in the Jory Trail building?

Mr. Holland indicated they were proposing a deed restriction. The units in the Active Adults building will be substantially larger than those in Jory Trail, and the rents will be more than Jory Trail and Terrene because of the increase in square footage. The rents in this project compared to rents in projects that are age restricted with "bundled services" will be 1/3 less on average.

The Mayor wanted to know how the number of ADA units was selected. Mr. Holland essentially our best business judgment was to provide four times the requirement.

Mayor Knapp asked what would happen if the waiver was not granted. Mr. Holland said the building would not be built due to rising construction costs.

The Mayor asked if the proposed building would be more suitable for other locations compared to an "ideal" location.

Mr. Harmon said from a physical standpoint the site is ideal based on its proximity to Town Center, the bus service, and the setting which is not adjacent to a single family neighborhood, or an elementary school, but is a transition from a freeway corridor to other quieter uses.

Mayor Knapp invited public input.

Doris Wehler commented when the project was first proposed she was opposed but she didn't know it would be moved into the site and proposed for elderly housing. When she considered the need and the alternatives of assisted living, the question council needs to ask is how long will it take to allow developers willing to build 112 single level homes.

Laura Atanes, 25780 SW Canyon Creek Road, submitted written comments in opposition to the application. She added there were alternatives that provided the same amenities outlined for the Active Adults at the Grove apartments, in the Bell Tower in Old Town Square, and Domain at Villebois. These alternatives would decrease the density issue and use what is currently in place. Ms. Atanes noted the Active Adult rents would be at market rates and she preferred to see more low-income offerings for adults 50 plus.

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

Ken Woods, 8540 SW Ash Meadow Road #118, Wilsonville, lived in Jory Trails and was a participant in the focus groups. As a construction consultant he commented on the high quality of the project, and that the rental rates are competitive for comparably sized units and finishes. He thought Active Adults would be the ideal project and urged Council to approve the project so the applicant can take advantage of the lower construction costs.

Barbara Heuer, 8710 Ash Meadows, Wilsonville, stated she had investigated both the Bell Tower and Villebois and did not find 3-bedroom units, nor were the other renters their peers. She was looking forward to being a resident in Active Adults at the Grove.

Connie Wiley, 8640 SW Ash Meadow Rd #921, favored the proposal and the need it will meet for the future.

Bruce Heuer, 8710 Ash Meadows, Wilsonville, believes the proposal will be beneficial to local businesses and the people who will live there will not use many City services such as schools.

Grant Emigh, 7560 SW Fairway Dr., thought the proposal strongly met a real need and he supported the proposal.

Mayor Knapp invited the applicant to present their summary.

Don Hanson provided clarification on the questions the Mayor asked. The leap from independent housing to assisted living was not discussed, and active adult is in between the two. Regarding the single family lots that are being displaced: if the Active Adults at the Grove were not built, 30 single family homes would be built on the property, and the 27 single family homes that wrap around on two sides. Mr. Hanson said the Active Adult concept has been considered for the past three years, collecting demographic data, conducting focus groups, and doing research on this type of housing project. When siting such a facility a developer would look for a site that is close to a town center, walkability and mobility are necessary, not next door to a single family neighborhood to avoid visual impacts; the right context is needed for this type of facility.

Mr. Holland stated when he said this need wasn't met, he meant for seniors and an age restricted building with units that are adequately sized for the demand in their lifestyle. There are elevator served building at Domain in Villebois which has a waiting list that is long, but those units on average are 50% of the size that we would be building for Active Adults at the Grove. The compared elements are allowing seniors to live with their peers on a consistent basis and an elevator; in the market place in the highest demand overall are 3%, but the vacancy for the units that meet senior's needs is even lower than that because that's where the driving forces are. People want to live on the first floor if possible because of the stairs, when you look at the market place what we try to do is listen very carefully, and be thoughtful and we see this as a need and we see this as a model property that we think is transportable to other communities and it's a business line that given the level of interaction that we've had and the opportunities that we think the success of this building will be a model that can be repeated.

Councilor Starr asked if all of the apartment buildings have been built for the entire development.

Mr. Holland said they are under construction, no other apartments are planned. They were in the leasing phase, and have leased 95% of Jory Trail, and leasing is active at Terrene. Regarding density, ECONorthwest did their study up to December 31, by their count there are about 600 single family units started in 2013 and we are not aware of any multi-family that have been started except for this project.

**CITY OF WILSONVILLE  
CITY COUNCIL MEETING MINUTES**

---

The Active Adults at the Grove are built to a salable condominium standard.

Councilor Goddard asked how many residents in the complex work in Wilsonville. In response Mr. Holland would bring back the information and suggested given that 30% of the renters are at or in their retirement years, including have lived in Wilsonville for a long period of time or when they worked were working in Wilsonville.

Councilor Stevens wanted to know if the building went condominium in the future, would the building still be considered multi-family even if they were owner occupied. Mr. Holland said they would be due to the building type and even if the units were sold, the deed restriction would limit purchasers to those over 55 years.

Mayor Knapp asked for a motion to close the public hearing.

Councilor Goddard noted the meeting was 20 minutes past the adjournment time, and indicated a motion was necessary to continue business this evening.

Mr. Cosgrove said that was correct.

Councilor Goddard said he would have to excuse himself in the next ten minutes and we have a couple more agenda items to deal with.

Mr. Cosgrove suggested carrying over the Council Goals to another meeting.

**Motion:** Councilor Goddard moved to close hearing. Councilor Stevens seconded the motion.

**Vote:** Motion carried 5-0.

The public hearing on Ordinance No. 717 was closed at 10:50 p.m.

Mayor Knapp asked Mr. Edmonds to identify the four story buildings along the freeway and their heights.

- AGC building is 4 stories, 52 feet high.
- Holiday Inn is 5 stories and 60 feet 8 inches high
- OIT Building is 67 feet
- Mentor Graphics 3 four-story buildings are 51 feet
- Bell Tower Apartments is four stories and has two different height parapets 42 and 46 feet.
- Wilsonville Suites is 42 feet

Councilor Starr wanted to know the difference in tax revenue there would be for the swap out of the single family homes for the one building.

Mr. Edmonds noted page 4 the staff report contained the following information provided by the applicant: Increase in annual property taxes \$458,788.

Mr. Holland added if a comparison was done it is the \$400,000 additional property tax; 30 homes would be necessary to achieve this number versus 112 apartments. The delta that you will collect is about the \$400,000 and it's about \$600,000 up front on the SDCs, and since everything is built out, and we're not tapping any of the public field that is all incremental revenue for the City.



**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

**Motion:** Councilor Fitzgerald moved to approve Ordinance No. 717 on first reading. Councilor Stevens seconded.

Councilor Stevens thought this fit a niche in the community that was lacking. What I like most about it is that there will be these consumers who will help the east side businesses, because I think there are some businesses that are struggling now that we've done the development on the west side. The restaurants and the local stores there you can see they are having a little harder time. I'm hoping that this will bring more revenue to those businesses and not have the impact on the services that we have, the schools and fire and police and roads to some degree the traffic. I also think it is important as DRB liaison to respect the work that group has done. I've read through their minutes and they really vetted this issue and asked some really good questions of the applicant. Everybody was involved and participated, all five board panel members were there and they asked many of the same questions we did. There was a lot of concern about density, traffic, and the height of the building and what that would look like. I think they did some really good ground work there and felt comfortable recommending this even though they did not have a voice in it, I respect the fact that we have this citizen panel that we put our trust in and to respect that decision.

Councilor Goddard appreciated the willingness to consider the needs of the aging population and recognize the need in the community for housing to support that population, but the overwhelming majority of the feedback that he received from members of the community is that this project combined as it sits now is so far beyond the scope that people would expect in terms of density and the size and the number of apartments that it is objectionable. The Councilor appreciated the applicants pride in the project and if he were a developer he would be proud also; the developer has accomplished a higher level of density than many housing projects in our community, probably squeezed more units onto this property than many in our community would have ever expected to see on this property. In spite of the sales pitch and the marketing approach that you've taken for your target market, this at the core, is in my view another bite at the apple and the Council took a position on the earlier request for a density increase, I think this is simply another approach to try to get even higher density maybe than you had asked for originally and at the sacrifice of what I believe some of the neighborhood feel that many in our community appreciate. We had a fair amount of discussion this evening about the density in our community. There isn't a single peer community in the Portland metropolitan area that has a higher percentage of apartments than Wilsonville. And your project is singly handedly credited for significantly moving the needle, I believe, in the number of apartments, 715 units, which has pushed us close to 60% apartments in our community. We were closer to 50% before this project came along about 53% which is still higher than many of us believe and many of the people that I hear from in our community would like to see. I appreciate the model you are trying to pursue here, I think under different circumstances it would be a reasonable project but I don't believe this is the right answer or the right project and if it were a standalone project maybe that would be different. In spite of everything that is around it and all that I've heard from our community I'm not compelled that your request for additional density is justified.

Councilor Fitzgerald acknowledged the citizens' concerns about density, and thought there was more to work on as Doris Wehler commented earlier, she asked us how long it would take us to build 112 single story homes. I don't know that because it depends on the builders who come forth, but there are many building permits that have been let since January for single family houses. We are looking at Frog Pond, we are hearing about the Living Enrichment Center and smaller parcels as well. The Councilor has comfort in the fact that there are a lot of single family homes under way and that are being sold. If you step aside from that and look at this piece of land that is sitting right on I-5 she thought it was stretching it a little bit to put single family homes there as close as they are to I-5. She has looked at the property hoping her father in law would move from the far reaches of Clackamas county and we brought him down to look at Jory Trail, and he wasn't brave enough to leave his house yet. But I could hear the stories that people told about how it worked for them, and we could see how it would work for a parent. There is a

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

lot to listen to here, we are listening to people being concerned about densities and really needing to see more single family homes; we're also seeing an opportunity to develop this unusual piece of land that was the site of many mobile homes for many years transformed to something else that I have to say presents a very compelling case for a certain aspect of our population. We are going to have more people aged 55 and older, not fewer. For that reason I decided that I would like to make the motion to approve this on first reading and that does give us a chance for another hearing. In looking at the comments from the DRB; and we talked about diversity earlier today, this might be the most diverse DRB ever. There are people of different ages, with children that are young or out of college, ethnic backgrounds, professions, longtime residents and new residents. One of the comments from Mr. Wood of that Development Review Board was, "...the baby boomer population is growing and he believed having this kind of complex would set Wilsonville apart from other cities in a unique and positive way." If we did not approve the density and the building had to be made three stories that would be a whole new situation because there would be no elevators, there is an economy of scale. We could walk away from it and have this opportunity pass, that may be what we end up doing, but I really think it is an opportunity worth looking at, at the same time challenging ourselves to keep a very close eye on how we can increase the single family homes.

Councilor Stevens wanted to make sure everyone understood the imbalance between apartments and single family homes that we saw in the work session does concern her. I think as we move forward with Frog Pond and the other developments in Wilsonville there is a curve that's happened and we need to adjust and fix that issue. But this does have an opportunity for some residents who deserve to have the lifestyle they want to live and we can provide that in this community instead of having them move elsewhere. It is a real opportunity for the city.

Councilor Starr stated a little over a year ago the Council looked at this project in total and agreed with the developer on a density. That density was twice the amount of the past density when it was a mobile home park. Have they met the requirement in my mind of showing us an incredible need for the category at large of 55 and over and the need for that? No. I think that there are still plenty of opportunities in Wilsonville. Have they showed us a niche that is unique to that category? Absolutely. Is it a niche as we look to the future we're going to focus on? I think they've made a good case for that. The thing that I want to remind the new councilors is, we agreed to a density, and I find it intriguing that we're getting this now after everything has been done to make sure that the densities are achieved with the apartments and now we get this over the top. As opposed to having this come to us in lieu of some of the other apartment buildings that maybe didn't have to be built but were already built. If I was in your shoes, I probably would have done the same thing, you're good business people. But I think there is a commitment there and I'm going to live with the commitment that was made. I think it's a good idea and I would have been very intrigued in trading out apartments for something like this, but that's not what came to me. I feel like we are getting back doored and I need to be consistent with what I voted on last year.

Mayor Knapp believed the applicant has made a strong case for the need for a product that is not currently widely available in Wilsonville that would serve a growing market segment. I have heard independent reports from our local retail community that they have noticed an uptick in sales as Jory Trail has leased up and that has been a positive attribute for local business. He did not believe this proposal will have a significant impact on the school system the educational system which we heard some testimony on which I think is believable. But the way this particular proposal is structured I don't believe that it will have a negative impact on the schools, on the contrary the amount of public services that will be consumed by this type of project are relatively lower and that the development as proposed would actually be a net benefit to the overall City and the school district by the additional monies that would be paid in. The Mayor believed that the approach that has been described to figuring out why this was the appropriate

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

thing explains an incremental understanding, a growing understanding of the community and the people that live here and what the needs of this community are and he thought it is a positive approach to an interactive active kind of process to arrive at that understanding. I know from my own experience the very small amount of development work that I have done it's really hard to figure out conceptually what you are going to do and how you are going to do it going forward. And I don't think it's surprising that this has been an iterative process that has developed as trends and needs become clearer through the first phase construction and then moving into subsequent work. I don't criticize someone for being responsive to a changing or growing understanding of what is appropriate and needed in the community. I don't think we have too many opportunities to have a complex that would fulfill the needs in this same way, and I don't think that the impacts on the community are significantly different between the currently approved master plan and what the request is for this modification of that master plan. I believe we need to find ways to facilitate a significant amount of single family home construction, assuming that the private sector finds that doable and profitable I'm hopeful we can find a way to enable that to happen. I don't think that this particular site is particularly advantageous for single family homes. I think the type of neighborhood that the testimony from people tonight and in conversations are advocating for are the type of neighborhood you would build at this location with its constraints. I think we can and should find opportunities for those more expansive single family neighborhoods to go forward and I will work to do that. I don't think need changes the fact this particular project provides benefit to the community and is proposed to be done with a high quality of work and follow through that I'm hearing is characteristic of this applicant. I second comments that I've heard especially from Councilor Fitzgerald and Stevens here tonight. I think we do have work to do going forward and we should commit to doing that. I do believe at the same time that the community would have a net benefit from this project as proposed. I'm not persuaded it would have outsized negative impacts by some marginal change in some average density numbers for the community so I'm in favor of this project at this time.

Mr. Kohlhoff commented after hearing the Council's discussion and given the applicant is willing to have a deed restriction, he was not sure that was included as a condition, and he assumed those who were in favor of it are doing it based that there would be a deed restriction that at least one occupant of the unit be 55 years of age or older; and that it would be part of the motion. Should the deed restriction condition not be included, staff would draft the condition, and bring it forward at the second reading of the ordinance.

Councilor Fitzgerald and Councilor Stevens indicated the deed restriction was their intent.

**Vote:** Motion carried 3-2.  
Councilors Goddard and Starr voting "no".

Councilor Goddard left the meeting at 11:15 p.m.

Council Protocol indicates a motion was necessary to continue the meeting after 10 p.m.

**Motion:** Councilor Fitzgerald moved to extend the meeting to complete business. Councilor Stevens seconded the motion.

**Vote:** Motion carried 4-0.

**CONTINUING BUSINESS**

- A. **Ordinance No. 720** –2<sup>nd</sup> reading  
An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Facility (PF) Zone, And The Exclusive Farm Use (EFU) Zone To The Village (V) Zone On

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

Approximately 28.91 - Acres Comprising Tax Lots 2915, 2922, 2992 And 2995 And Portions Of Tax Lots 2916 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon At Villebois II, LLC And Polygon At Villebois III, LLC Applicant.

Mr. Kohlhoff read the title of Ordinance No. 720 into the record for second reading.

**Motion:** Councilor Stevens moved to approve Ordinance No. 720 on second reading. Councilor Fitzgerald seconded.

**Vote:** Motion carried 4-0.  
Council President Starr - Yes  
Councilor Goddard - excused  
Councilor Fitzgerald - Yes  
Councilor Stevens - Yes  
Mayor Knapp - Yes

- B. **Ordinance No. 721** – 2nd reading  
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 6.83 - Acres Comprising Tax Lot 2919 and Portions Of Tax Lot 2916 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon At Villebois III, LLC Applicant.

Mr. Kohlhoff read the title of Ordinance No. 721 into the record for second reading.

**Motion:** Councilor Starr moved to approve Ordinance No. 721 on second reading. Councilor Stevens seconded.

**Vote:** Motion carried 4-0.  
Council President Starr - Yes  
Councilor Goddard - excused  
Councilor Fitzgerald - Yes  
Councilor Stevens - Yes  
Mayor Knapp - Yes

**NEW BUSINESS**

- A. **Resolution No. 2434** *removed from Consent Agenda to New Business for discussion*  
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Kerr Contractors, For The Boeckman Road Bridge Repair Project (Capital Improvement Project #4177).

Mr. Kohlhoff read the title of the resolution into the record.

This resolution will award a contract for the repair of Boeckman Road across the Coffee Lake Wetlands and rebuild the roundabout to allow passage of oversized farm equipment. This is a critical east-west connection route for Wilsonville and the project is considered a high priority.

The bid advertisement process resulted in Kerr Contractors submitting a sole bid in the amount of \$1,434,790.15 while the Engineer's estimate for the construction contract is \$995,308 and the budget approved for the project construction phase is \$1,215,000. Rather than rebid the project which could

**CITY OF WILSONVILLE  
CITY COUNCIL MEETING MINUTES**

---

jeopardize the project schedule, it was decided to negotiate the bid with Kerr Contractors to bring the bid within reasonable range of the budget estimate and the Engineer's Estimate.

The Council acting as the Local Contract Review Board has the authority to appoint the City Manager as the contract agency for a contract of this amount. In this case, due to the exigency of time to construct and there being only one bidder, the Council is directing City Manager to negotiate a reasonable reduction in the bid amount and project scope to be within a reasonable range of the budgeted amount and if that cannot be negotiated, to terminate going forward with the project at this time.

Mr. Kohlhoff stated the Council would be giving authority to the City Manager to negotiate the contract with the understanding there were areas that were to be value engineered to reduce the amount of the bid. Should the negotiations not be successful Council was authorizing the City Manager to reject the bid.

Councilor Starr wanted the City Manager to have the authority to reject the bid so he had the opportunity to decide what would make the most sense for the City.

Ms. Kraushaar indicated that authority was included in the resolution according to Oregon Contracting Law. She was confident the negotiations would bring the bid close to the budgeted amount.

Mr. Cosgrove added staff would get as close as they could, keep in mind, if the project was not completed, citizens would be upset the road would be closed for another construction season, the City would let the bid a year from now and with the economy picking up those bids may be 20-30 percent higher than today.

**Motion:** Councilor Fitzgerald moved to approve Resolution No. 2434. Councilor Starr seconded.

Mayor Knapp asked if the rebuilding of the roundabout was in response to one farmer who wanted to move a 93 foot piece of equipment without disconnecting any of the pieces.

Mr. Cosgrove stated the farm equipment without any attachment is difficult to navigate through the roundabout. There are three farmers with one acting as the spokesman for them.

Mr. Kohlhoff added state law allows a certain length and attachments; even without the last attachment it was still difficult to maneuver through the area. The farmer believed unhooking and rehooking the attachments the many times he travels through the area would be a loss for his business, because of what the state law provides him which is much greater than it provides any other trucking situation for farmers. So its balancing what the potential claims may be against the cost. The rebuilding of the roundabout is estimated to be \$165,000.

Mr. Adams explained the engineer modeled the farming equipment and assures him the equipment can negotiate the roundabout as it will be reconstructed, with a two foot clearance on either side of the vehicle wheels.

**Vote:** Motion carried 4-0.

**CITY MANAGER'S BUSINESS**

Due to late hour, these items will be carried over to the August 5, 2013 Council meeting.

A. Council Goals First Quarterly Report will be discussed at the August 5<sup>th</sup> Council Work Session.

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

---

B. Purchase of Horse Sculpture at Chamber Building

**LEGAL BUSINESS** – There was no report.

**ADJOURN**

**Motion:** Councilor Starr moved to adjourn. Councilor Stevens seconded the motion.

**Vote:** Motion carried 4-0.

The Council meeting adjourned at 11:32 p.m.

Respectfully submitted,

---

Sandra C. King, MMC, City Recorder

ATTEST:

---

Tim Knapp, Mayor