

City of Wilsonville

City Council Meeting

May 21, 2018



AGENDA

**WILSONVILLE CITY COUNCIL MEETING
MAY 21, 2018
7:00 P.M.**

**CITY HALL
29799 SW TOWN CENTER LOOP
WILSONVILLE, OREGON**

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Kristin Akervall
Councilor Charlotte Lehan

CITY COUNCIL MISSION STATEMENT

To protect and enhance Wilsonville's livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.

Executive Session is held in the Willamette River Room, City Hall, 2nd Floor

- 5:00 P.M. EXECUTIVE SESSION** [25 min.]
A. Pursuant to: ORS 192.660 (2)(e) Real Property Transactions
ORS 192.660(2)(h) Litigation
- 5:25 P.M. REVIEW OF AGENDA** [5 min.]
- 5:30 P.M. COUNCILORS' CONCERNS** [5 min.]
- 5:35 P.M. PRE-COUNCIL WORK SESSION**
- A. French Prairie Bridge Location Recommendation (Weigel) [45 min.] Page 5
- B. Code Updates Regarding Enforcement of Stormwater Regulations
(Rappold/Adams/Guile-Hinman) [20 min.] Page 108
- C. Eden Replacement Program (ERP) Software Replacement Update (Stone) [10 min.] Page 292
- 6:50 P.M. ADJOURN**
-

CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, May 21, 2018 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on May 8, 2018. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of the meeting may be considered there with except where a time limit for filing has been fixed.

7:00 P.M. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Motion to approve the following order of the agenda and to remove items from the consent agenda.

7:05 P.M. COMMUNICATIONS

- A. Republic Services Annual Report on Solid Waste/Recycling Collection and Disposal in Wilsonville
- B. Oregon Librarian of the Year Award (Troha)
- C. Recognition of Roads Scholar Certification (Kerber)

Page 295

7:30 P.M. 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.

7:35 P.M. MAYOR'S BUSINESS

A. **Announcement**

The filing period for Mayor and Council positions will open May 30, 2018. Two of five City Council positions are nearing the end of their four year-terms that expire on December 31, 2018. These positions are to be filled based on the results of the fall general election being held on Tuesday, Nov. 6, 2018. Candidate filing forms and instructions are available from the City Recorder and are posted on the City website.

B. Upcoming Meetings

Page 296

7:45 P.M. COUNCILOR COMMENTS

- A. Council President Starr
- B. Councilor Stevens
- C. Councilor Lehan
- D. Councilor Akervall

7:55 P.M. CONTINUING BUSINESS

A. **Ordinance No. 814** – 2nd Reading

Page 298

An Ordinance Of The City Of Wilsonville Creating A Franchise Agreement For Solid Waste Management And Collection Within The City And Repealing Ordinance Nos. 204, 281, 424, And 443 And Resolutions Nos. 1077 And 2566. (Ottenad/Guile-Hinman)

B. **Ordinance No. 817** – 2nd Reading

Page 367

An Ordinance Making Certain Determinations And Findings Relating To And Approving The Year 2000 Urban Renewal Plan 11th Amendment And Directing That Notice Of Approval Be Published. (Kraushaar/Vance)

8:20 P.M. CITY MANAGER'S BUSINESS

8:25 P.M. LEGAL BUSINESS

8:30 P.M. ADJOURN

INFORMATION ITEMS – No Council Action Necessary.

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated.) Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if required at least 48 hours prior to the meeting. The city will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting: Qualified sign language interpreters for persons with speech or hearing impairments. Qualified bilingual interpreters. To obtain services, please contact the City Recorder, (503) 570-1506 or veliz@ci.wilsonville.or.us.

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5/16/2018 11:20 AM Last Updated

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CITY COUNCIL MEETING STAFF REPORT

<p>Meeting Date: May 21, 2018</p>	<p>Subject: Work Session for Resolution No. 2688 A Resolution To Select The Preferred Bridge Location For The French Prairie Bicycle-Pedestrian-Emergency Access Bridge: Boones Ferry Road To Butteville Road (CIP #9137).</p> <p>Staff Member: Zachary Weigel, P.E. Capital Projects Engineering Manager</p> <p>Department: Community Development</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p><input type="checkbox"/> Motion</p> <p><input type="checkbox"/> Public Hearing Date:</p> <p><input type="checkbox"/> Ordinance 1st Reading Date:</p> <p><input type="checkbox"/> Ordinance 2nd Reading Date:</p> <p><input type="checkbox"/> Resolution</p> <p><input checked="" type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input type="checkbox"/> Not Applicable</p> <p>Comments: TAC and the Task Force selected the W1 route as the preferred bridge location.</p>	
<p>Staff Recommendation: N/A</p>		
<p>Recommended Language for Motion: N/A</p>		
<p>Project / Issue Relates To:</p>		
<p><input checked="" type="checkbox"/> Council Goals/Priorities Complete the French Prairie Bridge feasibility study.</p>	<p><input checked="" type="checkbox"/> Adopted Master Plan(s) High Priority Regional Trail Project RT-06 of the City's 2016 Transportation System Plan.</p>	<p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Staff will present recommended location for the French Prairie Bicycle-Pedestrian-Emergency Access Bridge and introduce a draft Council resolution to select the bridge location.

EXECUTIVE SUMMARY:

In 2009, the City was awarded Regional Flexible funds through Metro for planning and project development of the French Prairie Bridge, a multi-modal (pedestrian, bike, and emergency vehicle) bridge crossing the Willamette River. The project development work aims to address three key questions:

- Where are the preferred landing points for the bridge?
- What is the preferred bridge type?
- What is the estimated cost of the preferred bridge and how might its construction be funded?

Beginning in September 2016, the Project Management Team (PMT), comprised of OBEC Consulting Engineers, City of Wilsonville, Clackamas County, and the Oregon Department of Transportation, identified three potential bridge locations within the project study area (**Attachment A**). The consultant team performed technical investigations documenting the potential opportunities and constraints associated with each bridge location, summarized in **Attachment B**.

The PMT led a robust public involvement process to help create a decision making approach that thoughtfully considers project stakeholder priorities, interests, and concerns. Input was gathered through individual stakeholder meetings, summarized in **Attachment C**, a public in-person and online open house, summarized in **Attachment D**, and online comment forms.

The decision making approach included formation of a Technical Advisory Committee (TAC) and Task Force. The TAC, whose members represent public agencies and organizations having expertise and implementation authority, provides recommendations on regulatory and technical issues related to bridge siting and design. Stakeholders with a wide range of values and interests represented the Task Force with members from affected neighborhoods and businesses, walking and cycling enthusiasts, local parks and trails interests, tourism associations, and emergency services personnel. The Task Force provides recommendations to the decision makers at key milestones in the bridge planning and design process. The TAC and Task Force each held three meetings and minutes from each of the meetings are provided in **Attachment E and F**, respectively. Membership roster for the TAC and Task Force can be found at: <http://frenchprairiebridgeproject.org/about/committees/>.

Out of the public feedback, technical documents, and meetings with the TAC, Task Force, Clackamas Board of County Commissioners, and Wilsonville City Council, the PMT drafted bridge location evaluation criteria to help select a bridge location that best met stakeholder priorities, interests, and concerns. The TAC and Task Force evaluated and finalized the bridge location evaluation criteria with the Task Force assigning weighting to each criterion at their second meeting in May 2017. The process to determine the evaluation criteria is summarized in **Attachment G** and outcome as follows:

Criterion A – Connectivity and Safety	20%
Criterion B – Emergency Access	20%
Criterion C – Environmental Impacts	11.5%
Criterion D – Compatibility with Recreational Goals	20%
Criterion E – Compatibility with the Existing Built Environment	17%
Criterion F – Cost and Economic Impact	11.5%

At their third meeting on February 28, 2018, the TAC provided scoring for each of the three potential bridge locations from a technical perspective. The TAC made a unanimous decision to recommend alignment W1 as the preferred bridge location for the Task Force consideration. The Task Force, on April 12, 2018, evaluated the bridge locations, adjusted the scoring, and unanimously recommended to City Council alignment W1 as the preferred bridge location. The bridge selection process is summarized in **Exhibit 1** of the draft Resolution.

EXPECTED RESULTS:

Upon selection of the preferred French Prairie Bridge location, the project team will begin work to determine the preferred bridge type. Determination of the preferred bridge location and type are necessary steps to begin the environmental assessment work and produce estimated bridge design and construction costs. Eliminating project risks and understanding project costs is a key milestone in the project to be considered “construction ready”, placing the project in a more favorable position to receive additional federal funding to complete design and construction.

TIMELINE:

City Council adoption of the Resolution selecting the preferred French Prairie Bridge location is scheduled for June 4, 2018.

The project team is planning a public open house to kick off the preferred bridge type selection process in September 2018. Selection of the preferred bridge type is anticipated by the end of 2018.

While the bridge type selection work is underway, the project team will be coordinating with ODOT to identify the work needed to perform the environmental assessment of the preferred bridge location. This work is anticipated to begin in October 2018 and completed by spring 2019.

CURRENT YEAR BUDGET IMPACTS:

Project #9137 is funded through a combination of Parks System Development Charges (SDC) and Federal funding. The FY2017/18 budget includes \$227,112.00 in Parks SDCs to cover the City’s required 10.27% match of the Federal grant and City overhead, of which approximately \$55,000 has been expended. The project is anticipated in the City’s five-year capital improvement plan and will carry into the next fiscal year.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 5/11/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 5/15/2018

COMMUNITY INVOLVEMENT PROCESS:

Public involvement is a focus of the project work to help ensure the bridge location selection thoughtfully considers project stakeholder priorities, interests, and concerns. The project team created a project website updated regularly with project information and upcoming events and included a sign-up form to be added to the project stakeholder list. These stakeholders were notified of upcoming meetings and provided regular project updates at key milestones in the project.

Project information was shared via mailers and door hangers to residents and businesses located within the project area, as well as articles published in the Boones Ferry Messenger and Wilsonville Spokesman. All correspondence included links to the project website and information on how to be added to the stakeholder list, review project materials and submit comment cards.

Input on the three bridge locations were solicited from the public through 19 individual stakeholder interviews (**Attachment C**), an in-person and online public open house (**Attachment D**), online comment forms, and presentations to interested stakeholder groups.

The project team convened a Task Force, with members representing a wide range of stakeholder values and interests, including affected neighborhoods and businesses, walking and cycling enthusiasts, local parks and trails interests, tourism associations, and emergency services personnel, to provide recommendations to the Wilsonville City Council at key milestones in the bridge planning and design process. The Task Force meetings were open to interested community members and time provided for public comment.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

There are no impacts to the community by selecting the preferred location for the French Prairie Bridge. The project development work currently underway will help the community to decide whether to pursue final design and construction of the bridge project. Selection of the preferred bridge location is a key piece of information to help make this decision and does not commit the City to design or build the French Prairie Bridge.

ALTERNATIVES:

City Council can provide the project team with additional input and direction on the draft Resolution selecting the preferred French Prairie Bridge location.

CITY MANAGER COMMENT:

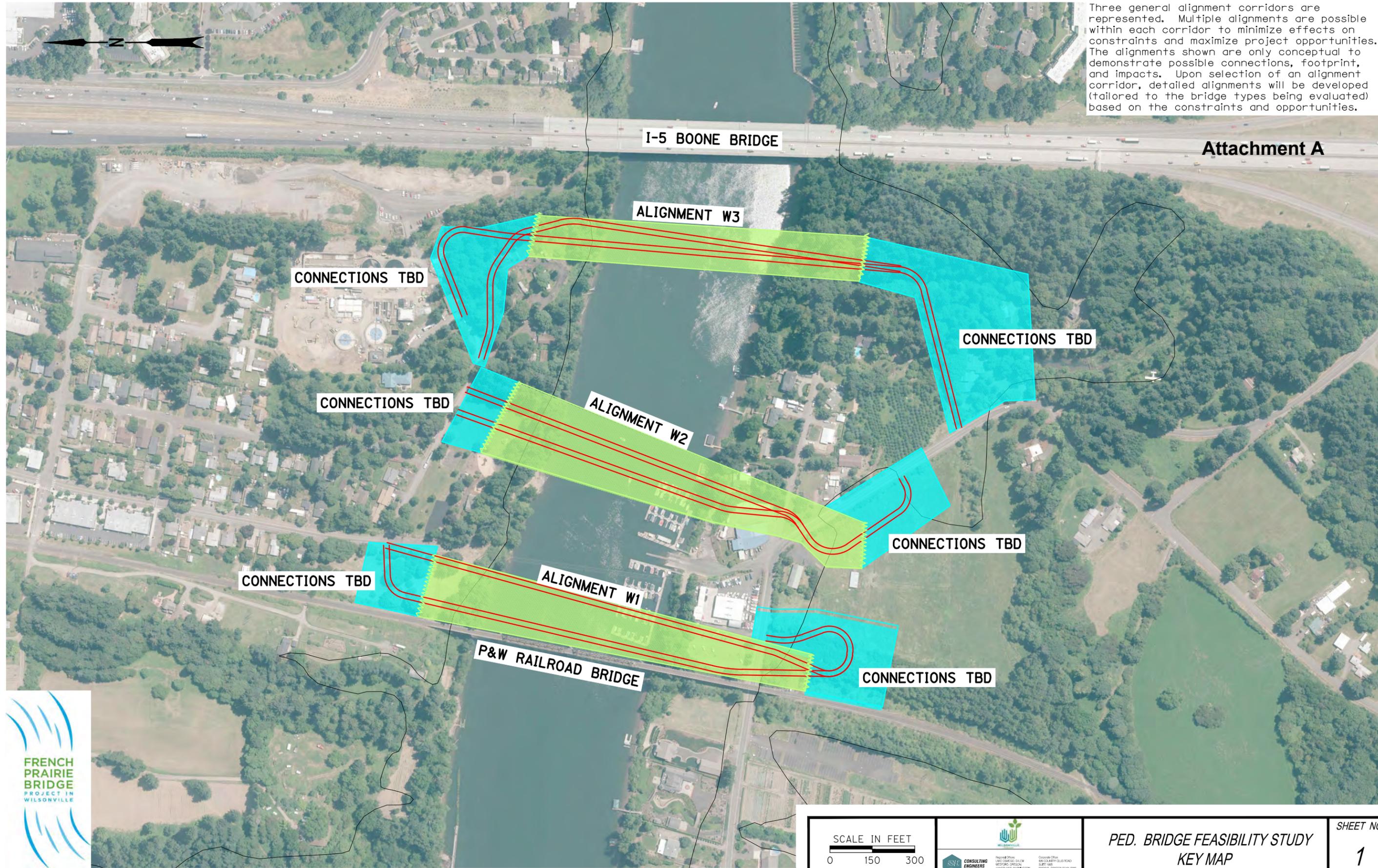
NA

ATTACHMENTS:

1. Attachment A – French Prairie Bridge Location Map
2. Attachment B – French Prairie Bridge Opportunity and Constraints Report
3. Attachment C – French Prairie Bridge Project Stakeholder Interviews Summary
4. Attachment D – French Prairie Bridge Open House Overview
5. Attachment E – French Prairie Bridge TAC Meeting Minutes (Meetings 1-3)
6. Attachment F – French Prairie Bridge Task Force Meeting Minutes (Meetings 1-3)
7. Attachment G – French Prairie Bridge Evaluation Criteria Memo
8. Draft Resolution No. 2688

Three general alignment corridors are represented. Multiple alignments are possible within each corridor to minimize effects on constraints and maximize project opportunities. The alignments shown are only conceptual to demonstrate possible connections, footprint, and impacts. Upon selection of an alignment corridor, detailed alignments will be developed (tailored to the bridge types being evaluated) based on the constraints and opportunities.

Attachment A



DATE PLOTTED: Jun 23, 2017, 11:23am
C:\temp\p06071\101000007\alignments.dwg



PED. BRIDGE FEASIBILITY STUDY
KEY MAP

SHEET NO.
1

Attachment B

OPPORTUNITIES AND CONSTRAINTS REPORT



April 5, 2017

Prepared for the City of Wilsonville



Prepared By



OBEC Consulting Engineers
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Lake Oswego, OR 97035
503.620.6103

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Introduction

The City of Wilsonville is undertaking a project to develop preliminary designs for the French Prairie Bridge, a proposed bicycle/pedestrian/emergency vehicle crossing of the Willamette River between Interstate 5 (I-5) and the railroad bridge. The project addresses bridge alignment, bridge type selection, 30% design, and preliminary environmental documentation.

This report is a summary of many issues pertinent to the selection of the alignment of the French Prairie Bridge. The information below summarizes existing conditions within the immediate area of the proposed project. The discussion is focused on major issues that affect construction and use of the bridge (opportunities and constraints) with the intent of providing a basis for selection of a bridge alignment. Additional detail regarding opportunities and constraints described herein can be found in supporting reconnaissance reports prepared for this project. This document should not be considered exhaustive.

At the current level of project development, potential biological constraints and opportunities, including wildlife impacts, are expected to be substantially similar for all potential bridge alignments within the project study area and are not specifically discussed herein. Project permitting and Endangered Species Act compliance is anticipated to follow a programmatic process with best management practices implemented to minimize impacts. A discussion of wetlands and waters is included which can provide some insight into potential impacts to aquatic species. Subsequent analysis and investigations of the selected bridge alignment will address project impacts specific to the chosen alignment. These further investigations will build upon the work contained in this document and assist with selection of a bridge type. Once a bridge type is selected, the French Prairie Bridge project will be prepared to begin the 30% design phase.

Project Setting and Constraints

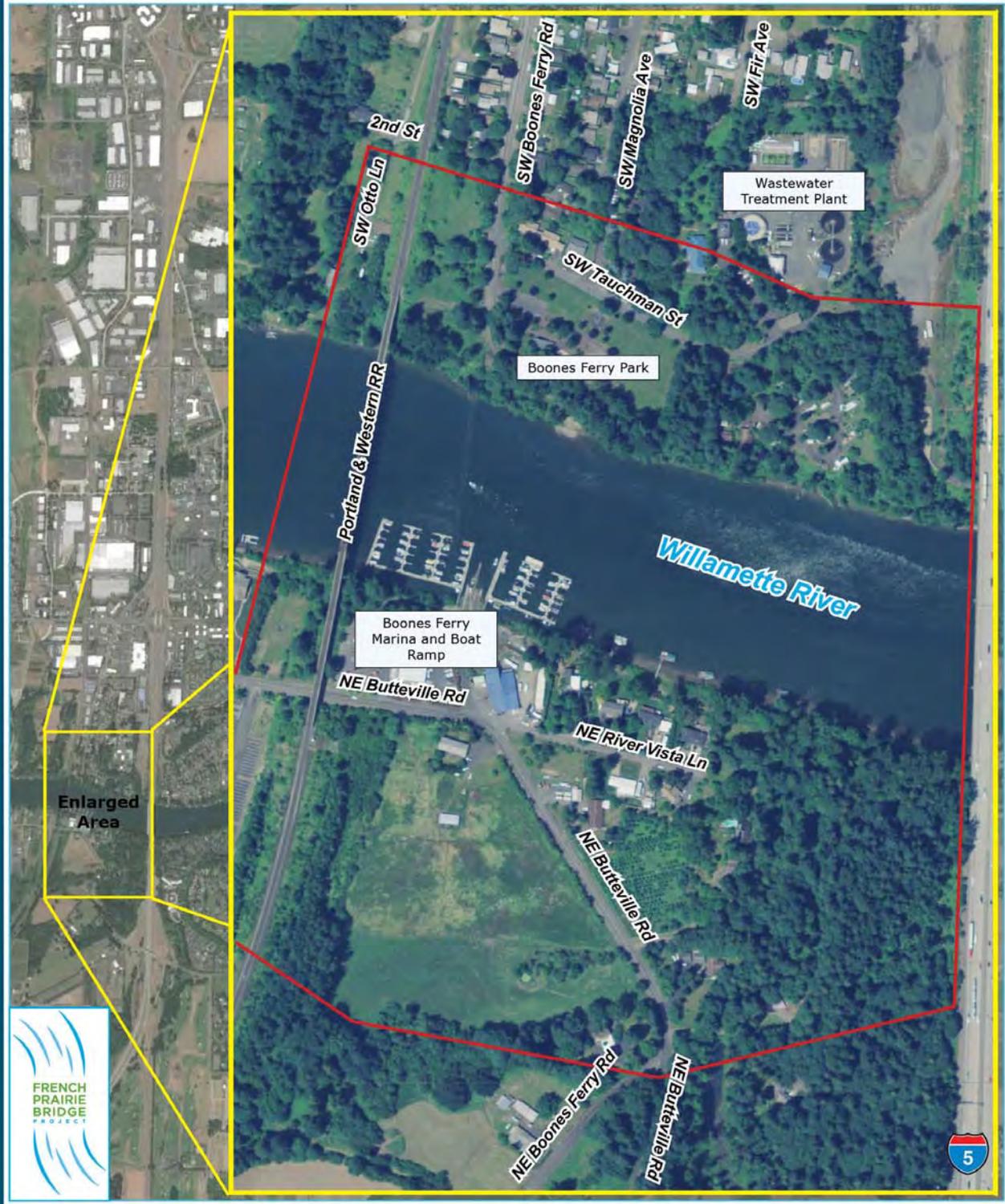
Topography

The French Prairie Bridge project area lies at the south edge of the City of Wilsonville, west of I-5. The project setting is a broad river valley with the north bank of the river consisting of urban development and the south bank being rural. See Figure 1 on page 2 for a vicinity map.

The Willamette River runs east-west through the City. The water level of the Willamette River varies from a normal low water elevation of approximately 53 feet to a 100-year flood elevation of approximately 94 feet. The river channel is somewhat incised. The top of bank on the north side of the river is at an elevation of approximately 105 feet and the ground gradually rises away from the river over the next 1000 feet to an elevation of approximately 150 feet. Top of bank on the south side of the river is at an elevation of approximately 90 feet. Moving south from the top of bank, the ground is approximately level for 1000 feet before rising quickly up to another level area at an elevation of approximately 160 feet. The project area is bounded on the west and east by man-made embankments for a railroad and I-5. These embankments are at an elevation of approximately 135 feet.



FIGURE 1: VICINITY MAP



The east end of the project area has drainages discharging into the Willamette River. The drainage on the north bank of the river is approximately 300 feet west of I-5 and drains a relatively small area. The drainage on the south bank of the river is approximately 600 feet west of I-5 and drains a large area including a portion of Charbonneau and the Langdon Farms Golf Club. These drainages are incised and interrupt the river bank.

See Figure 2 on page 7 for a topographic map of the project area.

Transportation Network

Existing crossings of the Willamette River are limited. There are only two bridges and one active ferry service between the highway bridges at Oregon 219 near Newberg and Oregon 43 in Oregon City, a distance of approximately 22 river miles. Two bridge crossings are located in Wilsonville, approximately midway between the Newberg and Oregon City highway bridge crossings. One bridge, located on the west boundary of the project study area, serves rail traffic. The other bridge, located on the east boundary of the project study area is the Boone Bridge carrying I-5 traffic. The ferry, between the Boone Bridge and Oregon 43 bridge in Oregon City, serves vehicle, bicycle, and pedestrian traffic during scheduled hours of service.

Public Roads

The only existing fixed crossing of the Willamette River between Newberg and Oregon City is the Boone Bridge which carries I-5. Bicycles and pedestrians can legally use the shoulders of I-5, though no specific facilities have been provided.

The Boone Bridge is routinely congested with freight traffic and heavy commuter traffic in mornings (northbound) and evenings (southbound) with substantial delays possible between Wilsonville Road and Miley Road/Butteville Road. The congestion and associated delays inhibit commerce and hinder emergency response across the Willamette River.

The Canby Ferry, a toll service operated by Clackamas County, is located approximately four miles downstream of the project location. The ferry can carry up to six vehicles at a time. It is open from 6:45am to 9:15pm every day (7:30am to 4:30pm in December and January) except select holidays and times when the river level is above 70 feet (on an assumed datum).

The project study area is located at the site of the former Boones Ferry service, which ceased operation in the 1950s. Boones Ferry Road extends north and south of the project location to Wilsonville (north) and towards Donald (south). Wilsonville Road is the first east-west collector north of the project site. Butteville Road is the first east-west collector south of the project site. These roads can be used to access the project location.

Bicycle and Pedestrian Paths

The existing path network is intermittent on both sides of the Willamette River. Where dedicated bicycle and pedestrian connections do not exist, public streets

(with or without sidewalks or shoulders) are used to make the connections. As such, the existing transportation network is a blend of roadways and paths.

Existing paths north of the Willamette River include the Ice Age Tonquin Trail and Wilsonville Waterfront Trail. The Ice Age Tonquin Trail is located north west of the project area. Plans exist to extend this trail to the vicinity of Boones Ferry Park. The Wilsonville Waterfront Trail is located primarily between Boones Ferry Park and Memorial Park, crossing under the Boone Bridge and connecting to neighborhoods to the east. Planned improvements of the Wilsonville Waterfront Trail include upgrading the facility to comply with ADA requirements.

The only existing path south of the Willamette River is the Willamette River Greenway Trail. This trail currently extends through the Charbonneau neighborhood east of I-5 as a separated sidewalk parallel to SW French Prairie Road. Metro's regional trails and greenways program shows a future extension of this trail under the Boone Bridge extending along Butteville Road to the west. Clackamas County's Transportation System Plan (TSP) plans for widened shoulders along Butteville Road to extend an active transportation connection to Champoeg State Park.

No current north-south connections exist across the Willamette River.

Railways

The Portland & Western Railroad, a Class III railroad, operates on the railroad track and bridge at the west end of the project study area. Construction of the bridge was completed in 1975. Portland & Western Railroad owns the railroad tracks. The State of Oregon owns the bridge and the land underlying the tracks on either side of the river. This bridge carries freight traffic on a single track.

Boating

The Willamette River is the primary navigable waterway through the central and lower Willamette Valley. This reach of the Willamette River is part of the Willamette River Water Trail, part of the National Water Trails System and managed by Willamette Riverkeeper. The approximate location of the navigational channel is represented on Figure 2 on page 7.

A permit from the United States Coast Guard (USCG) is required to construct a bridge over the Willamette River in accordance with Section 10 of the Rivers and Harbors Act. Bridges are located immediately upstream and downstream from the project location. The I-5 Boone Bridge is located immediately downstream and was constructed in the 1950s and widened in the 1960s. The railroad bridge is located immediately upstream and was constructed in 1975. Each bridge provides approximately 240 feet of clear width between piers and a vertical clearance of approximately 75 feet over low water. A restriction of navigable clearances to less than that which is currently available will require a navigational study and coordination with the USCG.

The Boones Ferry Marina and public boat ramp are located on the south bank of the river within the project study area. The marina is privately operated under a lease from Clackamas County. This facility provides access and moorages for recreational boaters with small craft as well as a parking lot for users. An overflow parking lot is located south of Butteville Road and west of the project area. The facility also

supports commercial business. Additional private moorages are located along the south bank of the river in the project study area.

Aviation

The project location is approximately 13,000 feet north of the Aurora State Airport (KUAO). This facility primarily serves general aviation users with an average volume of 260 flights per day, including instrument operations. The longest runway is 5000 feet in length with a surface elevation of 200 feet. The Aurora State Airport is owned and managed by the Oregon Department of Aviation.

Due to the proximity of the project to the Aurora State Airport, the Federal Aviation Administration (FAA) must be notified if the project proposes to construct any features more than 200 feet above ground level or above elevation 330 feet. The FAA may require an aeronautical study to determine whether the proposed structure is a hazard to air navigation.

Hydraulics, Floodplain, and Floodway

The Willamette River in the vicinity of the project is within a Federal Emergency Management Agency (FEMA) defined floodplain and floodway. According to the FEMA Flood Insurance Rate Maps the 100-year floodplain in the vicinity of project is at an elevation of approximately 94 feet. The floodplain and floodway boundaries can be seen on Figure 2 on page 7.

The construction of piers within the defined floodway will require a no-rise analysis to determine what mitigation is necessary to avoid increasing the 100-year flood elevation. Mitigation measures within the floodway will be required to compensate for hydraulic impacts of piers. These mitigation measures will likely include excavation along or between the river banks within the floodway.

Potential for scour at the new bridge site is an important hydraulic design consideration. Scour around the piers will best be addressed through extending the piers adequately below the scour depth, although scour countermeasures could be used if necessary. Potential scour at the abutments, if applicable, will be addressed through a deepened foundation or the placement of revetment depending upon the selected bridge geometry and layout.

Utilities

The project area has many public and private utilities. These vary from domestic utility services (not individually identified) to regional facilities transmitting electricity and natural gas. The utilities which have been identified are shown on Figure 2 on page 7 and are discussed below.

Northwest Natural (NWN) Gas Line

A NWN gas facility is located on the west side of Boones Ferry Road. Based on visual markers, the line appears to cross the Willamette River in a subterranean bore on a line that is an extension of Boones Ferry Road to a point on Butteville Road just east of the northern boat ramp parking lot. From that point, it extends to the east along Butteville Road before continuing south along Boones Ferry Road.

Existing distribution lines serving adjacent properties are anticipated to exist along Butteville Road and River Vista Lane.

Bonneville Power Administration (BPA) Transmission Lines

BPA operates high voltage power transmission lines located west of the railroad bridge. These lines extend north and south of the project area west of the Portland and Western Railroad facility.

Power and Communications

Local power transmission, distribution, and communication are present in the project area. Overhead utilities are located on both sides of Boones Ferry Road and the north side of Tauchman Street. A local transmission line extends from the west side of Boones Ferry Road across the Willamette River to the west side of the Boones Ferry Park boat ramp. Overhead lines are present in the immediate vicinity of the boat ramp, extending both directions along Butteville Road and along River Vista Lane.

Municipal Sanitary Sewer and Water Facilities

The City of Wilsonville operates a wastewater treatment plant north of Tauchman Street. Generally speaking, this facility receives flows from north of the project area and, after treating the water, discharges through the east end of the project area into the Willamette River. An upcoming project will improve and realign the existing outfall into the Willamette River.

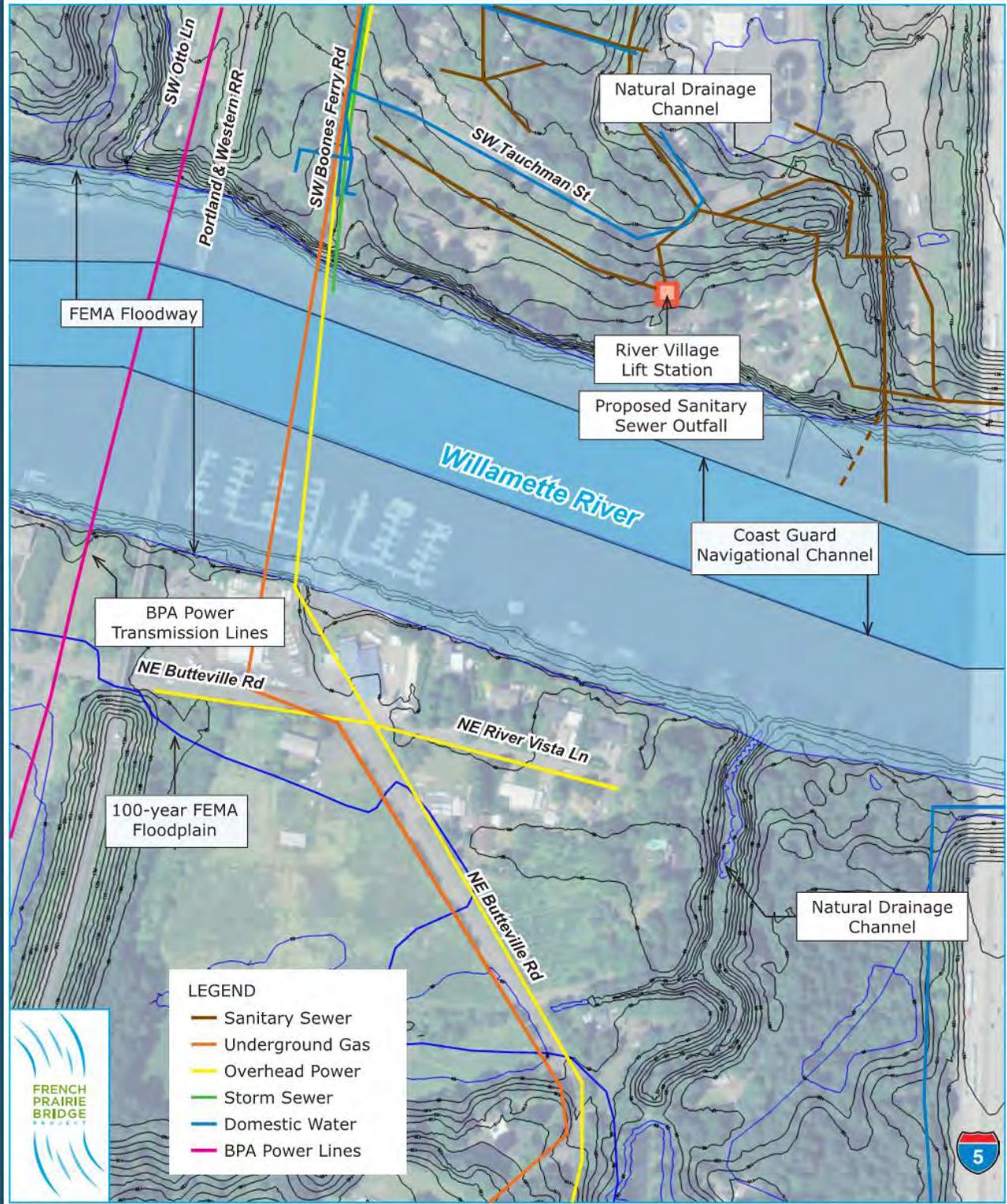
Boones Ferry Park is served by the River Village Lift Station located within the project area.

Charbonneau is served by the Charbonneau Pump Station. This pump station conveys wastewater northerly over the Boone Bridge in a force main. The force main discharges into the Charbonneau Interceptor lower branch, near the end of Tauchman Street, and then to the wastewater treatment plant.

Municipal water facilities are located along the east side of Boones Ferry Road and the north side of Tauchman Street. Water service lines are located within Boones Ferry Park. Water transmission lines to Charbonneau cross the Willamette River on the Boone Bridge. A six-inch-diameter City waterline serving the French Prairie Rest Area is located west of I-5 south of the Willamette River.

Existing municipal stormwater facilities are discussed in the Water Quality and Stormwater section on page 21.

FIGURE 2: TOPOGRAPHY, RIVER, AND UTILITIES



Land Use and Zoning

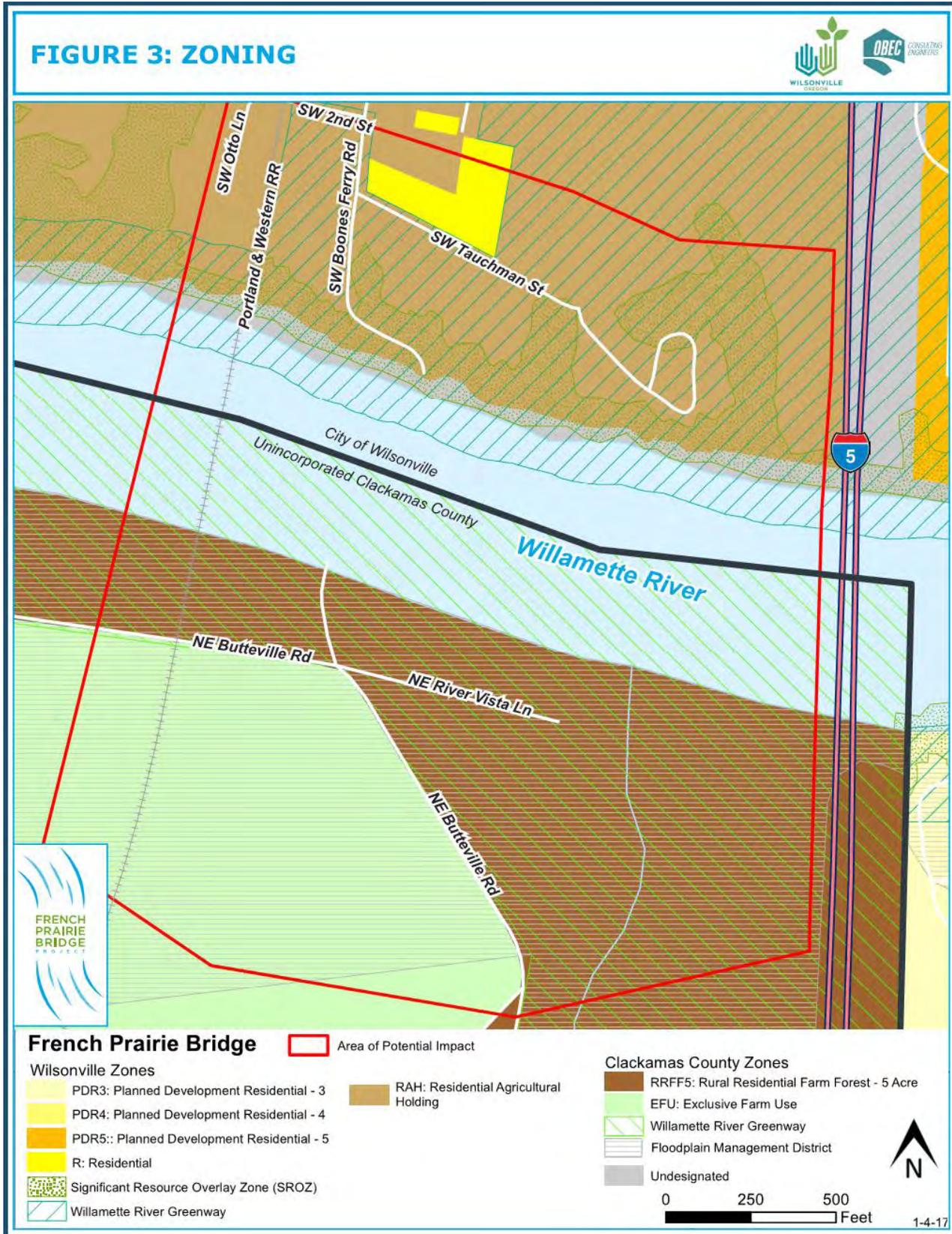
The project is located partially within the City of Wilsonville and partially in unincorporated Clackamas County. Land use is generally urban within Wilsonville and rural in unincorporated Clackamas County. Figure 3 on page 9 shows each jurisdiction's zoning. The project crosses the Willamette River Greenway established by Statewide Planning Goal 15.

City of Wilsonville

The bridge project may require City approval under the Willamette River Greenway provisions of the City's Planning and Land Development Ordinance. Bridge improvements, such as a pier, located within the Greenway overlay zone, as shown on Figure 3, will trigger the requirement. Ancillary improvements located within the zone, such as new access to the water or an intensification of an existing access could also trigger the requirement.

Clackamas County

The proposed bridge is expected to require a conditional use permit from Clackamas County under the Willamette River Greenway provision of the County's Zoning and Development Ordinance. The bridge will also require a floodplain development permit. The bridge or connecting ramp and path that extend south or west of NE Butteville Road into land zoned Exclusive Farm Use (EFU) also will likely require a conditional use permit under the EFU District provisions of the Ordinance. Depending on the extent of expected use of the bridge by emergency vehicles, the County could determine that project improvements on EFU land make them subject to state statutory standards that would preclude land use approval, if there is a reasonable alternative that does not impact EFU land.



Parks and Recreational Uses

The City will have to obtain FHWA approval of the bridge under Section 4(f) of the United States Department of Transportation Act, but the approval can be as a *de minimis* use. Figure 4 on page 11 shows the parks in the project area that are subject to Section 4(f) on the north and south sides of the Willamette River. Section 4(f) restricts the conversion of parkland to transportation use. Bridge improvements, including connecting ramps and paths, located within Boones Ferry Park, as well as land planned for park expansion, will require such approval. Similarly, the placement of piers in the Boones Ferry Boat Launch will require Section 4(f) approval. In addition, effects on recreational trails outside the parks, including the trail under the Boone Bridge on the north side of the Willamette River, will require Section 4(f) approval. Impacts of bridge improvements are likely to qualify as *de minimis*, as long as the improvements are compatible with existing park and recreational uses and do not preclude planned park development. The approvals will require documentation. FHWA will likely assign substantial weight to the views of Wilsonville officials regarding Boones Ferry Park and the trail under the Boone Bridge and of Clackamas County officials regarding the Boones Ferry Boat Launch when deciding whether the impacts qualify as *de minimis*.

A portion of Boones Ferry Park is subject to the requirements of Section 6(f) of the Land and Water Conservation Fund Act (LWCFA), because the City used LWCFA grant funds to purchase and improve the park. See Figure 5 on page 12. The National Park Service and Oregon Parks and Recreation Department will review any project improvements located in the portion of Boones Ferry Park subject to Section 6(f) and judge whether they qualify as recreational enhancements. If they don't, the land used for the improvements will have to be replaced with lands of equivalent appraised value, recreational value, and size. Approval is expected, but will have to be applied for.

FIGURE 4: SECTION 4(f) LAND





Design Criteria and Standards

It is anticipated that the project will need to comply with applicable standards for federally funded projects. The *AASHTO Guide for the Development of Bicycle Facilities*, *AASHTO Guide Specifications for the Design of Pedestrian Bridges*, *AASHTO LRFD Bridge Design Specifications*, *AASHTO A Policy on Geometric Design of Highways and Streets*, the Americans with Disabilities Act, and City of Wilsonville and Clackamas County standards as applicable.

Seismic design of the bridge can be performed in accordance with ODOT's latest criteria. The application of the *AASHTO Guide Specifications for LRFD Seismic Bridge Design* using ground motions from a full rupture of the Cascadia Subduction Zone would be required in accordance with ODOT's *Bridge Design and Drafting Manual*. Application of these criteria would result in a bridge that is anticipated to be used almost immediately after a Cascadia Subduction Zone earthquake.

Table 1 on Page 13 summarizes the project's design standards.

Table 1. Geometric Design Standards

Design Criteria	Standard
Design Speed	18 mph
Path Width	10 feet
Bridge Width	14 feet
Maximum Grade	5 percent
Stopping Sight Distance	200 feet
Cross Slope	2 percent
Vertical Clearance on Bridge	TBD (from project TAC)
Vertical Clearance over Roadways	17 feet
Vertical Clearance over River	TBD (from USCG)

Right of Way and Land Ownership

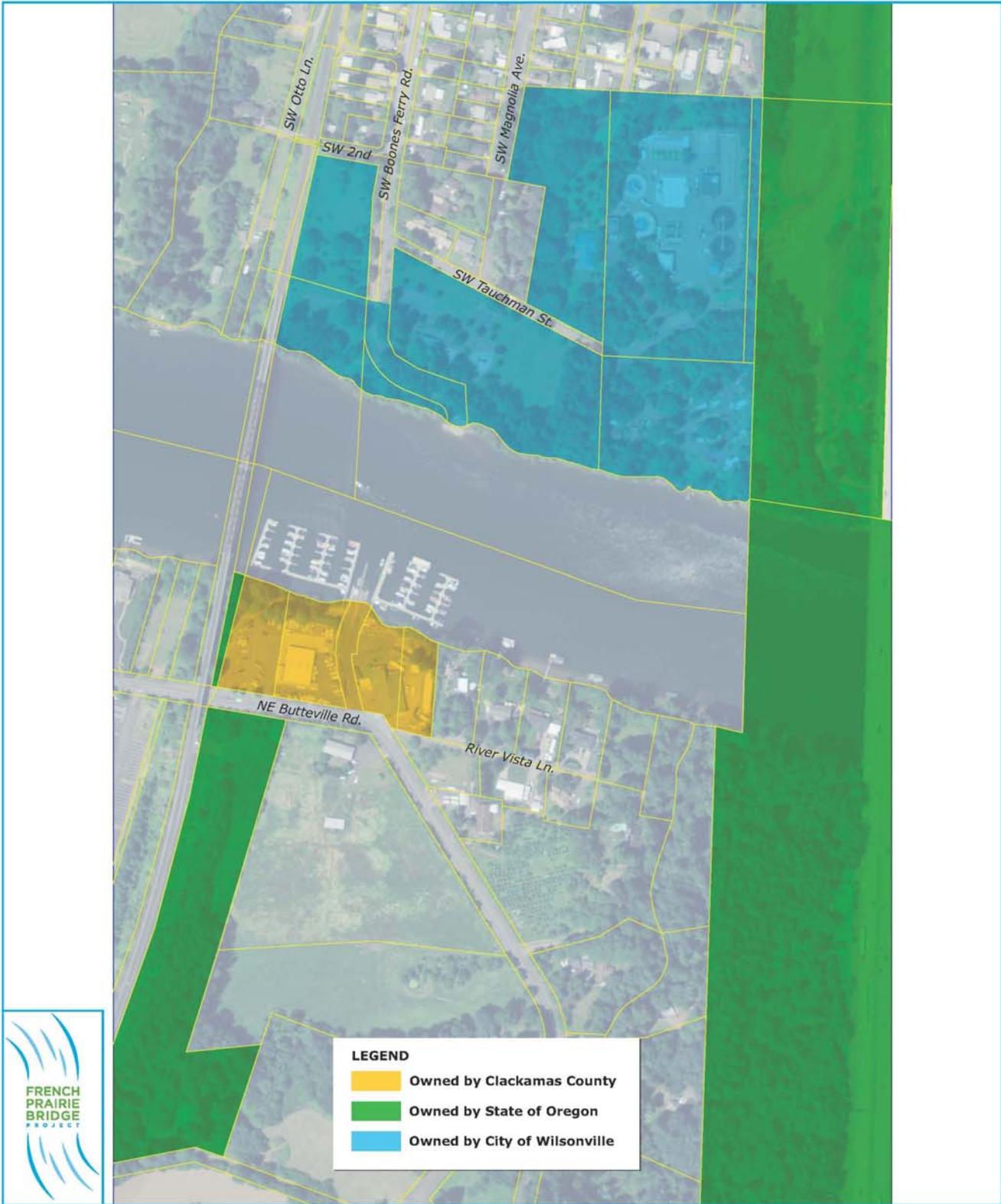
Property ownership in the project area is mixed. Figure 6 on page 14 illustrates public ownership of property within the project study area. Public rights of way of various jurisdictions exist throughout. The west edge of the project area is railroad right of way owned by the State of Oregon. The east edge of the project area is Oregon Department of Transportation (ODOT) right of way for I-5. The remaining rights of way are owned by either the City of Wilsonville (north of the Willamette River) or Clackamas County (south of the Willamette River).

North of the Willamette River, the City of Wilsonville owns the properties between 2nd and Tauchman Streets and the river. North of Tauchman Street, the City owns the wastewater treatment plant property. Property north of Tauchman Street and west of the wastewater treatment plant is privately held, while property east of the wastewater treatment plant is owned by ODOT. Property north of Second Street is privately held.

South of the Willamette River, the river frontage is split between Clackamas County (along Butteville Road) and private parties (along River Vista Lane). Property south of Butteville Road and River Vista Lane is privately held.

Use of private land will require acquisition of the land in accordance with the Uniform Relocation Act and State Law. Use of public land or right of way is likely to require an intergovernmental agreement with the owning government agency.

FIGURE 6: PUBLICLY HELD PROPERTY



Geology, Soils, and Seismicity

A preliminary desktop study that included assessment of available subsurface data such as site geology, soils, and seismicity has been performed. The site geology is generally well understood. This section of the Willamette Valley is underlain by Troutdale Formation clays, likely to a depth of 100 or more feet. The upper layers of soil are predominantly silts and sands with some pockets of gravels. Based on this information, it is expected that the river bottom consists of a thin layer of silt or sand over Troutdale Formation clays. The river banks are expected to be layers of silts, sands, and gravels. Geotechnical explorations from the construction of the railroad bridge immediately upstream (1972) are included in the Preliminary Geotechnical Assessment.

The water table elevation varies seasonally and is generally located above the water surface elevation of the Willamette River. The layers of sand located below the water table are susceptible to liquefaction during a seismic event. Seismic motions may cause local slope failures in the areas underlain with these liquefiable soils, particularly where the river banks are steepest. Geotechnical exploration of the river banks to assess the risk of slope failure is recommended once a bridge alignment corridor has been selected.

Construction of embankment fills may result in settlement of the underlying soil layers. In addition to potential settlement, consideration should be given to the risks of potential slope failures before embankment or bridge piers are constructed on the sloping banks of the Willamette River. Based on the expected site geology, it is anticipated that deep foundations (driven piles or drilled shafts) will be necessary to support a bridge at this location.

Seismic design parameters for the bridge include a 1000-year return period bedrock peak ground acceleration of 0.25g and a Site Class E for this location. These parameters are preliminary pending further geotechnical investigation.

Wetlands and Other Waters¹

The project area contains wetlands and waters that are or may be under the jurisdiction of the U.S. Army Corps of Engineers (USACE) and/or Oregon Department of State Lands (DSL) (referred to here as "jurisdictional"). Project improvements involving cumulative fill or excavation of 50 cubic yards or more of material in jurisdictional locations will require an Oregon Removal-Fill Permit from the DSL. The USACE requires permits for most work in jurisdictional waters under the Clean Water Act, regardless of a cubic yard threshold. The following locations of wetland and waters are shown on Figure 7 on page 17 and are either jurisdictional or potentially jurisdictional:

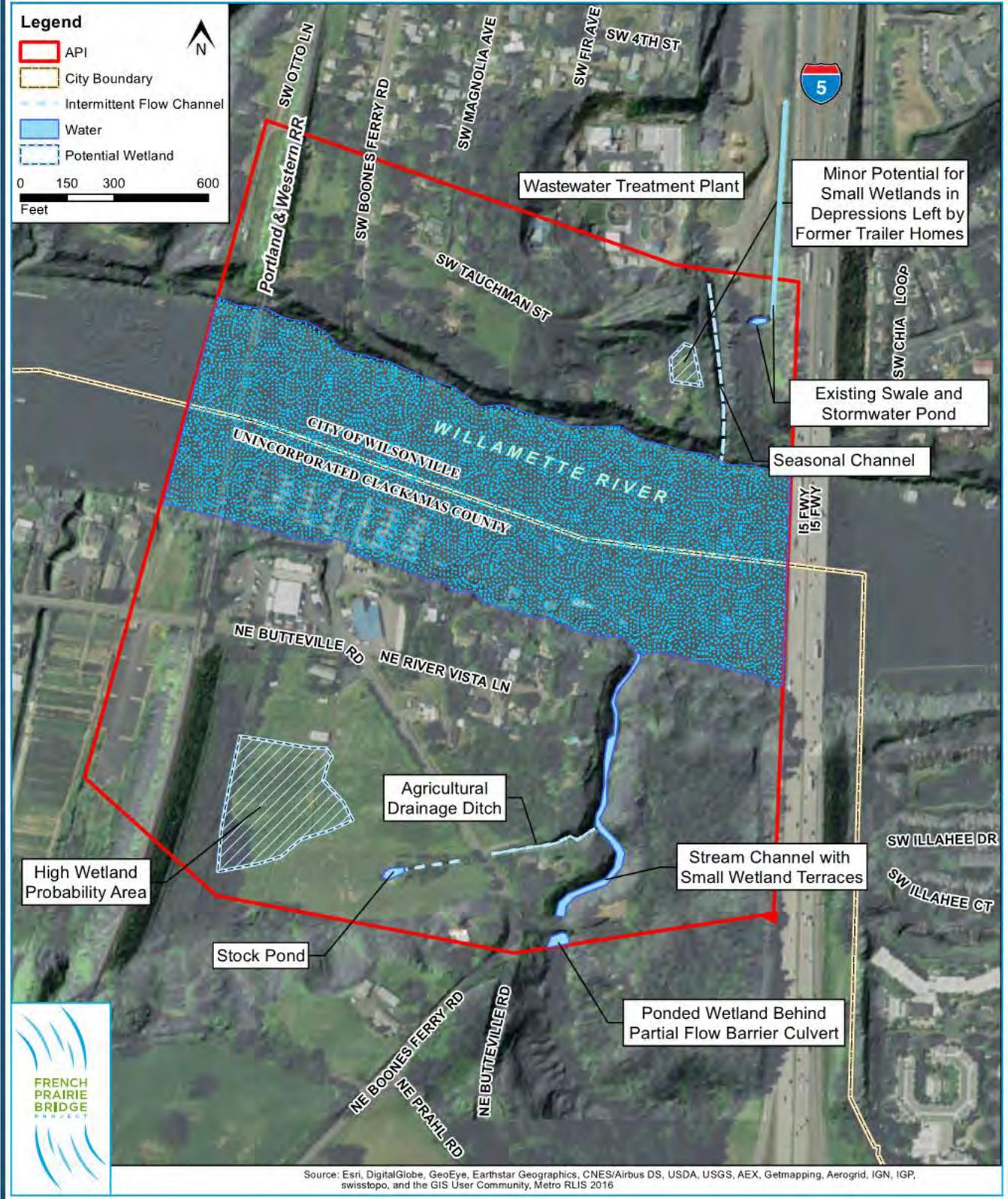
- The Willamette River

¹ The information here is based on a review of wetlands information available online and a site reconnaissance that was limited to publicly accessible lands. A more detailed analysis will be prepared for the selected alignment.

- On the north side of the Willamette River:
 - A seasonal drainage channel located between the wastewater treatment plant and I-5 as shown on Figure 7 on page 17.
 - Small depressional areas at the east end of the former mobile home park that was vacated in 2015. They are considered to have low potential to be jurisdictional due to their artificial creation and upland location.
 - A stormwater treatment swale serving stormwater runoff from I-5.
- On the south side of the river:
 - An unnamed stream channel and associated wetlands east of NE Butteville Road. The drainage and associated wetlands meet state and federal jurisdiction criteria.
 - The locations labeled High Wetland Probability Area, (based on database information such as the presence of hydric soils), Stock Pond, and Agricultural Drainage Ditch on Figure 7 on page 17.

Temporary or permanent structures in or over the river will require easements from DSL.

FIGURE 7: WATERS AND POTENTIAL WETLANDS



Historic and Archaeological Resources

Historic Resources

Project improvements that adversely impact one of the historic resources listed below will require compliance with Section 106 of the National Historic Preservation Act (Section 106) and possibly Section 4(f) of the Department of Transportation Act, because they are potentially eligible for the National Register of Historic Places (NRHP).² An adverse impact can be physical destruction, substantial alteration, movement, change in property use, and/or introduction of incompatible visual elements. Any potential impact requires compliance with procedures to protect historic resources, which include assessment of eligibility for the National Register, evaluation of impacts, and analysis of alternatives to avoid adverse impacts (if any). If adverse effects are unavoidable, mitigation would be required.

Figure 8 on page 20 shows the potentially eligible historic resources the project could impact. They are:

- The Oregon Electric Railway, presently known as Portland & Western Railroad (location 3)
- The Tauchman House at 31240 SW Boones Ferry Road in Boones Ferry Park (location 6)
- An apple orchard in Boones Ferry Park (location 4)
- A Portland General Electric power line (location 8)
- A BPA transmission line (location 10).

The structures at the locations shown in blue could be eligible based on their age, but are likely outside the limits of the bridge alignment based on preliminary alignment layouts. Should it be determined that the selected bridge alignment will impact any of the structures shown in blue, further evaluation of the structures as eligible historic resources will be performed.

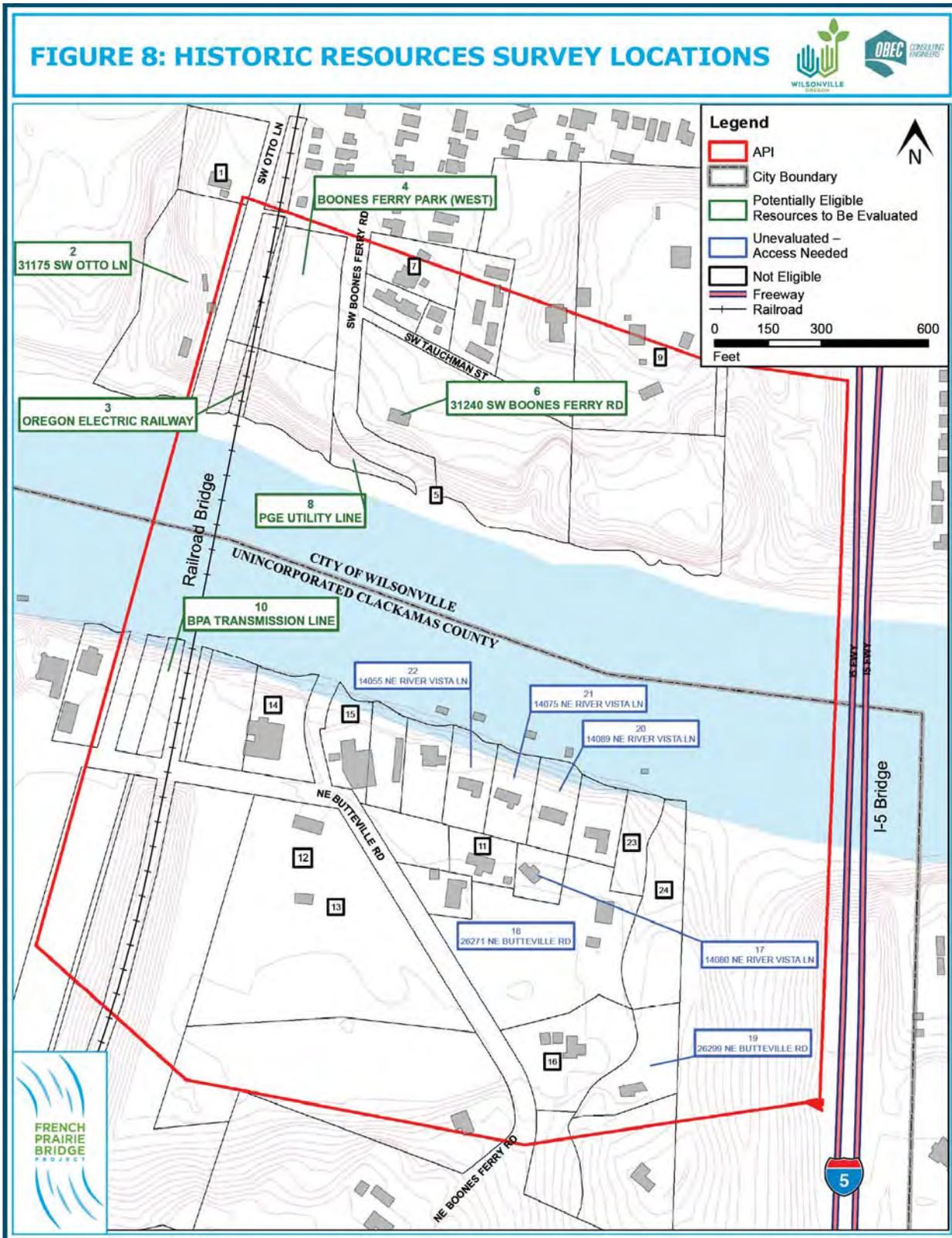
Archaeological Resources

Similar to Historic Resources, project improvements that adversely impact an archaeological resource will require compliance with Section 106. The potential for encountering archaeological material during construction is moderate to high due to the intensive historic and pre-contact use of the area.³ The north and south terraced banks of the Willamette River were an important source of subsistence for Native American Kalapuyans. Archaeological materials related to subsistence activities or occupation may be present along both banks of the Willamette River. In addition, the site of the Boones Ferry Crossing, which was established in 1847, is located in the project area. Archaeological resources associated with the small

² AECOM. 2016. Draft Historic Resources Baseline Report, French Prairie Bridge Project. Prepared for the City of Wilsonville. October 10.

³ A. Becker and S. Butler. 2016. Draft Phase I Archaeological Investigation, French Prairie Bridge Project. Prepared for the City of Wilsonville. October 7.

Boones Ferry community and ferry crossing may be situated on the north bluff of the river. Related archaeological resources are more likely near the alignment of Boones Ferry Road than further east. There is ongoing coordination with the Confederated Tribes of Grand Ronde.



Water Quality and Stormwater

Existing stormwater collection and treatment facilities within the project area are sparse.

Boones Ferry Road has inlets on both sides of the street at or north of Tauchman Street and a 30-inch-diameter stormwater pipe which conveys stormwater from approximately the west half of Old Town to an outfall on the Willamette River. No water treatment facilities appear to exist along Boones Ferry Road within the project study area, likely due to this area being developed prior to water quality standards being required.

Runoff from Tauchman Street sheet flows to the south and disperses into Boones Ferry Park. Runoff from Butteville Road is collected in shallow ditches or sheet flows to adjoining properties. Runoff from River Vista Lane appears to sheet flow to adjoining properties. Parking lots in the project area do not appear to have any existing stormwater collection or treatment systems.

The project will likely create more than one acre of new impervious area with the resulting runoff split between the two sides of the Willamette River. Additional impervious area created by the project will require treatment for water quality based on required Endangered Species Act (ESA) and consultation with National Marine Fisheries Services (NMFS). It is anticipated that the project will be eligible for a programmatic biological opinion. As a result, the project will be exempt from water quantity management if the Willamette River will receive the flows directly. However, should an individual biological opinion be necessary, water quantity management requirements will be determined as part of the biological opinion review.

The preferred methods of providing water quality treatment are vegetated treatment systems such as water quality swales, bioretention ponds, and vegetated filter strips.

Hazardous Materials

The project team reviewed Oregon Department of Environmental Quality (DEQ) databases for hazardous materials sites within the API. Records of hazardous materials at two sites were identified. The DEQ Leaking Underground Storage Tank (LUST) database includes a 2001 record of the cleanup of a release at the location of the building on the east side of the boat ramp at the Boones Ferry Marina. Similarly, the database includes a 1999 record of the cleanup of a release at the residence at 26291 NE Butteville Road. At both locations, some contaminated soil may remain, but present a low risk to the project. There are no records of significant contamination within the project area. Additional hazardous material assessment will be conducted for the selected alignment. Regardless of bridge alignment, any hazardous materials encountered during construction will be abated.

Opportunities

Transportation Network

The project provides an opportunity to improve bicycle and pedestrian connectivity across the Willamette River. The proposed project would improve the user experience and safety for bicyclists and pedestrians desiring to cross the Willamette River by providing an alternative to I-5. Figure 9 on page 24 shows existing and planned trails, bike lanes, and sidewalks in the area around the project area. The project also promotes and supports Wilsonville's endeavors as a Healthy and Active Lifestyle (HEAL) City which improves the health of its residents.

The project can also provide improved emergency vehicle access across the Willamette River. Tualatin Valley Fire and Rescue (TVF&R) provides emergency services for all residents within the City of Wilsonville, including the Charbonneau District on the south side of the river. TVF&R currently uses the Boone Bridge to reach calls in the Charbonneau District. Response times crossing a shared use bridge will ordinarily be longer than using I-5 due to the need to remove bollards and share the path with bicyclists and pedestrians. However, such a facility will reduce response times when the Boone Bridge cannot practically be crossed due to congestion. Emergency vehicle access would be from Boones Ferry Road or Tauchman Street in Wilsonville to Butteville Road and ultimately the Charbonneau District.

Additionally, when there is an incident on I-5, second responders such as tow trucks and clean up vehicles cannot access the incident because of severe traffic congestion. With this bridge in place, second responders would be able to reach the incident faster, therefore cleaning it up and restoring normal traffic patterns more quickly.

The bridge also provides the opportunity to construct a bridge that is anticipated to be serviceable following a large earthquake. Based on current Oregon and AASHTO seismic design criteria, there is uncertainty regarding the ability of the adjacent Boone Bridge to carry emergency traffic following a Cascadia Subduction Zone earthquake. The existing retrofit measures were intended to assure life safety rather than operational use. Construction of the bridge to the current Oregon standard for State highways would result in a bridge that is anticipated to be operational shortly after an earthquake as large as a full rupture of the Cascadia Subduction Zone.

All bridge alignments currently under consideration provide comparable connections. All alignments connect Boones Ferry Park to Butteville Road. The relative merits of each alignment vary by the user's origin and destination as these determine the length of out of direction travel required by a given user.

Utilities

Municipal services to Charbonneau rely upon only a single crossing of the Willamette River. The project presents an opportunity to provide additional redundancy for water and sanitary sewer systems serving Charbonneau. It also provides an opportunity for other utilities to be accommodated on the bridge.

Parks and Recreational Uses

A new bridge and connection across the river is an amenity that would likely increase usage of Boones Ferry Park as well as the trail connection to Memorial Park. The regional recreational aspect could draw cyclists and outdoor enthusiasts from outside areas. Beyond the recreational benefits, the local businesses would experience economic gains as well.

While not directly connected to this project, residents could be more likely to access the river area and enjoy the natural setting as a result of coming to use the bridge.

Historic and Archaeological Resources

The proposed project is consistent with the historic transportation uses of the project area given the presence of the Portland & Western Railroad bridge, the I-5 Boone Bridge, and the former site of the Boones Ferry. Additional visitation to the project area by bicycle riders, particularly to Boones Ferry Park, would raise public awareness of the historic and archaeological resources in the Project vicinity and create additional interpretative opportunities.

FIGURE 9: BICYCLE AND PEDESTRIAN TRANSPORTATION NETWORK



BICYCLE AND PEDESTRIAN ACCESS

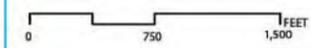
FRENCH PRAIRIE BRIDGE

Legend

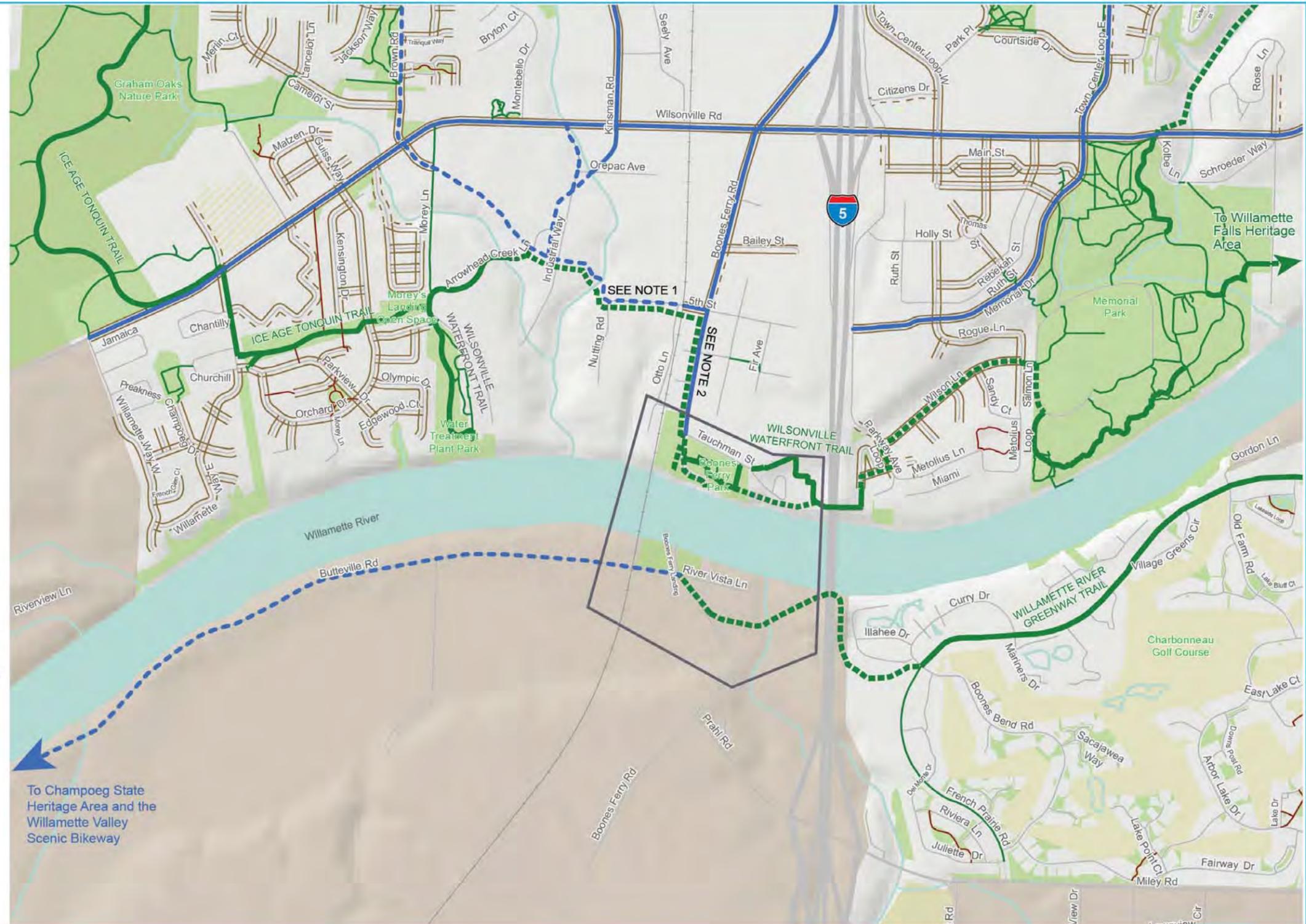
- Existing Regional Trail
- Existing Local Trail
- Existing Private Trail
- - - Planned Trail
- Railroad
- Existing Bike Lane
- - - Planned Bike Lane/Shoulder
- Existing Full Sidewalk
- - - Existing Partial Sidewalk
- Area of Potential Impact
- Park/Open Space
- Outside of UGB
- Golf Course
- School
- Rivers/Streams

Notes:

- 1) The Boones Ferry Road to Brown Road Connector will connect to 5th St.
- 2) Boones Ferry Rd only has bike lanes on the west side of the street south of Bailey St.



Data provided by RLIS.
Map produced October 2016.

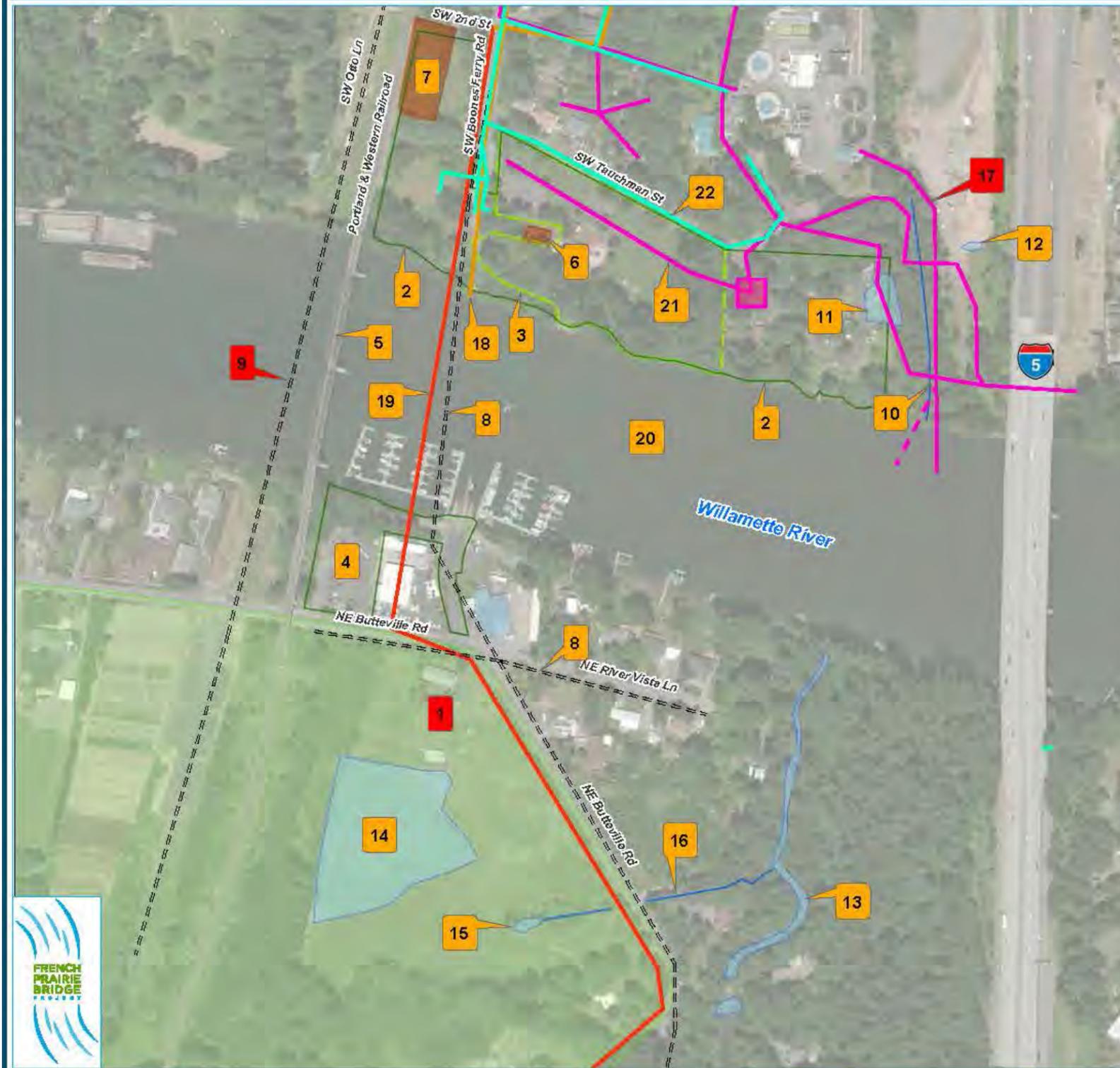


To Champoege State Heritage Area and the Willamette Valley Scenic Bikeway

Summary

Unless otherwise noted, the constraints identified herein are anticipated to be low risk items that are normally encountered during development of a project of this type. The moderate and high risk constraints on the proposed bridge and path construction identified within the project area are identified on Figure 10 on page 26. Moderate risk constraints are expected to shape project development through effects to schedule and budget but appear to be resolvable with reasonable impacts. High risk constraints are expected to substantially affect project schedule and budget and may result in “fatal flaw” issues being realized during project development.

FIGURE 10: CONSTRAINTS



Legend

- # Moderate risk constraint
- # High risk constraint
- == Overhead power line
- Underground water line
- Underground storm sewer
- Underground sanitary sewer
- Underground gas line
- Stream
- Water (in addition to Willamette River) and potential wetland observable from streets and public land
- Section 4(f) resource
- Section 6(f) resource
- Historic resource
- Exclusive Farm Use zone

Key

- 1. Land zoned Exclusive Farm Use
- 2. Boone's Ferry Park subject to Section 4(f)
- 3. Boone's Ferry Park subject to Section 6(f)
- 4. Boone's Ferry Boat Launch & Marina
- 5. Portland & Western Railroad
- 6. Tauchman House
- 7. Apple orchard in Boone's Ferry Park
- 8. PGE overhead power lines
- 9. BPA overhead transmission lines
- 10. Ephemeral drainage channel
- 11. Depression left by former mobile homes
- 12. Construction stormwater pond
- 13. Stream channel and associated wetlands
- 14. Possible wetland
- 15. Stock pond
- 16. Agricultural drainage ditch
- 17. Wastewater treatment plant discharge pipe
- 18. Main Old Town storm sewer outfall
- 19. Underground gas transmission lines
- 20. USCG Navigational Channel
- 21. Sanitary sewer lines and River Village Lift Stat
- 22. Domestic water mains

Constraints

- 1. State farmland protection laws could exclude bridge, depending on amount of emergency vehicle use.
- 2 and 4. The Federal Highway Administration will have to agree that any use is de minimis pursuant to Section 4(f).
- 3. The National Park Service and Oregon Parks and Recreation Department will have to approve the improvements as recreational enhancements, pursuant to Section 6(f).
- 5 through 7. Impact will require evaluation for eligibility for the NRHP and compliance with Section 106.
- 8. Impact will require evaluation for eligibility for the NRHP and compliance with Section 106 and relocation. PGE will bear relocation cost.
- 9. Impact will require evaluation for eligibility for the NRHP and compliance with Section 106 and relocation. Relocation cost will be high and project will have to pay it.
- 10 through 12, 14 through 16. Impact may require approval of the USACE and/or DSL.
- 13. Impact will require approval of the USACE and DSL.
- 17. Impacts will require replacement of main outfall of City sanitary sewer system.
- 18. Impacts will require replacement. Cost will be high and project will have to pay it.
- 19. Impacts will require relocation of line under river.
- 20. Impacts will require analysis and USACE approval.
- 21 and 22. Impacts will require relocation. Project will bear cost.

Abbreviations

- BPA Bonneville Power Administration
- DSL Oregon Department of State Lands
- NRHP National Register of Historic Places
- PGE Portland General Electric
- USACE U. S. Army Corps of Engineers
- USCG U. S. Coast Guard



Mason, Bruce & Girard, Inc.
707 S.W. Washington Street, Suite 1300
Portland, OR 97205-3530

MEMORANDUM

DATE: November 21, 2016

TO: Zach Weigel (City of Wilsonville)

CC: Dave Arena (ODOT) and Bob Goodrich (OBEC)

FROM: Kate Parker (MB&G) and Becca Thomsen (Quinn Thomas)

SUBJECT: French Prairie Bridge Project Stakeholder Interviews

This memorandum summarizes the results of interviews conducted with French Prairie Bridge Project stakeholders between September and November 2016. The project team conducted 15 stakeholder interviews with a total of 19 participants. One of the interviews was conducted by phone and the remainder were conducted in-person. The project team began each interview by describing the project location, scope, and timeline. The interview objectives were as follows:

- Identify stakeholder goals and concerns,
- Engage stakeholders in planning and preliminary design process, and
- Obtain input on public involvement process and additional stakeholders.

Interviewees

The project team spoke with the following stakeholders:

- Gerik Kransky, Bicycle Transportation Alliance (BTA) Advocacy Director. *The BTA is a regional advocacy organization that has 8,000 dues paying members and an email list of 70,000.*
- Steve Chinn, River Vista Lane Resident. *Mr. Chinn has lived on River Vista Lane since 1977. He maintains a group email listserv for his neighbors.*
- Tony Holt, Charbonneau Country Club President. *Charbonneau Country Club runs the largest of the 14 Homeowner Associations (HOAs) in the Charbonneau District. Mr. Holt is a 15-year resident of Charbonneau.*
- Ray and Leslie Kush, Boat Works LTD. *The Kushs facilitated the sale of the Boones Ferry Marina to Clackamas County 30 years ago and currently manage the marina leases for the County. They also live part time at the Marina.*
- Doug Muench, Barbara Bergmans, and Monica Keenan, Old Town Neighborhood Association. *Mr. Muench is the President of the Neighborhood Association and Ms. Bergmans is the Vice President and Treasurer. The Neighborhood Association holds at least two meetings per year and distributes flyers on subjects of interest to the neighborhood (approximately 80 homes).*

-
- Alex Philips, Oregon Parks and Recreation Department (OPRD) Bicycle Recreation Specialist. *OPRD manages the State-designated Scenic Bikeways, a significant tourist attraction.*
 - Danielle Cowan, Clackamas County Tourism Executive Director. *Clackamas County Tourism has been actively promoting bicycle tourism and related business development in conjunction with Travel Oregon.*
 - Simon Springall, Wilsonville Resident and Planning Commissioner. *Mr. Springall is a 10-year resident and 2-year veteran of the City Planning Commission. He runs the frenchprairiebridge.org website.*
 - Mayor Figley, City of Woodburn. *Mayor Figley represents the City of Woodburn, participates in the inter-governmental French Prairie Forum, and takes the WES to work.*
 - Chair Ludlow, Clackamas County. *Clackamas County is a key stakeholder in this process, as the proposed bridge would land on property owned by the County. Additionally, Chair Ludlow previously lived in the Old Town Neighborhood and considers himself a stakeholder in this process.*
 - Councilor Lehan, City of Wilsonville. *Councilor Lehan played a pivotal role in the earlier, exploratory phases of the French Prairie Bridge Project. Additionally, as part of the Wilsonville City Council, Councilor Lehan will have an opportunity to weigh in on the project development.*
 - Greg Leo, City of Wilsonville contract lobbyist. *Mr. Leo has played a key role in communicating externally about the French Prairie Bridge Project thus far. Additionally, he represents several other area stakeholders, such as the Charbonneau community and the Aurora Airport.*
 - Division Fire Chief Brian Sherrad, Tualatin Valley Fire & Rescue. *TVFR serves Wilsonville and portions of Clackamas County, as well as several other nearby communities, and has a vested interest in the design and access to the proposed French Prairie Bridge.*
 - Councilor Craig Dirksen, Metro. *Councilor Dirksen represents Metro District 3, which includes portions of Washington and Clackamas counties, including Wilsonville. Funds for this project were provided through a Metro grant program.*
 - Sheriff Craig Roberts, Clackamas County Sheriff's Office. *The Sheriff's Office serves Clackamas County and portions of Marion County (on contract). It operates a traffic unit, a marine unit that frequently accesses the Boones Ferry Marina, and an aero unit that accesses the Aurora Airport.*
 - Robert Spurlock, Metro Senior Regional Planner. *Metro manages regional planning efforts and provided grant funding for this project. Mr. Spurlock plans offstreet active transportation infrastructure and played a key role in the development in the Ice Age Tonquin Trail Master Plan.*
 - Lake McTighe, Metro Senior Transportation Planner. *Metro manages regional planning efforts and provided grant funding for this project. Ms. McTighe plans on-street active transportation infrastructure and has an interest in road connections to the proposed site.*

Is the French Prairie Bridge relevant to goals or initiatives being pursued by your agency/organization?

Interviewees representing organizations noted that the proposed bridge was related to the following goals and initiatives:

- Danielle Cowan, Clackamas County Tourism: County Tourism Master Plan: Promotion of bicycle tourism and related economic development; State Water Trail development.
- Gerik Kransky, BTA: Improving regional bicycle route connectivity
- Alex Philips, OPRD: Supporting use of Willamette Valley Scenic Bikeway (WVSB). Tourists visiting Portland frequently contact Ms. Philips and ask how to reach the WVSB from Portland. Riders often make a loop traveling down the coast and up the WVSB, but then have no safe way to get to Portland from Champoeg State Park. (Ms. Philips noted that traveling east from Salem to Mt. Angel to the Oregon City Arch Bridge is an option; other options are very hilly and complicated.)
- Councilor Lehan, City of Wilsonville: Attracting bike tourism to the Wilsonville area and increasing connectivity between portions of Wilsonville located on either side of the Willamette
- Greg Leo, City of Wilsonville: Attracting bike tourism and supporting connectivity via the State Water Trail
- Robert Spurlock, Metro: Providing major crossing planned as a component of the Ice Age Tonquin Trail
- Division Fire Chief Brian Sherrad, TVFR: Providing an alternate option to the I-5 Boone Bridge for crossing the Willamette River. TVFR's Kinsman Station is closest to and serves the Charbonneau community—and must cross the I-5 Boone Bridge to do so
- Mayor Figley, City of Woodburn: Improving speed to clean up or move accidents blocking I-5

Who do you think would use a bridge in this location?

Interviewees said that they expected the proposed bridge would be used by the following:

- Regional cyclists
- Charbonneau residents, if the bridge is designed right
- River Vista Lane residents
- Tourists
- Touring cyclists
- Bicycle tourism industry (businesses expected to develop as a result of bridge)
- No one
- Emergency services, if the bridge fits their needs

What do you think is important to consider when deciding where to site the bridge?

Interviewees suggested the following criteria be factored into the selection of the bridge site:

- Connection to major roads to support emergency access
- Proximity to residential populations/improved connectivity for residents
- Accessibility/ease of use (slope of approach, merging with existing roads)
- Seismic resiliency
- Economical
- Number of impacted people
- Ease of construction

- Effect on Marina
- Effects to boating community
- Safety for users
- Traffic impacts in Old Town neighborhood/directness of route to prevent motorists from being lost in neighborhood
- Need to improve Boones Ferry Road
- Connections to other modes of transportation
- Connectivity east and west from the bridge head to provide access to site for cyclists and pedestrians
- Preventing views into the backyards of Old Town residents

From your perspective, what does success look like on this project?

Interviewees expressed a wide range of ideas on what would constitute success for the project, including:

- Quality planning analysis that includes origin-destination surveys and range of bridge options with different price points
- Moving the project forward quickly so the bridge can be built soon.
- A bridge that allows Charbonneau residents to use golf carts to reach Fred Meyer
- A bridge that connects multiple transportation modes
- A bridge that provide emergency access
- A bridge that provides an alternative crossing in the event of a major earthquake
- A bridge that allows golf cart use, for travel between Charbonneau and Fred Meyers
- An iconic bridge that has regional significance and value
- A bridge that enables people to get somewhere they want to go
- A finished project that keeps bicyclists from parking on Miley Road
- End result: Cycle Oregon can use Wilsonville as a stop off
- A bridge that supports the City's tourism plan

Do you have concerns about the bridge? If so, what are they?

Stakeholders expressed a variety of project concerns relating to the planning process, bridge design, potential regional and local support, and costs. Specific concerns included:

- Cheaper cantilevered structure not under consideration
- Sites east of I-5 are not under consideration
- Security, use of bridge by transients to gain greater access to community
- Perception that bridge is unattractive or unsafe
- Visibility from I-5
- Sight lines for users
- Project will get “dragged down” by contention surrounding rural reserves allocations
- Community interest in vehicle bridge may be greater
- Insufficient funding for all of the proposed active transportation projects in the region
- Cost that would specifically be borne by Wilsonville residents
- Process to obtain funding will take too long
- Local Improvement District could be developed to fund project
- Need to separate bicycles and pedestrians, similar to Tilikum Crossing, to make it more comfortable for pedestrians who travel at ~1-2 mph (bikes at ~10-15 mph)

- Kids may throw rocks at boaters from bridge
- Perceived conflict of interest for Councilor Lehan (belief that bridge site would use her property)
- Bridge would not address needs of Wilsonville residents; local, not regional interests, should be put first
- Encouraging more cyclists to use Butteville Road will add to conflicts with vehicles pulling boats
- Regular vehicle traffic could be rerouted to bridge in future
- Impact on the roads and intersections leading to the bridge, including the intersection of SW Wilsonville Road and SW Boones Ferry Road
- Impact on larger regional planning discussions, including expansion of the Wilsonville Urban Growth Boundary, from the potential addition of utilities to the bridge

How would you/your organization like to be involved in the planning process?

All of the interviewees were interested in receiving informational updates about the project. A few had more specific ideas about their desired involvement in the project. These included:

- Danielle Cowan: Interested in serving on task force or having a staff member serve on TAC. Also foresees role in cross promotion, sharing information, identifying potential funding sources, providing simple additions to improve tourism aspects of project.
- Tony Holt: Requested that the team hold a meeting for Charbonneau residents and involve the homeowner's board in some way.
- Simon Springall: Serving on project task force.
- Alex Philips: Sharing information.
- Division Fire Chief Brian Sherrad: Serving on project task force
- Metro Councilor Dirksen: Sharing information, including sharing with the Metro communications team
- Sheriff Roberts: Sharing information, including possibly sharing on their social media
- Robert Spurlock and Lake McTighe: Willing to have a Metro representative on the TAC

Who else do you think should be involved?

Interviewees recommended involving the following people and organizations:

- Traditionally underserved populations, including Latino community and communities of color
- Travel Oregon—Scott Bricker (former director of BTA), Staj Pace, Kristin Dahl, Harry Dalgaard, Scott West
- “Bikepacking” community—Steve Bozone and Gabrielle Amadeus with Limberlost may have suggestions on how to reach this community
- Butts on Bikes Meetup group
- Ride with GPS (Portland based company that serves international bicycle tourists)
- Salem Bike Club—Doug Parro
- Oregon Walks
- Charbonneau Homeowner's Board
- Arlene Barnettt, new resident with home on souths side of river; retired Executive VP with PGE
- Darlene Hooley and Lisa Naito (due to role leading the locks' removal project)
- Willamette Falls Heritage Area Coalition—Andy Cutugno

- City Planning Commission
- Wilsonville Chamber of Commerce
- Jonathan Maus
- Clackamas County Tourism
- Oregon Parks and Recreation Department
- Friends of French Prairie
- Trimet—Jeff Owen, Active Transportation Planner
- Steve Wetzel
- Al Levitt

Where do you get your news?

Interviewees noted that they routinely use the following sources for news and information:

- Boones Ferry Messenger
- Charbonneau Village newspaper
- Wilsonville Spokesman
- Portland Tribune
- Willamette Week and Portland Mercury
- BikePortland.org
- The Oregonian
- Facebook
- Metros' Big Backyard newsletter
- Metro's monthly Hot Sheet

How would you like to receive information about the project?

Nearly all of the interviewees said that they would prefer to get information about the project by email. A few suggested use of project newsletters. Mr. Holt requested direct outreach to the Charbonneau homeowner's board from project staff. Use of Spanish language radio to reach Latino communities on the south side of the river was also recommended. Chair Ludlow suggested a small group meeting with the Old Town Neighborhood Association.

Do you have questions about the project at this time?

The questions that were raised included:

- How much will the bridge cost?
- Is the previously publicized \$20 million cost estimate accurate?
- When will you have information about emergency services access and uses?
- Who will pay for this project?

Other

Additional insights and background information provided by stakeholders during the course of the interviews is summarized below.

Area Knowledge

- According to Mr. Chinn, neighborhood kids and homeless individuals walk across the railroad bridge.
- According to Mr. Holt, many Charbonneau residents travel to Canby for shopping rather than to Wilsonville because of the severity of the I-5 traffic.

- Bicyclists visiting the south side of the river currently park in the Marina lot and along Miley Road.
- According to the Kushs, the Marina is used by approximately 100 boats per day during the high season.

Emergency Needs

- TVFR's Kinsman Station serves the Charbonneau community and needs to cross the I-5 Boone Bridge to access the area.
- According to Sheriff Roberts, the County marine unit conducts a water rescue every three days. There are few places to safely enter the Willamette River and his team frequently uses the Boones Ferry Marina, and he has considered adding a boat house at this location.
- According to Mr. Holt, TVFR paramedics typically travel to the Spring Ridge Senior Center in Charbonneau several times a day.
- According to Mr. Chinn, the I-5 overpass between Charbonneau and the proposed bridge location has not been seismically retrofitted.

Funding

- Ms. Philips noted several state grant programs that may be applicable, including: Recreation Trail Program Grant, Community Program Grant, and Connect Oregon Grant. She thought the latter would be most applicable to construction of the bridge.
- Metro planners suggested looking into funding related to the emergency access elements of the bridge. The City of Portland's recent bike/pedestrian bridge apparently secured funding with this approach.

OPEN HOUSE OVERVIEW
French Prairie Bridge Project
April 4, 2017

Attachment D



OVERVIEW

The City of Wilsonville, in partnership with Clackamas County, hosted an open house on Feb. 22 for the proposed French Prairie Bridge Project. More than 70 people participated in the event, weighing in on key questions at four stations around the room, and completing 35 comment forms. The City also hosted an online open house which was live from Feb. 22 to March 12. Thirty-six participants weighed in online.



With community Task Force members and staff present, City Councilor and Task Force Co-Chair Charlotte Lehan opened the event. She thanked participants for their time and interest, and gave a short overview of the history of the project, which was conceived by citizens more than two decades prior. Clackamas County Chair and Task Force Co-Chair Jim Bernard then introduced Zach Weigel, City project manager, and Bob Goodrich, consulting team manager. They gave a short presentation on key dates leading up to this study, other alternatives considered, the project schedule and the importance of the evaluation criteria in decision-making. Facilitator

Kirstin Greene encouraged participants to complete the comment form before leaving, and to share the online link with friends, family and co-workers.

Station 1: Project Overview

Station 1 presented an overview of the project, with boards displaying the project's key questions and study area, as well as a regional context map and project schedule. Participants were asked if they had any thoughts or comments on the project overview provided.

While community members had differing opinions regarding the desirability of the project, many felt that the bridge would be a valuable asset to Wilsonville, both for emergency access, active transportation connections and the tourism draw. Community members raised questions about plans for funding, parking impacts in riverside neighborhoods, as well as the lack of bicycle and pedestrian infrastructure along the narrow countryside roads on the south side of the river. In addition, many were interested in learning more about the location choice of the Study Area.



Station 2: Bridge Uses

Station 2 asked community members to describe how they would use French Prairie Bridge and what they see as the key destinations served by the bridge. A large format aerial map of the Study Area and its surroundings was provided for people to make notes about the uses and destinations.

Overall, the use of the bridge for emergency access was well supported. Short and long-haul bicycling touring around the Willamette Valley was also mentioned, in addition to short trips across the river to enjoy the waterfront, fishing opportunities and local stores in Wilsonville. Many agreed that the extent of bridge's use for recreation purposes may be limited by topography as well as infrastructure for cyclists and pedestrians on the south side of the river.

The most frequently mentioned key destinations served by the bridge included:

- Willamette Valley Bike Trails (9)
- Charbonneau (6)
- Access to shopping and Wilsonville's downtown (6)
- Champoeg State Park (5)
- Willamette River (2)
- Medical facilities (2)

Station 3: Bridge Alternatives

Station 3 asked for feedback on the three bridge alternatives. The Station provided a display board with an aerial image of the project study area, overlaid with a graphic of the three alignment alternatives.

While responses were varied, some community members indicated their preference for alignment W1 and W3 because they have the least impact on homes and existing businesses. W1 was noted several times as being the most direct and logical corridor in terms of connectivity and access, while W3 has ample park area around the bridge landing points for parking, restrooms and event staging. Several questions were raised for W3 about potential freeway noise and impacts from the nearby sewer plant.

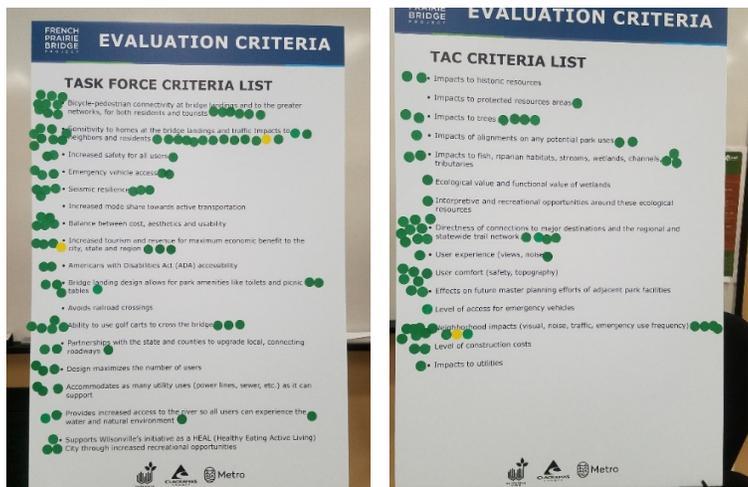
Overall, community members expressed interest in learning more about the cost of the bridge and the potential impacts it would have on homes, private property and the Boones Ferry Marina, as well as the quality and aesthetic of the bridge. Questions were raised over the lack of infrastructure for cyclists and pedestrians on the south side of the river.



Station 4: Evaluation Criteria

Station 4 asked community members two key questions: what is most important to them; and what should be considered in the selection of bridge landing points and types. A list of evaluation criteria proposed by the project Task Force and the Technical advisory Committee was displayed on two boards. Participants were asked to use a green dot sticker to identify which criteria they thought was most important. A nearby easel pad also provided the opportunity to suggest additional criteria.

Overall, community members felt that the evaluation criteria proposed by the Task Force and TAC were comprehensive. Between the Task Force and TAC lists, the following top two criteria were identified as most important:



Task Force Evaluation Criteria

- Sensitivity to homes at the bridge landings and traffic impacts to neighbors and residents (23)
- Bicycle-pedestrian connectivity at bridge landings and to the greater networks, for both residents and tourists (15)

TAC Evaluation Criteria

- Neighborhood impacts (visual, noise, traffic, emergency use frequency). (14)
- Directness of connections to major destinations and the regional and statewide trail network. (13)

Other thoughts/recommendations?

Community members were invited to provide any additional ideas or overall thoughts. Some of these included:

- The bridge would be a major asset to Wilsonville and connect it to the valuable regional bike network, increasing the tourism draw to the area.
- Impacts to private residences, businesses and neighborhoods should be closely monitored.
- Questions were raised about the greater traffic and transportation issues in the area.
- Questions were raised about the infrastructure for pedestrians and cyclists when they come off the bridge, especially on the south side of the river.

Next steps

At the end of the Open House, City project manager Zach Weigel thanked community members for attending and providing valuable feedback. He reviewed next steps, reminding the group that the Project Management Team and Task Force members will consider this feedback when determining the evaluation criteria and associated weights for each criteria in order to inform the decision-making process.



**French Prairie Bridge Project Technical Advisory Committee
Meeting #1**

**Draft Meeting Summary
Thursday, January 26, 2017
9– 11 AM**

Wilsonville City Hall
29799 SW Town Center Loop E, Wilsonville, OR
Willamette River Rooms I & II

Members Present

Tod Blankenship, Carrie Bond, Dan Cary, Gail Curtis, Rick Gruen, Vince Hall, Scott Hoelscher, Reem Khaki, John Mermin, Tom Loynes, Tom McConnell, John Mermin, Tom Murtaugh, Chris Neamtzu, Andrew Phelps, Kerry Rappold, Robert Tovar

Members Unable to Attend

Nancy Bush, Karen Buehrig, Terry Learfield

Project Management Team

Bob Goodrich, OBEC Consulting Engineers; Zach Weigel, City of Wilsonville; Kirstin Greene, Cogan Owens Greene; Anais Mathez, Cogan Owens Greene

Conversation summarized by agenda item below.

1. Welcome and Introductions

9 – 9:15 am

City Project Manager Zach Weigel welcomed committee members. Facilitator Kirstin Greene asked members to introduce themselves and briefly describe their role or interest in the French Prairie Bridge project. She invited the consulting team to introduce themselves first.

- Bob Goodrich, OBEC: Consultant Team Project Manager.
- Zach Weigel, City of Wilsonville: Project Manager.
- Kirstin Greene, Cogan Owens Greene (COG): facilitation and public involvement support services.
- Anais Mathez, Cogan Owens Greene (COG): meeting summaries.
- Carrie Bond, US Army Corps of Engineers, Oregon Department of Transportation (ODOT) Liaison.
- Tom McConnell, ODOT Region 1 Environmental Coordinator: handles the NEPA process.
- Tom Loynes, National Marine Services: provides Endangered Species ACT (ESA) consultations. Interested in running this project through a streamlined process.
- Tom Murtaugh, Oregon Department of Fish and Wildlife (ODFW): interest in the effects on sensitive fish and wildlife.
- Robert Tovar, ODOT Region 1 Bridge Design.
- Gail Curtis, ODOT Region 1 Planner: Interest in aligning with the right land use processes.
- Reem Khaki, ODOT Local Agency Liaison.

- Chris Neamtzu, City of Wilsonville Planning Director: Led planning process that identified project as a need.
- Tod Blankenship, City of Wilsonville Parks and Recreation: Manages Boones Ferry Park.
- Dan Cary: Department of State Lands: permitting with ODOT, interest in trails.
- John Mermin, Metro: project funded through the Regional Flexible Funds (RFF), interest in connections to the Tonkin Trail system.
- Rick Gruen, Clackamas County Parks, Boones Ferry Marina Owner.
- Scott Hoelsher, Clackamas County Planner: acting as a staff liaison with the County's pedestrian/bicycle committee.
- Vince Hall, Clackamas County Engineer: represents bridge maintenance issues.
- Andrew Phelps, Oregon Office of Emergency Management: interest in increasing the ability to move people and resources over the river in the event of a seismic event.

Kirstin thanked everyone and reviewed the meeting objectives, to

- Receive a presentation on the project's history.
- Receive a presentation orienting the committee to the project roadmap.
- Review and consider adoption of the TAC charter.
- Contribute to the list of technical considerations to evaluate project alternatives.
- Receive a presentation on alternative bridge alignments.

Gail Curtis, ODOT, commented that the transportation use of the bridge, particularly the emergency component, should be clearly defined early on, as it influences the land use process. Gail commented that ODOT considers the project to be defined as a "transportation improvement" project with regards to land use requirements, rather than a recreational use. Clackamas County Planner Scott Hoelsher noted that Clackamas County has a staff planner looking into that question.

2. Project History and Outcomes

9:15 – 9:35 am

Zach Weigel gave a short presentation on the project's history including the following key dates.

- In 1847, the Boones Ferry Operations started in the project area. In 1954 the I-5 Bridge opened.
- In 1993, a need for a pedestrian/bicycle crossing over the river was identified.
- In 2006, several alternatives were evaluated for river crossing options. The preferred alternative resulted in a stand-alone bridge.
- In 2009 Metro awarded a grant for project development, with an emergency access component added to the bridge design.
- In 2013 the Tonquin Trail Plan was completed, showing the trail ending at the bridge.
- In 2014, a Tourism Development Strategy called for capitalizing on cycling tourism in the Willamette Valley. Listed French Prairie Bridge as a top priority.
- Wilsonville City Council directed the focus of the study area to the west of the I-5 bridge, due to topography constraints on the east side.

Bob Goodrich reviewed the project outcomes:

- Produce a preliminary 30% design with the following elements:
 - Bridge location and landings
 - Preferred bridge type and configuration (level of aesthetics)
 - Impacts and benefits (land use, environment)
 - Project Costs

- Inform regional partners on decision to proceed

Other project outcomes, objectives and comments:

- The funding application made by the City of Wilsonville recognized three distinct transportation components: pedestrian, bicycle and emergency use. Emergency use is anticipated as infrequent.
- The project anticipates to be classified as a documented categorical exclusion, and desires to strike a balance between stakeholder and public support, NEPA permitting and cost.
- The project study area is described as have a steep north side, and a flatter south side.
 - A comment clarified that the Scenic Bikeway currently ends at Champoeg Park, but in the future could connect through this area.
- The project objectives include listening to community values and priorities, identifying bridge land points, type, and configuration, as well as project cost and funding opportunities.
- The project's Task Force is composed of regional and local stakeholders that represent community and its various perspectives. The Task Force is co-chaired by Wilsonville City Councilor Charlotte Lehan and Clackamas County Commissioner Jim Bernard.
- The TAC and PMT will provide technical horsepower to the Task Force. The Task Force is a body that will receive input from TAC and the public, and will make recommendations to City Council about all project items.

3. Project Roadmap

9:35 – 9:55 am

Bob reviewed the roadmap sequence and milestones.

- The first Task Force meeting is next week, with a public open house on February 22nd.
- In late spring/early summer, City Council will be presented with evaluation criteria and bridge landing points will be selected. Starting in the summer/fall, four bridge types will be narrowed from two to a preferred over the course of a year. Following selection of preferred bridge, the design will be refined, permitting challenges resolved and a cost estimate developed by late 2018.

Gail commented that the County may require a particular public process, and suggested plugging in the application and public process into the schedule. Scott noted that he will bring back information and research on what the County public process would look like. He indicated that the process would dependent on which zoning district the bridge points land in, and the bridge classification (transportation or recreational).

4. TAC Role and Charter

9:55 – 10:10 am

Kirstin welcomed latecomer Kerry Rappold, the City's Natural Resources manager. He introduced himself and noted that he is currently working on an adjacent trail project (I-5 Undercrossing) that will ultimately connect to this bridge.

Kirstin reviewed the contents of the Draft Charter. The following meeting ground rules were added:

- Review materials in advance.
- Stick to the agenda.
- Silence cell phones.
- Actively listen.
- Avoid side conversations.
- Respect all perspectives.

Kirstin clarified that consensus means you can “live with it,” and suggested that any TAC members who do not support a recommendation can simply write an email or make a statement, effectively changing the Charter language to read “prepare a minority opinion” rather than “prepare a minority report.”

The TAC reached unanimous agreement on the changes to the Draft Charter.

5. Evaluation Criteria Discussion

10:10 – 10:50 am

Bob identified baseline work to date. The design team is currently pulling information into an Opportunities and Constraints Report, with a map that flags moderate and high constraints. The report will be available for distribution and review in early March. Bob presented the three alignment options, or corridors, with the following parameters:

- Avoid the Tauchman House (Wilsonville) and the Marina boat ramp and structures(County)
- Keep the bridge design roughly perpendicular to the river
- Try to avoid most of the River Vista neighborhood on the north side.
- Southerly connections should connect to the scenic bikeway via Butteville Road

TAC members made the following comments and questions:

- Kerry clarified the location of his I-5 Bridge undercrossing trail, noting the first phase widened and resurfaced the trail. The second phase will continue the trail west concluding near the newly purchased (by the City) Boones Ferry Park parcel.
- In Alignment #3, staff clarified that ODOT owns the majority of the property where the bridge lands on the south side.
- A TAC member raised about the preferred connection to the Tonquin Trail, and it was noted the alignment furthest to the west would be the most direct connection to that trail.
- One member recommended that the map identify and label all main features, including County/City boundaries, as well as current and future trails and the existing bike and sidewalk network. It was noted that these will be incorporated for the public meeting.
- Another member requested a public lands ownership map.
- Staff shared that a Boones Ferry Park Master Plan will be initiated in the next six months, they wanted to see this project underway first as it helps set direction for the master plan process.
- The opportunities and constraints memo will be available for TAC review on the project website once the report has been reviewed by the project team.
- Please describe the seismic stability of the bridge. Staff clarified that ODOT bridge design standards for seismic performance will be met. This includes a recent update to reflect bridges remaining serviceable after the Cascadia Subduction Zone event.
- Another TAC member asked whether an inquiry has been made into the future plan of the current railroad bridge, as it could provide a rails-to-trails if it were abandoned in the next 10-20 years. Bob was not aware of any intent to abandon, but would confirm this with a contact provided by Gail.

Bob identified the three steps in developing evaluation criteria. The PMT will propose an initial criteria list, which will be expanded upon and approved by the TAC. At the next meeting, criteria will be finalized and the TAC will move into technically scoring each alignment against each criteria. Weighting of criteria will fall on the Task Force, as they represent functional users of the bridge. The PMT will work with the Task Force and TAC to make a recommendation to City Council on the scoring on the alignment corridors.

- Kirstin noted the distinction between a design criteria and evaluation criteria weighting, in that the former encompasses current ground rules and the latter reflects values.

- One member asked if the Task Force would adequately consider and weigh the environmental perspective. Bob noted that he and Zach will help guide the Task Force in the consideration of environmental impacts.
- Gail suggested looking at the Clackamas County conditional use criteria because it sums up the state's intentions regarding impacts to resource lands. She noted that there will need to be agreement over language at the technical level so that is understood what the broader language means as it is communicated to the public.

Facilitated Discussion on Initial List of Evaluation Criteria

Kirstin asked members to identify what's most important to them.

- Historic resources, i.e. places that must be avoided (this may be more of a design criteria).
- Impacts to protected resources areas (Goal 5 – Willamette River Greenway (WRG)).
- Impacts to trees (based on species and maturity).
- Impacts of alignments on any potential park uses (Goal 12), whether active or passive, current or future.
- Limit impacts to fish in the river, wetland areas and streams. Avoid, minimize, mitigate. Tom Murtaugh will provide some input of resources present.
- Consider the ecological value and functional value of wetlands.
- Consider interpretive and recreational opportunities around these ecological resources.
- Directness to connections to the regional and statewide trail network.
- User experience (views, desirability, sound/noise).
- User comfort (safety of connections, slope)
- Directness of connections to major origins and destinations.
- Parks effects: Constraints on the future use (master planning) of adjacent facilities including current use, financial, capacity, operational, maintenance, visual.
- Level of access for emergency vehicles, both incident response and regional event (i.e. earthquake).
- Neighborhood impacts (visual, noise, traffic, emergency use frequency).
- Impacts to the Clean Water Act. [Impacts to waters of the U.S. as regulated by the Corps under the Clean Water Act and Rivers and Harbors Act](#)
- Level of avoidance and mitigation of impacts during design process. [Level of avoidance, minimization, and mitigation of impacts during design process in accordance with the following laws and regulations:](#)
 - Clean Water Act
 - Federal Rivers and Harbors Act – navigable waterways
 - Endangered Species Act – Consider functional floodplain.
 - Other Federal projects, i.e. channels and levees (Section 408)
 - Archeological resources, treaty rights, essential fish habitats, etc. [National Historic Preservation Act \(archaeological resources\)](#), [Federal Tribal Trust responsibility \(tribal treaty reserved rights\)](#), and [Magnuson-Stevens Fishery Conservation and Management Act \(essential fish habitat\)](#)
 - US Corp Section 408 Carrie noted that she will look at the GIS layers for the study area to see if anything comes up.
- Effects on stream bank hardening, riparian habitats, channels, tributaries.
- Construction costs. Differences in bridge length and level of aesthetics.
- Impacts to utilities.
- Safety

Other comments:

- Tom McConnell made a recommendation to look at Section 6F of Boones Ferry Park and to consider early coordination with Michelle Scalise with the Land Conservation Fund of OPRD.
- Kerry noted that the bridge landing on the north side of Alignment #3 is currently by a manmade channel.
- Tom Loynes noted that building a bridge designed primarily for bicycles and pedestrians is easier to permit, particularly if the bridge landings occur in areas where there are few riparian impacts/land is already impacted (i.e. spans a built environment). This type of bridge can be programmatically approved through the FAHP to avoid a year-long report-writing process. To qualify for this programmatic approval the impacts must be demonstrated to be similar to a replacement bridge rather than new bridge
- Bob would like to confirm that if the project ends up outside of programmatic ESA consultation, the project can still achieve a documented CE. It was agreed this would be possible.
- A member noted that a bridge designed as a full span structure, while meeting seismic requirements, would be better for fish, wildlife, WRG, boating and recreation. Along the banks, a vegetated wildlife corridor should be maintained so animals can move up and down the river without being obstructed.
- Reem Khaki noted the importance of showing the public all the great benefits of a new bridge, such as lower commute times, trail connections, etc.

6. Wrap up and Next Steps

10:50 – 11 am

Bob thanked members for their time and announced that a key messaging document will be sent out to all TAC members. At the next TAC meeting, the initial list of criteria will be synthesized into a handful of overarching criteria, of which each will be defined.

A TAC member asked to know which Tribes were invited to participate in this process. ODOT has reached out to the following Tribes regarding notification of and possible involvement in this project:

- Confederated Tribes of Siletz
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Warm Springs

Zach provided directions for those members who were interested in participating in a site tour immediately following the meeting.

Kirstin thanked members and adjourned the meeting at 11 am.



French Prairie Bridge Project Technical Advisory Committee Meeting #2

Draft Meeting Summary
Wednesday, May 10, 2017
9:30– 11:30 AM

Wilsonville City Hall
29799 SW Town Center Loop E, Wilsonville, OR
Willamette River Rooms I & II

Members Present

Carrie Bond, Dan Cary, Terra Lingley, Vince Hall, Scott Hoelscher, John Mermin, Tom Loynes, Tom McConnell, , Chris Neamtzu, Andrew Phelps, Kerry Rappold, Robert Tovar, , Nancy Bush, Julia Uravich

Members Unable to Attend

Rick Gruen, Anthony Buczek, Tod Blankenship, Tom Murtaugh

Project Management Team/ Staff

Karen Buehrig, Clackamas County; Bob Goodrich, OBEC Consulting Engineers; Reem Khaki, Oregon Department of Transportation (ODOT) Zach Weigel, City of Wilsonville; Kirstin Greene, Cogan Owens Greene; P. Elise Scolnick, Cogan Owens Greene

Conversation is summarized by agenda item below.

1. Welcome and Introductions

9:30 – 9:50 am

City Project Manager Zach Weigel welcomed committee members. Facilitator Kirstin Greene asked members to introduce themselves and briefly describe their role.

- Kirstin announced that the meeting agenda was scheduled until 11:30, but the invitation was until 11. She asked if anyone had to leave before 11:30. Three people said they would need to leave early. Kirstin said that she will manage the agenda to get through by 11.
- Kirstin asked if there were any corrections to the meeting summary of TAC Meeting #1. None were identified.
- Kirstin asked participants to review the charter and if there were any concerns. None were expressed. All in attendance agreed on adoption of the charter as presented in the meeting packet.

2. Review of Project Schedule

9:50 – 10 am

- Consulting team project manager Bob Goodrich reviewed the updated project schedule. The project team has identified a need to consult with the Confederated Tribes of the Grand Ronde and do some field work prior to alignment selection. Accordingly, the schedule has been moved out to select bridge landing points in Fall 2017. The end date for the project has not changed.
- Kirstin and Bob clarified that TAC meetings should be considered in each time the Task Force meetings are shown on the updated schedule. The next set of scheduled TAC and Task Force

meetings are expected in early fall, to apply the evaluation criteria to the bridge alternatives. The PMT will take a first run at applying the evaluation criteria to the alternatives for TAC consideration and adjustment, where needed, prior to Task Force consideration.

Opportunities and Constraints:

- Bob noted that the City had provided the Opportunities and Constraints (O & C) Memo for TAC review prior to the meeting. Notable issues identified include overhead wires, water treatment plant and Exclusive Farm Use (EFU) zoned lands. OBEC expects these all can be avoided, addressed or mitigated if an alternative that impact those constraints is selected.
- As these reports are background and not subject to TAC approval per se, they are foundational and worth correcting if TAC members see anything that needs correcting. Kirstin asked that TAC members who have additional questions contact Zach.
- Bob reminded participants that all the reports are included on the project web site: www.Frenchprairiebridgeproject.com. There is a library on the site with the relevant technical documents. If more information is desired, contact Zach or Bob directly.

3. Work to Date

10:00– 10:30 am

- Bob presented the evaluation criteria proposed by the TAC, Task Force and public meeting which were collected during the previous set of meetings. . The results are part of Appendix A of the Evaluation Criteria report memo.
- Tom Loynes asked if the trails would be allowed for motorized vehicles.
 - *Bob responded that allowing motorized golf carts is a concern of Charbonneau residents. Currently golf cart use is only allowed in the Charbonneau District. It is up to the City to determine whether golf carts can be used outside if the district.*
- Kirstin reviewed the public guidance received associated with the public open house and online. More than 100 people participated in these first events. A summary was included in the TAC packet.
- John Mermin asked how will the team use public input on the criteria going forward?
 - *Bob: There are six major criteria that will be used. The weighting will depend on the criteria that are finally selected at the May 22nd Task Force meeting. He reviewed the formal process for moving forward.*

4. Evaluation Criteria

10:30 – 11 am

- Bob stated that Zach has presented the evaluation criteria to City Council. Today, Task Force Members will discuss the evaluation criteria and scoring guidance.
- Scoring of Alternatives will be done by the project team and TAC. Weighting will be done by the Task Force. Bob described the Evaluation Criteria elements by category. He referred the TAC to the memo for details.
- Reem Khaki: Should there be one on feasibility?
 - *They all seem feasible; and all have some property owner concerns. Bob said that the TAC will be getting to the discussion of alignment W-3 later in the meeting.*

Category A, Connectivity & Safety

- Bob reviewed the listed criteria and asked for questions or concerns.
Questions:
- Karen Buehrig -It appears that if you connect to the regional route you get more points than to the local route. For scoring between 7-10, it should read connecting to “regional or local

planned bike/ped facilities”. Score at 4-6 for connecting to “local or regional facilities”. More points should be assigned if connecting to both. By adding these two together, you would get a better score.

- *Bob proposed that the 7-10 scoring should be “regional and local” connection.*
- Karen: Is this direct connection or more broadly defined? The word “connect” might need a little more definition.
- *Bob: Leaving some discretion may be helpful.*
- Zach Weigel: It is a range of scores.
- Reem Khaki suggested that the team add another criterion for impact on long-term planning into Category E.
 - *Bob suggested the TAC discuss this when Category E is reviewed later in the meeting.*
- Terra: There is a need to address out-of-direction travel, which may not be direct, but will get one to their destination. It is addressed for emergency traffic, but not for general bike/ped connectivity. Bob said he’d adjust the verbiage to reflect more direct connections should receive a higher score.

Category B-Emergency Access

TAC members reviewed the three proposed criteria in Category B.

- Andrew Phelps: Seismic and flood hazard should be addressed. He suggested the addition of a new B-4, mitigate against seismic/flood hazards. Clarify design criteria.
- *Bob Goodrich: The bridge will be designed to survive a Cascadia event. It is a basic design criteria for the project regardless of alternative. The Memo will be revised to reflect those considerations which are design criteria.*

Category C-Environmental Impacts

TAC members reviewed the three criteria proposed in Category C.

- Tom Loynes: Some alternatives would have more streamlined permitting than others. Some would not be permissible. There should be a comparison between easily permissible and not permissible for scoring. This may need a new scoring guidance to address Endangered Species Act (ESA), Division of State Lands (DSL), a Goal Exception, or other review.
 - *Bob Goodrich asked if there are there other issues like this?*
- Scott Hoelscher: A goal exception will be a different process for EFU lands. That would go into the permitting process. If W-3 is selected, that doesn’t involve EFU land and hence not a goal exception process. Where would that fall in the criteria? Would it be a separate category?
 - *Bob Goodrich: Programmatic or permitting-we weren’t looking at it differently. These are processes either way. This is open to discussion. If it’s not permissible that shows in the scoring. We are looking at the raw impacts on different resources. There is a lot of time to consider this.*
- Carrie Bond suggested a change in scoring criteria under 4-6, changing the wording from “minimizes adverse impact” to “minimal adverse impact”.
- Bob: Will look at adding a C-4 to catch permitting and programmatic process issues.
- Tom Loynes: Our (ODOT) scoring would be opposite of Scott Hoelscher’s agency (Clackamas County).
- Kirstin Greene: Routes with additional permitting complexity certainly will take more time. Clarify that Goal Exception in scoring criteria to allow that to feed into the score.
- Reem Khaki: The evaluation criteria have a focus on avoiding. Maybe we should add in mitigation strategies for clarity for evaluators (TAC/TF).

- *Bob: The scoring guidance is intended to provide what you are describing here. It's not simply "avoid" for exactly that purpose, which gets a maximum score. It is minimal impact is the medium score.*
- Kirstin asked if "minimize" would include mitigation?
- *Bob Goodrich stated that you would have to mitigate to minimize.*
- Carrie Bond: From a permitting perspective, you don't look at compensatory mitigation. You are always looking at a mitigation sequence of avoid and minimize. We prefer to look at impacts in general for the preferred alternative, then narrow down the mitigation.
- Dan Cary: Agrees with Carrie. The minimal impacts and adverse impacts, then add in substantial impacts: explain these more clearly. There would be mitigation in 4-6 as well as 0-3 scores. He compared the scoring definitions to being "a little bit pregnant".
- *Bob explained the intention. If you need less mitigation, there are less impacts to be reflected in the scoring. At 0-3 there is a lot of impact and more mitigation is needed. At 4-6, less mitigation would be needed. We could add language to this affect.*
- Dan Cary: Is the mitigation doable for something that is bigger, costlier? What if there is mitigation bank credit available for substantial impact? What about onsite mitigation for lesser impacts? What about if nothing can be done because there is no credit is available? That is something to think about.
- Carrie Bond: We don't want to choose an alternative with adverse impacts just because there is cheaper mitigation.
- *Bob suggested minimal impacts vs. minimizing impacts and removing mitigation altogether.*
- Dan Cary: It's good to know what you're talking about. If you are going to mitigate for seismic?
- Carrie Bond: If you are having adverse impacts, if there are not mitigation options...It seems hard to think about all of that.
- *Bob Goodrich: We should use "avoid", remove "minimize" and use minimal, to make the scoring cleaner.*
- Tom Loynes: Use something less than total avoidance. Not one of these avoids impacts.
- *Bob proposed that at the 7-10 range, use "avoid or minimal impacts". For a score of 4-6 use "moderate impacts" and use "adverse impacts" for a score of 0-3. Members agreed.*
- Kerry Rappold: Some categories have three, and some four, criteria. That would weight some more than others.
 - *Bob Goodrich: The intent is to use an average weighted score, not a numerically weighted one.*
 - Kirstin asked if the TAC agrees with the use of "moderate impacts" in the 4-6 scoring criteria? TAC members agreed.
- Kirstin asked for a TAC vote on adding new criteria:
 - Add new criteria C-4 related to permitting: **0 Votes.**
 - Leave proposed criteria as-is (at 3 criteria) **Vote: Unanimous approval.**
- Kirstin: The Project Management Team will consider how best to incorporate the permitting discussion and comments.

Category D: Compatibility with Recreational Goals

- John Mermin: Sub-criteria D-1 (positive user experience) impacts number of people who will use the new bridge and thus provides benefits beyond recreation. When the task is force is considering how to weight different criteria, consider that some provide greater benefits than just the category they're housed within.

- *Bob though this was a good idea and this guidance/recommendation will be shared with the Task Force.*

Category E – Existing Environment

- Karen: Is this is where we would add new criteria for long-term impacts on ODOT facilities, the railroad, marina, or other facilities?
 - *Bob Goodrich: Would that be an E-4?*
 - Karen Buehrig said she thinks it would. We think we would be getting at the impacts on the marina. We don't know how you'd fold in the railroad. Are we going to change Criteria E-3?
 - Bob Goodrich thought the marina is important enough to score separately. What else could be built that we'd have to consider for impacts.
 - Kirstin asked if TAC members wanted to add long-term planning for other existing or planned future infrastructure uses, e.g. railroad (in addition to the marina). The TAC agreed to add E-4 addressing long-term planning impacts on other existing facilities.

Category F: Cost of Economic Impact

- Carrie: Doesn't understand what environmental mitigation costs?
 - *Bob: Suggested a change to "environmental project costs" to clarify that the intent is to reflect total project cost for baseline comparison of the alternatives.*
 - Karen Buehrig.: On F-2, property acquisition, the difference in the amount of costs should be reflected, also easements should be considered as part of acquisition. Figure out how to differentiate costs. None of them would get 7-10 points as currently crafted.
 - Terra agreed.
 - Bob Goodrich: With F-1, the lowest cost would score highest. For F-2 should we consider the number of properties or square feet of property?
 - Terra Lingley: We need to differentiate between displacement costs and acquisition costs.
 - Dan Cary: We need real numbers to determine the actual costs.
 - *Kirstin-The project team will be taking a first look at the acquisition costs guidance in the scoring guide.*
 - Vince Hall: There will be right-of-way costs associated with public meetings, technical experts, etc. for acquisitions and displacements that should also be considered.
 - Robert Tovar: For (F-2), look at the number of properties. Stay away from square footage. Look at the intervention with the properties, including easements. Sometimes it takes as much effort to acquire easements as to acquire whole properties.
 - *Bob Goodrich Displacements will have to be addressed too. Suggests looking at the number of properties. Displacements will have to be looked at as well.*
 - Kirstin: Would these both be in F-2.
 - Bob Goodrich: Yes.
- Kirstin: This will be something for the PMT to work out and bring back to the TAC in the emailed version to be presented to the Task Force on May 22.
- Zach Weigel said that there are 6 main categories, A-F. Is there anything missing we didn't capture?
 - Terra: Environmental justice (EJ), Title VI.
 - Kirstin noted there are Latino community members present; additional outreach to reach and inform those residents is anticipated.
 - *Bob: will add it to E-1 & E-2.*
 - Terra Lingley: There could be benefits and adverse impacts to different communities.

- *Kirstin: The PMT will work this in for scoring. She thanked Terra for bringing this up.*

5. Alternatives

11 – 11:20 am

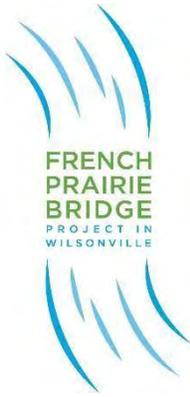
- Bob noted that the alignments haven't changed from the last meeting. In coordination with ODOT, ODOT has communicated to the project team that there is a portion of property owned by ODOT on the south side of the river for which ODOT wants to retain access. They also would like to retain their full ROW for expected widening and improving the Boone Bridge and I-5 in the future.
 - Reem spoke about plans to widen I-5 at the Boone Bridge in the future. There is ODOT concern about the land needed for widening and for maintenance (on the north side). This is the only place to access underneath the Boone Bridge.
 - Terra: One of the priorities of the City is to widen the Boone Bridge. A new bridge wouldn't preclude it from happening, but ODOT wants to make sure this concern is addressed.
- Kirstin: Knowing that this alignment is proposed for removal by ODOT, the question is whether we should maintain or remove the W-3 alignment in the scoring criteria? Should the Task Force consider W-3?
 - Carrie: If the bridge is being widened, are there going to be planned bike/ped improvements?
 - Terra: Yes, we are considering bike facilities. There are no plans on a map yet though.
 - Robert: Don't we discourage bikes on the Interstate?
 - Terra Lingley: Bikes are allowed everywhere unless they are specifically prevented. Carrie: Can we shift bike/ped to a widened I-5 Bridge?
 - Terra Lingley: We don't have a timeline yet.
 - Robert: We have a seismic retrofit program. No plans are currently in place, but those things can change. When widening is considered, both retrofit and widening bridges at the same time would be considered. We don't' want to preclude this in the future. ODOT is currently working with the Legislature on seismic improvements statewide.
 - Vince: In the last meeting, wasn't there a proposal to put a bike lane under, or attached to, the existing I-5 bridge?
 - Zach Weigel: That was considered in the previous studies. The conclusion at that time was that a stand-alone bridge is preferred.
 - Vince Hall: The experience of the I-5 bike path would be different than a stand-alone bridge.
 - John Mermin: Widening /adding a lane to the I-5 bridge is not in the adopted Regional Transportation Plan. If ODOT and the City desire this widening it should be discussed within the context of the update to the Regional Transportation Plan currently underway. A major investment like that needs public input. Karen Buehrig: We would benefit from keeping it (W-3) in the analysis. We should keep it in the analysis. If we don't, we won't have the info on that alternative.
- **Kirstin took a straw poll:** Remove W-3 from scoring: (4 yes votes). Keep W-3 in consideration (8 yes votes). Abstain (1 vote).

6. Next Steps

11:20 – 11:30 am

- The PMT will make these changes for the Task Force packet. Their meeting is May 22 at 6 pm with an optional tour prior.

Kirstin thanked members and adjourned the meeting at 11 am.



French Prairie Bridge Project Technical Advisory Committee Meeting #3

Meeting Summary
Wednesday, February 28, 2018
10:00– 12:00 PM

Wilsonville City Hall
29799 SW Town Center Loop E, Wilsonville,
OR Willamette River Rooms I & II

Members Present

Carrie Bond, Tod Blankenship, Anthony Buczek, Gail Curtis, Scott Hoelscher, Russ Klassen, Tom Loynes, Tom McConnell, Chris Neamtzu, Andrew Phelps, Kerry Rappold, Robert Tovar, Julia Uravich

Members Unable to Attend

Rick Gruen, Vince Hall, Tom Murtaugh, Nancy Bush, John Mermin

Project Management Team/ Staff

Karen Buehrig, Clackamas County; Bob Goodrich, OBEC Consulting Engineers; Reem Khaki, Oregon Department of Transportation (ODOT); Zach Weigel, City of Wilsonville; Kirstin Greene and Megan Burns, EnviroIssues

The meeting packet included Project Management Team scoring criteria for reference, original scoring with changes in red can be found at the end of this summary. Conversation is summarized by agenda item below.

1. Welcome and Introduction

City of Wilsonville French Prairie Bridge Project Manager Zach Weigel welcomed Technical Advisory Committee (TAC) committee members and thanked them for staying with this important project. Acknowledging it had been a year since this committee had met, facilitator Kirstin Greene asked members to introduce themselves and briefly describe their agency and perspective. She recapped the purpose of the meeting, to review project team evaluation criteria scoring results and agree upon a set of scores to advance to the Task Force.

Kirstin asked if there were any corrections to the meeting summary of TAC Meeting #2. TAC members did not identify any changes needed.

2. Project Updates

For TAC members, Zach reviewed the project schedule. Since finalizing the evaluation criteria in May, Federal Highway Administration reviews decided that an Environmental Assessment is the best approach for this project to determine bridge location and type. This will be instead of pursuing what's known as a Categorical Exclusion under the National Environmental Policy Act (NEPA). Zach explained

this change should not affect the chartered work or schedule for this phase of the project as a whole. Key milestones include the following. Zach showed the updated project schedule. The current schedule, summarized in the bullets below, also is on the website at www.frenchprairiebridgeproject.org.

- The TAC is asked to score each alternative according to the evaluation criteria today. That information will be presented to the Task Force in April.
- The Task Force will consider the scoring, discuss, and will be asked to make a location recommendation to City Council at their April meeting.
- With that information, City Council is expected to select an alternative in May.
- With that information, project team members will work to present bridge types for committee and community consideration this summer/early fall, with a selection on final type by the end of the year.

3. Evaluation Criteria-Based Scoring of the Alternatives

Bob Goodrich, consulting team project manager with OBEC, presented the final evaluation criteria weighting determined by the Task Force last year. The complete methodology and process to develop alignment evaluation criteria are included in the Evaluation Criteria report memo.

Tom Loynes asked for more information on the Task Force evaluation criteria weighting process.

Kirstin offered that committee members spent considerable time on the criteria and associated weighting and reached consensus through discussion. Some, e.g., cost, was considered to be large among all alternatives and not necessarily a differentiator from the community's perspective. Likewise, they assumed that environmental regulations would need to be met for any alternative to be built.

Bob added that, regardless of which alignment was selected, Task Force members understood that the economic impact of the cost and the environmental impact would be given the thorough refinement it needed at the time of engineering and design. This information allowed members to settle on the final weighted criteria that emphasized other aspects that were important to them.

Zach added that the weighting of the criteria does not necessarily reflect those topics that are most important to the community, but rather what the task force thought the topics were most important in deciding between the three bridge locations. For example, environmental impact is important as an overall goal, but there may not be much difference between the three bridge locations, so it is not as important when comparing bridge locations.

Bob then led a discussion of each evaluation criteria vis a vis the rankings for each of the three alignments (W1, W2 and W3). A map of the alternatives is available online. TAC members discussed each criterion and the pre-scoring provided by the Project Management Team (OBEC, City of Wilsonville, Clackamas County, and Oregon Department of Transportation staff). Comments and questions follow.

Category A: Connectivity and Safety

- ODOT noted that the reason they scored A1 (connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of bridge) for Alignment W1 higher than the project team was due to existing bike lane facilities. Zach pointed out that

the current bike lane ends north of this project site and becomes a shared lane where traffic volumes decrease.

- Kirstin addressed the TAC asking if A1 W1 should be adjusted. Members agreed and A1 W1 was bumped up to a 7.
- TAC members did not have comments or changes to A2 or A3.
- ODOT scored A4 (connects to planned bike/pedestrian routes on south side of the bridge) for Alignment W3 a 3.
 - Karen Buehrig asked for why PMT scoring and ODOT scoring were significantly different.
 - Tom McConnell responded that ODOT thought the disparity should be greater than one point because W3 offered substantially less connection to regional bicycle and pedestrian network.
 - TAC members agreed to lower A4 W3 to 5.

Category B; Emergency Access

- ODOT scored B1 (connects to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus) for Alignment W3 a 1.
 - Tom McConnell said that ODOT wanted a larger distinction between the three alignments.
 - TAC members agreed that the difference should be greater to better emphasize the capabilities of each alignment, and lowered B1 W3 from a 2 to a 1.
- Anthony Buczek asked if with B2 (connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus), there was information on where emergency responders are typical heading on the south side of the river.
 - Zach responded that the Charbonneau community is a frequent, daily destination.
- TAC members did not have any other changes to the PMT scores for emergency access.

Category C: Environmental Impacts

- Tom Loynes suggested that since all criterion had a 10% weighting, Category C responses should have a greater spread between the points for each alignment as there also are fewer subcategories. Tom suggested that considering the variation of vegetation on the south landing, that C1 (avoid or minimize adverse impacts on wildlife habitat and trees) and C2 (avoid or minimize adverse impacts on waters and wetlands) for alignment W3 be lowered.
 - Tom McConnell said that ODOT had C1 alignment W1 scored at 7 and alignment W3 scored as a 2 because of the existing trees and vegetation on the south landing that would be impacted.
 - Gail Curtis suggested that the text for that category be changed to reflect the environmental impact of that route.
 - TAC members agreed and decided to change the scoring for C1 to 7 for alignment W1, 8 for alignment W2, and 2 for alignment W3.
- Russ Klassen asked why alignment W1 was less favorable for impacts to wildlife compared to alignment W2.
 - Bob responded that there will be tree impact for both W1 and W2.
 - Russ asked whether a creek flows through that area.
 - Bob didn't think there was a creek but noted that there is a railroad track.
- Carrie Bond felt that for category C2 (avoid or minimize adverse impacts on waters and wetlands) alignment W1 with its proximity to wetlands warranted a lower score than

alignment W2.

- TAC members agreed to lower C2 alignment W1 to a 6 due to wetland impacts. They lowered alignment W3 to a 2 due to the potential impact on the tributaries.
- TAC members discussed C3 (avoid or minimize adverse impacts on cultural and historic resources).
 - Tom McConnell justified ODOTs lower ranking of each alignment due to the unknown impacts for this category, especially because of the high probability of cultural resources in this area.
 - Chris Neamtzu and Carrie Bond gave the alignments scores of 6-6-7 also due to the unknown factors.
 - Karen Buehrig said that given alignment W1's location on the historical Native American crossing and the high probability of archaeological potential, W1 should be ranked one lower than the other two alignments.
 - Given the unknown factors and alignment W1's proximity to highly probability archaeological cultural resources, TAC members agreed to score alignment W1 a 5, and alignments W2 and W3 6.

Category D: Compatibility with Recreational Goals

- TAC members agreed to lower D1 for Alignment W3 from a 4 to a 3, which matched ODOT's score, to better reflect the much less positive user experience.
- The TAC had no change to D2.
- TAC members agreed to lower D3 alignment W3 from a 10 to an 8 due to the impacts on parking, both current parking infrastructure and projected parking from the community driving to the new bridge to walk and bike over it.
- They agreed to lower the score for D4 alignment W3 from a 4 to a 3 due to poor river access.

Category E: Compatibility with Existing Built Environment

- TAC members agreed to lower the score for section E2 alignment W1 from a 7 to a 6 due to the close proximity to a private resident.
- No other changes to the Project Management Team scoring were made in this Category.

Category F: Cost and Economic Impact

- Since there are no actual numbers to work with for cost and economic impact, all scoring is relative to one another based on potential cost difference. Lowest scores received a 10, higher costs were proportionally scaled downward.
 - Russ asked if the numbers included the cost for easements and property acquisitions.
 - Bob responded that F2 addresses those impacts and costs.
- Decimal points for F1 were used because the relative costs for the three alignments were very close.
 - TAC members advised to remove the decimal points to avoid overstating the level of accuracy for costs at this early planning stage of the project.
 - TAC agreed that final scoring for F1 should be 9-9-8 due to environmental mitigation expected for alignment W3.
 - Gail advocated for the lowering of the final score and wanted to be sure that the task force be explained the consideration for environmental mitigation costs are the reasoning behind the change.
 - Bob will rewrite the narrative to explain the scoring is a combination of the

proportioning of costs and a qualitative consideration of environmental mitigation.

- TAC members agreed to lower F2 alignment W3 from a 7 to a 6.
 - Reem had a change to the note for W3, and would like it to say, 'moderate impact to ODOT maintenance facility and future I5 bridge expansion.'
 - Bob confirmed that he expected that maintenance functions should not be impacted and will put in the notes 'moderate impact to ODOT maintenance property but facilities will not be impacted.'
- TAC members agreed to lower F3 alignment W3 from a 3 to a 1 because of the highest potential for a significant utility impact: The City's wastewater outfall. Relocation would be very expensive.
- Participants discussed the cost of displacement of the wastewater outfall and where that cost should be represented. In the end, TAC members decided to omit the cost from F1 and modifying the F1 narratives to clarify/limit the costs that are included for that score.

Kirstin closed the scoring evaluation criteria agenda item by recapping what was decided (outlined above). Kirstin then asked if the TAC was comfortable recommending the decided upon scoring to the task force. All TAC members agreed they were comfortable advancing that scoring to the Task Force.

4. Next Steps

Zach advised TAC members of the Task Force meeting date scheduled for April 12th.

Kirstin mentioned that a meeting summary would be provided and encouraged folks to leave their comment forms and notes to be incorporated. Kirstin also said that a packet would be put together providing Task Force members with the TAC recommendations, who will use this information to make an alignment selection recommendation for City Council.

Bob recapped the upcoming steps:

- Bridge type selection is the next milestone after a bridge landing recommendation is approved.
- Bob updated the TAC on the project timeline.
 - Task Force meeting on April 12th
 - Final bridge landing recommendation to City Council in May
 - Towards the end of summer/early fall the City will host an Open House to present bridge types to community members
 - In the fall, the City will host another round of TAC and Task Force meetings for bridge type selection, narrowing to two bridge types, and finally recommending a preferred bridge type to City Council by the end of the year.

With no other business, Kirstin adjourned the meeting.



French Prairie Bridge Project

Scoring for Task Force Review
March 23, 2018

A		Connectivity and Safety			W1	W2	W3	Notes
A-1	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge	7	3	4	Assume Boones Ferry Road connection slightly higher priority than I-5 undercrossing trail. W1: No pedestrian facilities. Direct connection to SB bike lane on Boones Ferry Rd. W2: Connects east & west via Tauchman St, with no pedestrian or bicycle facilities. W3: Non-direct connection along Tauchman St. to a path towards Memorial Park.			
A-2	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge	2	2	3	No bike/ped routes exist on the south side. All connect directly to Butteville Road. W3: Connects to north side Butteville Road. No need to cross road to travel west or access marina.			
A-3	Connects to planned bike/pedestrian routes on north side of the bridge	10	6	5	W1: Directly connects w/ regional Ice Age Tonquin Trail (IATT). Connects to EB local trail. W2: Non-direct connection to both IATT and EB local trail. W3: About the same as W2. Further from regional IATT.			
A-4	Connects to planned bike/pedestrian routes on south side of the bridge	8	7	5	W1: Direct regional bike connection west and local ped/bike trail connection east. No planned ped. connection west. W2: Same as W1, but located further from regional connection. W3: Non-direct regional bike connection west and local ped/bike connection east. No planned ped. connection west.			
20.0% Criteria A Weighting		13.5	9.0	8.5				



French Prairie Bridge Project

Scoring for Task Force Review

March 23, 2018

B		Emergency Access	W1	W2	W3	Notes
B-1	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus		10	6	2	W1: Direct route from Wilsonville Road to Boones Ferry Rd. W2: Some out of direction travel through the park onto Tauchman St. W3: Significant out of direction travel through the park onto Tauchman St.
B-2	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus		5	7	6	W1: Longest distant from I-5/Miley Rd. Slow access loop. W2: Fairly direct connection to I-5/Miley Rd. via Butteville Rd. with a less constrained access loop. W3: Closest access to I-5/Miley Rd., but requires out of direction travel.
B-3	Minimize emergency response impacts on residents, park activities, and marina operations		6	2	3	W1: Furthest from and least impact to residents, minor impact to marina access, minimal impact to parking. W2: Closer to residents on both sides of river, minimal impact to marina operations, major impact to middle of park. W3: Closest and most impacts to residents, no impact to marina, potential for impact to east edge of park facilities.
20.0% Criteria B Weighting			14.0	10.0	7.3	



French Prairie Bridge Project

Scoring for Task Force Review
March 23, 2018

C Environmental Impacts		W1	W2	W3	Notes
C-1	Avoid or minimize adverse impacts on wildlife habitat and trees	7	8	2	W1: Some tree and vegetation impacts on south side. W2: Mostly avoids wildlife & trees impact. W3: Moderate impacts to wildlife & trees on both sides of river.
C-2	Avoid or minimize adverse impacts on waters and wetlands	6	7	2	W1: Minimal impacts to river with potential wetland impacts. W2: Minimal impacts to river with potential wetland impacts. W3: Minimal impacts to river with likely impacts to wetlands and tributary crossings.
C-3	Avoid or minimize adverse impacts on cultural and historic resources	5	6	6	W1: Known resources are present (orchard and ferry crossing). Moderate to high potential for impacts. W2: Moderate potential for impacts, but most areas are previously disturbed. W3: Avoids known resources. Moderate potential for impacts. Area is undisturbed, so unidentified resources possible. *Each assessment based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.
11.5% Criteria C Weighting		6.9	8.1	3.8	



French Prairie Bridge Project

Scoring for Task Force Review

March 23, 2018

D Compatibility with Recreational Goals		W1	W2	W3	Notes
D-1	Provide a positive user experience (e.g. noise, aesthetics, view, security, compatible with other travel modes, exceeds design standards for turns and slopes)	8	9	3	W1: Secure/visible, view of RR bridge & river, some noise impact from train. Very good user experience. W2: Secure/visible, located away from existing bridges, least noise impact. Great user experience. W3: Natural setting, but less secure/visible. I-5 noise, least favorable views, wastewater plant nearby. Poor user experience.
D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.	9	4	8	W1: Compatible with existing park being located on edge of existing undeveloped park land. Easily integrate into future uses. W2: Minor displacement of existing open lawn and picnic area. Splits open lawn in half, limiting flexibility for future uses. W3: Compatible with existing park being located on edge of existing undeveloped park land. May limit incorporating local trail and existing drainage channel into future uses.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.	3	5	8	W1: Compatible with existing use, but limits flexibility for marina parking, ramps, and slips. Limits use of land beneath bridge. W2: Similar to W1 with less parking impact, but potential building impacts. Parking impacts are more concerning to the County. W3: Avoids all related impacts.
D-4	Maintain or improve river access	8	6	3	W1: Provides new river view from bridge. Provides best opportunity to improve river bank access via old ferry landing. W2: Provides best new views of river from the bridge. Limited opportunity to improve public access to the river bank. W3: Provides view of river to the west from the bridge. Little opportunity to improve river bank access due to I-5 Bridge, Wasterwater Treatment Plant outfall, and drainage channel.
20.0% Criteria D Weighting		14.0	12.0	11.0	



French Prairie Bridge Project

Scoring for Task Force Review

March 23, 2018

E	Compatibility with Existing Built Environment	W1	W2	W3	Notes
E-1	Minimize bridge location and access impacts on residences in Old Town	6	5	6	W1: Close to residents on Boones Ferry Rd. W2: Close to residents on Tauchman St and requires travel through the neighborhood, which includes underrepresented populations. W3: Not close to residents, but requires the most travel through the neighborhood, which includes underrepresented populations.
E-2	Minimize bridge location and access impacts on residences at south terminus in Clackamas County	6	2	3	No underrepresented populations identified south of the river. W1: In close proximity to one residence. W2: Directly impacts two small lot, waterfront residences. W3: Directly impacts two large lot rural residences.
E-3	Minimize bridge location and access impacts on marina facilities	6	5	10	W1: Potential impact to parking that can be mitigated. Impact to marina slips and operations not anticipated. W2: Impact to marina operations or building is anticipated, but can be mitigated. Impact to marina slips and parking not anticipated. W3: Avoids all marina impacts.
E-4	Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)	6	10	5	W1: Located on railroad property, but can accommodate future improvements. Meeting w/RR provided confidence moving forward. W2: No impact to future infrastructure improvements. W3: Located on ODOT property, but can likely accommodate future
17.0% Criteria E Weighting		10.2	9.4	10.2	



French Prairie Bridge Project

Scoring for Task Force Review
March 23, 2018

F		Cost and Economic Impact		W1	W2	W3	W2
F-1	Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.	9	9	8	<p>Design Team initial calculation based on relative cost as determined by the proportion of bridge (most expensive), wall, and on-grade path (least expensive) for each alignment. Then potential environmental mitigation qualitatively considered.</p> <p>W1: 1200-ft bridge; 5100-sq ft wall; 850-ft on-grade path. W2: 1160-ft bridge; 11400-sq ft wall; 740-ft on-grade path. W3: 1180-ft bridge; 2400-sq ft wall; 1400-ft on-grade path. Most significant</p>		
F-2	Minimize property acquisition (e.g. right-of-way, easements) and avoid displacement of residences and businesses	9	3	6	<p>W1: Minor impacts to two properties with no displacements anticipated. W2: Major/moderate impact to three properties with potential displacement of a residence and business. W3: Moderate/minor impact to three properties with no displacements anticipated. ODOT property impacted, but maintenance facility avoided.</p>		
F-3	Minimize the displacement of utilities	5	4	1	<p>W1: Adjacent to underground gas line. Overhead power lines that can be easily relocated. W2: Crosses underground gas line. Overhead power lines on Butteville Road/River Vista intersection that can be easily relocated, but intersection presents more challenges. W3: Potential impact to wastewater treatment plant outfall pipe that cannot be easily relocated. Might conflict with bridge foundation even if in proximity rather than directly.</p>		
F-4	Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections	9	9	6	<p>W1: Provides significant benefit to local and regional economies. Closest to regional trails and parks, directly connects to Boones Ferry Rd, some noise impact from railroad. Also see D-1. W2: Provides significant benefit to local and regional economies. Good connection to regional trails and parks, good views, limited impact from I-5 and railroad. Also see D-1. W3: Provides some benefit to local and regional economies. Furthest from regional trails and parks, close to I-5, noise impacts, some out of direction travel. Also see D-1.</p>		
11.5%	Criteria F Weighting	9.2	7.2	6.0			
100%	Total, Weighted Score	68	56	47			



French Prairie Bridge Project Task Force Meeting #1

**Draft Meeting Summary
Tuesday, January 31, 2017
6 PM – 9 PM**

Wilsonville City Hall
29799 SW Town Center Loop E, Wilsonville, OR
Willamette River Rooms I & II

Task Force Members Present

Jeremy Apt, Heidi Bell, Jim Bernard, Steve Chinn, Mark Cross
Tony Holt, Karen Houston, Pete Ihrig, Charlotte Lehan, Douglas Muench, Samara Phelps, Patricia Rehberg, Michelle Ripple, Leann Scotch, Ryan Sparks, Simon Springall, David Stead, Susie Stevens, Steven Van Wechel, Gary Wappes

Project Team (PT)

Bob Goodrich, OBEC Consulting Engineers; Zach Weigel, Nancy Kraushaar, Chris Neamtzu, Mark Ottenad, Candi Garrett, City of Wilsonville; Kirstin Greene, Anais Mathez, Cogan Owens Greene; Karen Buehrig, Clackamas County

Task Force Members and PT Unable to Attend

Blake Arnold; Andrew Harvey; Reem Khaki, Oregon Department of Transportation (ODOT); Kerry Rappold, City of Wilsonville; Brian Sherrard, Tualatin Valley Fire & Rescue

Community

Jeff Andre, Lynda Andre, Michele Dempsey, Rhonda Fletcher, Aaron Hanson, John Schenk, Nate White, Pat Wolfram, Anthony Yeznach, Kim (didn't sign in, last name unknown)

Conversation summarized by agenda item below.

1. Welcome and Introductions

6 – 6:30 pm

City Councilor and Task Force Co-Chair Charlotte Lehan opened the meeting, thanking Task Force members for their participation. She noted the close partnership between Clackamas County and the City of Wilsonville to further the project objectives of tourism, transportation connectivity and emergency access. County Commission Chair and Task Force Co-Chair Jim Bernard also introduced himself and expressed enthusiasm for the project and working with both City Councilors and the Task Force.

Kirstin Greene, Task Force Facilitator with Cogan Owens Greene, invited members to introduce themselves and while doing so, to identify what moved them to serve on this Task Force:

- *City Councilor Susie Stevens*: acting alternative to City Councilor Charlotte Lehan.

- *Mark Cross*: Representing Tualatin Valley Fire and Rescue and standing in for Brian Sherrard who was unable to attend this meeting, interested in access for emergency vehicles.
- *David Stead*: Manager of Langdon Farms and Golf Club, representing a business across the river. David was on the City's Tourism Task Force and aware of the growing bicycle tourism revenue.
- *Steven Van Wechel*: Resident of the Old Town neighborhood. Steven was on the Citizen Advisory Committee for the City's Master Plan in 2002, and the bridge was identified as a top priority, so the interest is in seeing this project completed and done well.
- *Steve Chinn*: Resident of the River Vista Neighborhood. He has prior experience working with the City and has interest in seeing this project through to completion.
- *Tony Holt*: President of the Charbonneau Country Club and the Homeowner Association. He has an interest in creating another connection for residents to access Wilsonville.
- *Pete Ihrig*: Member of the Clackamas Bike/Pedestrian Advisory Committee. The bridge represents a wonderful alternative to the scary proposition of using I-5 as a bicyclist or pedestrian.
- *Douglas Muench*. Resident of the Old Town Neighborhood. He has an interest in what is happening in the City and providing input.
- *Gary Wappes*: Resident in Villebois. Gary is excited at the prospect of being able to bike or walk to the other side of the river.
- *Leann Scotch*: Resident of the City of Wilsonville. Leann is an avid cyclist and excited to be involved in making this a viable project.
- *Samara Phelps*: Representing Clackamas County Tourism. Excited about the connectivity and tourism prospects that this bridge can create.
- *Jeremy Apt*: Resident of the City of Wilsonville. Recent graduate of the Wilsonville Leadership Academy. He saw this as a good opportunity to get involved, and would love to create more access to the waterfront.
- *Patricia Rehberg*: Resident of the City of Wilsonville. Patricia is an avid cyclist, enthusiastic about the project and interested in connecting all of the area's bike routes.
- *Heidi Bell*: Represents the City of Donald, on the south side of the river, and is familiar with current traffic issues in the area.
- *Ryan Sparks*: Represents Oregon Parks and Recreation, and interested in possible connections to Champoeg Park and the Willamette Scenic Bikeway.
- *Karen Houston*: Program Coordinator for FACT Oregon, representing the disability community and their associated interests including access.
- *Michelle Ripple*: Resident of Wilsonville, and was on the original Citizen's Advisory Committee for the City's Master Plan. She is excited that this project came directly from citizen input 15 years ago.
- *Simon Springall*: Member of the Wilsonville Planning Commission, and has been involved in this project since its inception during the City's Master Plan update many years ago.

Staff:

- *Zach Weigel*: City of Wilsonville, Project Manager
- *Bob Goodrich*: OBEC Engineering, Consultant project manager.
- *Kirstin Greene*: Cogan Owens Greene (COG), lead facilitator.
- *Anais Mathez*: Cogan Owens Greene, meeting summaries.
- *Karen Buehrig*: Clackamas County Transportation Planning M Supervisor.
- *Nancy Kraushaar*: City of Wilsonville Community Development Director.
- *Chris Neamtzu*: City of Wilsonville, Planning Director

Community:

- *Anthony Yeznach*: a current member of the Wilsonville Citizen Academy.
- *Aaron Hanson*: Resident of Charbonneau.
- *John Schenk*: Resident behind Morey's Landing on the river.
- *Nate White*: PSU student and interested in the project.
- *Kim*: Resident of Old Town.
- *Michele Dempsey*: Resident of Old Town. Her family used to own the trailer park that was sold to the City.
- *Rhonda Fletcher*: Resident of Old Town.

Kirstin reviewed the agenda. She mentioned that typically, as the Task Force is here to provide guidance and advice, we will try to keep at least half of the meeting for their guidance to us. This evening, the focus on Task Force guidance will be on the Charter and the Evaluation Criteria. She asked Project Manager Zach Weigel to give participants an overview to the project history.

2. Review of Project History**6:30-6:40pm**

Zach Weigel gave a short presentation on the project's history, also available by PowerPoint. Highlights include:

- 1847, the Boones Ferry began operations across the river.
- 1954, the I-5 Bridge opened and the ferry ceases operating.
- 1993, a need for a pedestrian/bicycle crossing over the river was identified.
- 2006, as part of the update to the City's Bicycle and Pedestrian master Plan, several alternatives were evaluated for river crossing options. The preferred alternative resulted in a stand-alone bridge.
- 2009, Metro awarded a grant for project development through the Regional Flexible Funds (RFF), with an emergency access component added to the bridge design.
- 2013, the Ice Age Tonquin Trail Plan was completed, showing the trail ending at the bridge.
- 2014, the City's Tourism Development Strategy called for capitalizing on cycling tourism in the Willamette Valley by moving to study and build this project. Identified completion of the French Prairie Bridge as a top priority.
- 2015, the Wilsonville City Council directed the focus of the study area to the west of the I-5 bridge due to constraints.
 - Councilor Lehan noted that other locations were considered but road access to and from the bridge was not as suitable as the Boones Ferry Road.

3. Project Roadmap Presentation**6:40-7:20 pm**

Consultant Team Project Manager Bob Goodrich provided an overview of the project and planning process. He reviewed the following project outcomes:

- Produce a preliminary 30% design with the following elements:
 - Bridge location and landings
 - Preferred bridge type and configuration (level of aesthetics)
 - Impacts and benefits (land use, environment)
 - Project Costs
- Inform agencies and regional partners on decision to proceed

Bob noted that the City is proceeding with the project in accordance with the National Environmental Policy Act (NEPA). Project Management Team members anticipate project will fit under a "categorical exclusion," defined as where individual and cumulative effects are not significant to the human

environment (including natural, built and cultural, as well as environmental justice populations). Project managers aim to strike a balance between stakeholder and public support, NEPA permitting and cost.

Bob introduced the other disciplines represented on the project team:

- Design Team: OBEC, AECOM, DKS, Alta, COG, Quinn Thomas, Shannon and Wilson, Mayer-Reed.
- Technical Advisory Committee (TAC): ODOT, Clackamas County, City of Wilsonville, Metro, Permitting Agencies, Oregon Emergency Management

Meeting summaries from all TAC meetings will be shared with the Task Force for their information and review.

Bob reviewed the Project Study Area. Task Force members made the following comments and questions. Responses follow in italics.

- It is unclear if a plan to extend a bike route across the Sellwood Bridge through Lake Oswego and further south is still on the table. *It could be. Not a direct part of this project.*
- The study area excludes the existing bridges, i.e. the railroad and existing I-5 bridge due to infrastructure constraints and limited bicycle/pedestrian access.
- The importance of the bridge for emergency vehicles can't be overemphasized. The bridge will be designed to be resilient against a major earthquake event.

Bob listed the following project objectives: listening to community values and priorities, identifying bridge land points, type, and configuration, as well as project cost and funding opportunities. He gave an overview sampling of bridges for a vision of what things could look like subject to design and cost considerations.

Bob then reviewed the decision-making process for this project:

- The TAC is comprised of relevant agencies and provides a technical perspective to the project.
- The Task Force is comprised of regional and local stakeholders that represent community views. The Task Force is led by Wilsonville City Councilor Charlotte Lehan and Clackamas County Commissioner Jim Bernard. They have delegated facilitation to a professional facilitator.
- The TAC and Project Management Team will provide technical horsepower to the Task Force. The Task Force is a body that will receive input from TAC and the public, and will make recommendations to City Council about all project items.

Bob presented the project schedule and major milestones – also in the Task Force packet. Participants were reminded that the public Open house is on February 22nd, 2017. Comments and questions follow.

- Deliberate efforts will be made to make sure the County and the City have ample opportunity to interact throughout this process.
- Preliminary (30% level) bridge design plans will be available in late 2018, but the Task Force is only committed through recommendation of a final bridge type anticipated in the early Spring of 2018. Renewal of the Task Force's charge will be reviewed prior to the end of their commitment.
- The next Task Force meeting date has not yet been set. Zach will send out a doodle poll. We expect it to be in April or May.
- Property owners within the study area will be receiving mailers this week to notify them of the Open House on February 22nd. All Task Force members are encouraged to be at the Open House.

- Staff clarified that a new bike path between Bailey Road and 5th Street was constructed as part of the Subaru Development is a neighborhood connectivity project and not directly associated with this project.

4. Task Force Charter Review

7:30-8:00 p.m.

Kirstin reviewed the contents of the Draft Charter. Kirstin suggested City staff check on helping Task Force members declare any potential conflicts of interest. For that reason, she asked Task Force members to hold off on adopting the Charter until their next meeting.

The following edits and elements were added to the draft Charter:

Meeting Protocol

- Add: “the ex-officio co-chairs will help guide the overall process, open and close the meetings, contribute to agenda development, work with the facilitator on additional time for public comment as needed and are free to contribute to discussions as needed.”
- Edit: “the Facilitator will start and end meetings on time unless the ~~group~~ *co-chairs* agrees to extend the meeting time.”

Internal Communications additions:

- Review materials in advance.
- Stick to the agenda.
- Silence cell phones.
- Actively listen.
- Avoid side conversations.
- Respect all perspectives.

Task Force members did not have any other changes to suggest at this time.

Kirstin clarified that Task Force agenda items may be discussed at outside meetings, such as a neighborhood association meeting, but deliberations over a Task Force decision may not occur outside of Task Force meetings.

Co-Chair Bernard suggested moving public comment to the beginning of each agenda, and also at the end as time allows.

5. Evaluation Criteria Discussion

8-8:40 pm

Bob identified baseline work to date and noted that the design team is currently pulling information into an Opportunities and Constraints Report. He presented the three alignment options, or corridors.

Members made the following suggestions.

- Caution regarding/avoiding impacts to the Marina.
- Keep the bridge design perpendicular to the river.
- Try to avoid the Vista neighborhood on the north side.
- Southerly connections should connect to the scenic bikeway.

Task Force members requested that the Opportunities and Constraints report be emailed to them electronically, as the report is important for furthering their understanding of the project. Bob confirmed that it will be available before the public meeting, and that time on the agenda can be saved

for the next Task Force meeting to take questions about this report. Other comments included the following.

- Alignments shown now are preliminary and represent an initial understanding of constraints. The operations of the marina need to be considered, though there could exist a hybrid alignment between W1 on the north and W2 on the south side.
- Bob clarified that the project area does not extend to the east side of I-5 because of topography on the river banks, as well as a lack of trail connections. Further information can be found on the project website.
- The height of the bridge above the river will be determined through coordination with and approval by the United States Coast Guard.
- A public comment was made about the absence of an alignment option further west by the BPA power lines (West of the railroad bridge). Trail connections currently exist in this area and there are clear sight lines. There have been many iterations of the project area between 1993 and 2006. Zach suggested that eliminating this option may have been due to the fact that the bridge landing structures may interfere with the power lines, and the value of the bridge as an emergency access drops the further away it is from the highway.
- The importance of the emergency aspect of this bridge was emphasized. The seismic resilience should be brought up to the forefront of the project's messaging.

Bob described the process of developing evaluation criteria for the bridge alignments. Kirstin asked Task Force members to list what is most important to them. Numbers in parenthesis denotes the number of times mentioned; sub-bullets are additional commentary.

- Bicycle-pedestrian connectivity at bridge landings and to the greater networks, for both residents and tourists. (5)
 - Wilsonville is well located for big events like marathons and bike road races. The key to the success of these events is safe connectivity to the trail systems. These would be well received in Wilsonville if we had the right infrastructure.
 - Connectivity to the train station and other hubs is important for long-distance cyclists.
 - How would someone go from Charbonneau to Freddie's?
 - Encourage people to get out of their cars.
 - Consider central parking.
- Sensitivity to homes at the bridge landings and traffic impacts to neighbors and residents. (3)
 - Old Town residents will be most affected. Concerned about more cars to park and increased use of Boones Ferry Park.
 - River Vista residents could be affected too.
- Increased safety for all users. (3)
 - Butteville and Ehlen Roads are very dangerous for cyclists.
 - Alignments by the new Fargo interchange must incorporate wayfinding so users are not directed onto this new interchange.
 - Upgrade connecting facilities on the south side of the river.
- Seismic resilience. (2)
- Increased mode share towards active transportation. (2)
- Balance between cost, aesthetics and usability so the bridge can continue to fund itself. (2)
 - An aesthetic bridge will create a landmark and help put Wilsonville on the map for major events such as the 2024 pre-Olympics for cycling.
 - Consider ongoing maintenance costs too. Avoid lots of long-term costs.
- Opportunities for increased tourism and revenue.

- Wilsonville is a hub for the wine country and cycling tours. Opportunities and amenities should be provided for people to stay overnight and recreate (“Bike, Bed and Breakfast”).
- A bridge can help the community position themselves business-wise, helping create a stronger tax base.
- Hire a bridge ambassador to “program” the bridge so people come and use it.
- ADA accessibility and safety within that accessibility.
- Opportunities for amenities like toilets and picnic tables.
- Avoid railroad crossings.
- Ability to use golf carts to cross the bridge.
- Emergency vehicle access.
- Partnerships with the state and counties to upgrade local roadway infrastructure to minimize conflicts between cyclists and vehicles.
- A bridge built in a manner that maximizes the number of people that use it.
- The bridge should accommodate as many uses (power lines, utilities, etc.) that it can support.
- Designing and using the bridge for the maximum economic benefit for the city, state and region.
- Provide increased access to the river so all users can experience the water and natural environment.
- Supports Wilsonville is a HEAL (Healthy Eating Active Living) city through increased recreational opportunities.

Co-Chair Lehan noted that the hotel and tourism piece is very important, as well as the safety aspect. Special attention should be made to make the bridge comfortable (i.e. good lighting), without negatively impacting neighbors and wildlife.

Co-Chair Bernard noted that the cost impact, in terms of the extent of the study area, should be limited. The boat marina brings in revenue, so limit impacts to these facilities.

Kirstin thanked everyone for the rich discussion, and summarized the similar list generated by the TAC.

6. Public Meeting Preview and Next Steps

8:40-8:50 pm

Kirstin provided an overview of the public open house on February 22nd. It will take place at City Hall, from 5-7pm. There will be short presentations at 5:30 and 6:15. An online component will accompany the open house as well. Zach will create a calendar invite and send it out to Task Force members.

7. Public Comments

8:50 – 9 pm

- Comment #1: The evaluation criteria brainstormed by the Task Force is a good start. Respect towards private property owners on the south side should be emphasized.
- Comment #2: Access to the river and opportunities to get people out of their cars should be enhanced.
- Comment #3: Consider the utilities that could be provided by this bridge connection, such as sewer from Charbonneau to Wilsonville.

Other comments and announcements included:

- Be respectful of south side private property owners
- Expand the project vision to include increased river access.
- Will there be sewer infrastructure (pipes) hung off the new bridge? City staff offered this isn't a driver, but hasn't been ruled out.

- On March 21st there will a traffic safety meeting at the St Paul Community Center at 6pm.
- The landing point on alignment # W2 does not go over a house, but very close to it.
- Task Force members are encouraged to drive around the area and become familiar with the project study area.
- A central parking area should be considered to accommodate people traveling to this area, especially for a large event.
- Wilsonville should act as a funnel to connect all the regional trails.

Co-Chair Bernard thanked everyone for their participation and adjourned the meeting at 9pm.



French Prairie Bridge Project Task Force Meeting #2

Draft Meeting Summary
Monday, May 22, 2017
6 PM – 9 PM

Wilsonville City Hall
29799 SW Town Center Loop E, Wilsonville, OR
Willamette River Rooms I & II

Task Force Members Present

Jeremy Appt, Heidi Bell, Steve Benson, Jim Bernard, Jenny Cavarano (Alt. for Karen Houston), Steve Chinn, Andrew Harvey, Tony Holt, Pete Ihrig, Douglas Muench, , Samara Phelps, Patricia Rehberg, Michelle Ripple, Leann Scotch, Ryan Sparks, , David Stead, Susie Stevens, Steven Van Wechel, Gary Wappes

Project Team (PT) Present

Bob Goodrich, OBEC Consulting Engineers; Zach Weigel, Nancy Kraushaar, Mark Ottenad, City of Wilsonville; Kirstin Greene, Elise Scolnick, Cogan Owens Greene; Karen Buehrig, Clackamas County, Barbara Jacobson, City Attorney; Reem Khaki, Terra Lingley, ODOT

Task Force and PT Members Unable to Attend

Councilor Charlotte Lehan, Blake Arnold; Brian Sherrard, Tualatin Valley Fire & Rescue, Simon Springall

Community Present

Mark Heininge, Sophia Pace, Michelle Ratter, Anthony Yeznach, Ross Zimmerman

Conversation summarized by agenda item below.

1. Welcome and Introductions

6 – 6:05 pm

City Councilor Susie Stevens opened the meeting on behalf of Co-Chair Councilor Charlotte Lehan, thanking Task Force members for their participation. She summarized the tour of bridge alignments that took place during the late afternoon, just before the meeting.

Kirstin Greene, Task Force Facilitator with Cogan Owens Greene, invited members to introduce themselves. She noted the two times for public comment on the agenda and invited those who would like to make a comment to indicate that interest on the meeting sign in sheet.

Kirstin stated the goals of the meeting that evening: to finalize the charter, to review the Technical Advisory Committee (TAC)'s recommended evaluation criteria and to consider/possibly adjust the weighting of the six (6) evaluation criteria. Finally, she noted that Task Force members will receive an update regarding Alignment W3.

City of Wilsonville Project manager Zach Weigel introduced Barbara Jacobson, City Attorney, who gave an overview of conflict of interest standards. Barbara shared that committee members should state

their conflicts of interest – meaning if they stand to personally benefit from any decision, to state that before any deliberation or decision is made. If anyone has a question about conflicts of interest, Barbara encouraged them to call and discuss it with her. For decision-making, Task Force members should recuse themselves if they can't represent the community interests at large, or state their conflict before the vote, affirming that they are voting not on behalf of that interest, but with impartiality.

One member asked about the difference between being a stakeholder and having a conflict of interest. Barbara mentioned that having a benefit or a friend or relative with a benefit/self-interest would be a conflict. Where Task Force members were appointed due to their stakeholder perspective, they should declare a) when they have a potential conflict, and b) whether or not that conflict affects their ability to cast an unbiased vote on behalf of the community at large.

Steve Chinn mentioned that his neighborhood had a community meeting on this topic. He asked if he could express the view of his community at the table. *Barbara: Yes.*

2. Agenda Review

6:05-6:10pm

Kirstin reviewed the proposed agenda. No changes were made to it.

Zach mentioned these project updates:

- Selection of bridge alignment landing points is moved from June to fall 2017 to allow for additional research requested by the Confederated Tribes of the Grand Ronde.
- There may be a need for additional Task Force meeting(s).

A community member asked when bridge selection would take place. Kirstin went over the project timeline and indicated there would be a future selection process in the fall. This evening is focused on the evaluation criteria alone; without respect to location.

3. Charter Updates and Vote

6:10-6:20 pm

- Kirstin read through the charter changes on page 30 of the meeting packet. She asked for any changes that are proposed. She asked for agreement. Members agreed unanimously to adopt the charter as amended.
- Kirstin also asked for any changes to the meeting summary; none were identified.
- Zach reviewed the W3 alignment and ODOT's request to reserve that right-of-way for future widening of the Boone Bridge. The City looked at whether there can be a shift to the west of alignment W3. Due to the location of existing homes and a natural drainage channel, alignment W3 cannot shift far enough west such that the ODOT property is not impacted. The Technical Advisory Committee (TAC) recommended keeping the W3 alignment in the scoring criteria as it is early in the planning process and funding phase is very far out into the future.
 - Tony Holt: Is the full wide area shown on the map needed?
 - Zach: ODOT wants to preserve a large amount of width for right-of-way since it is unknown on what is needed to widen/improve the Boone Bridge.
 - Steve Benson: What is the size of the right-of-way area?
 - Zach: Right-of-way area is about 270 from the west edge of the Boone Bridge to the proposed French Prairie Bridge and 400 feet to the edge of the property.
 - Terra Lingley: It is all about managing risk. ODOT has a potential future project in this area.
 - Reem Khaki: This W3 alignment is closest to I-5 and needed for staging and maintenance. It is high priority to improve Boone Bridge.

4. Public Comment**6:20-6:30 pm**

- Sophia Pace, Riverside resident, stated that Butteville Lane is too narrow. Is the project to build a bigger Boone Bridge, which is her preference? There is no infrastructure to handle tourists. The neighbors are not prepared to deal with tourists.

Kirstin noted that in addition to the public meeting where Sophia and other members contributed these perspectives, Task Force members will take Sophia's comments under advisement.

Work-to-Date-Bob Goodrich, OBEC**6:30-6:45 pm**

- Opportunities and Constraints Memo
 - In his presentation, consulting team project manager Bob Goodrich, OBEC, showed a map indicating the risks/constraints shown in the Opportunities and Constraints memo. These risks include overhead power lines, Exclusive Farm Use (EFU) land and a water treatment plant discharge pipe. There are also historic and cultural resources in the area.
 - Kirstin mentioned the goal exception process for land use.
 - Tony: The two west alignments land in EFU zones on the south sides.
 - Jim Bernard: They also land in the Urban Reserves. Existing roads can be widened but not new roads under the state statute for urban reserves. The legislature may have to address this. The urban reserves don't exist yet, but they will by tomorrow when a decision is expected.
 - Bob: The Opportunities and Constraints report is multidisciplinary; geotechnical, hydraulics, etc. The report can be found on the project web site at www.Frenchprairiebridgeproject.com.
 - Steve C: Question about the Project Update map; orange sections on map indicate historic resources on the end of each alignment, according to the legend.
 - Bob: Red areas are historic resources, not the orange ones. Orange is actually bridge, retaining wall, or path to be further determined following a location decision. Yellow areas are the main bridge spans.
 - David Stead: Is this Task Force to decide the preferred alignment or recommend not to build a bridge?
 - Zach: Yes, a recommendation for one of the three alignments, which will go to City Council.
 - Kirstin: It's up to City Council to pursue. She acknowledged Sophia's question about why not widen the Boone Bridge; that option had been previously studied and not selected by the City of Wilsonville in a preceding process.
 - Steve C: How long a timeline until construction? Three, four years?
 - Kirstin: Longer than that; more like ten.
 - Susie: It's been in discussion since the 1990's. There is not yet funding for it. Many surveys have indicated public interest in a new bridge. It is a huge project.
 - Nancy Kraushaar: It could be 8-10 years from now, or longer. It will have to go through many reviews.
 - Reem: Expanding I-5 bridge is an option.
 - Heidi Bell: had a question about funding for widening I-5.
 - Reem: ODOT doesn't have funding yet.
 - Terra: The Regional Transportation Plan goes out to 2040 and it not even on that list.
 - Kirstin: Council will make ultimate decision on the preferred French Prairie bridge alignment.
 - Michelle Ripple: Asked ODOT to say when this bridge will likely be planned.
 - Jim: It will be well over \$1B. Many other bridges need to be earthquake retrofitted and updated first. The Boone Bridge is way, way off in the future.

- Mark Ottenad: During the research on congestion that a southbound lane, bridge is not on the State Transportation Improvement Plan (STIP). Study of auxiliary lanes, WES, French Prairie Bridge is needed to see what makes the most sense.
- Steve C: Wishes this info would have come out sooner in the process. He and his neighbors didn't know that bridge construction is way off in the future. Three of his neighbors have already put their houses up for sale.
- Kirstin commented that everyone should do due diligence on properties.

5. Evaluation Criteria-Bob Goodrich, OBEC

6:45-7:15 pm

Bob described work-to-date has included feedback from the Technical Advisory Committee (TAC), Task Force (TF), public open house, City Council, and Clackamas County Board of Commissioners. In the Task Force packet, there is an Evaluation Criteria memo with listed criteria that was reviewed by the TAC at their meeting last week. He showed a slide on how the evaluation, scoring, design and weighting criteria and appendices are listed in the memo. Compliance with Americans with Disabilities Act, earthquake, environmental requirements and other federal criteria are not explicitly mentioned in the evaluation and weighting because they are basic design criteria which must be met, no matter what.

Bob reviewed each of the evaluation criteria with the Task Force. Comments on each section are below:

Refinements to TAC-Recommended Set

• **A-Connectivity and Safety**

- Michelle: On A2 and A4, she asked if there were any bike and pedestrian facilities planned on the south side of the bridge?
- Heidi said she had done some research on Clackamas County and Marion County Transportation System Plans (TSP). This bridge was mentioned in the Marion County TSP. [Note: the bridge and widening Butteville Road are in Clackamas County's TSP.]
 - On A-4 she wants to see folks come together to write a grant to do a feasibility study for bike paths.
- Michelle: A4 should be tied to the Clackamas County Transportation System Plan (TSP). Marion County doesn't have a plan yet.
- Bob: We are looking at regional and county plans for bike/ped facilities for connectivity.

• **B-Emergency Access**

- Heidi: B-1 (north), B-2(south) are not weighted fully. Why aren't they lumped together?
- Bob clarified how to score separately for direct connection from the north and south.
- Kirstin: The Project Management Team (PMT) will take a first crack at scoring, then make a recommendation to the TAC who will do the final scoring. This information will be presented to the TF to inform their location recommendation.
- Andrew Harvey: B-2-Emergency vehicles-do we know which alignments have better access?
- Bob reviewed the direct and indirect connections of the alignment options, and how they might be scored.
- Tony: His biggest concern is getting to the south. Is this taken into account somehow? One of the problems of Charbonneau is that emergency response time is not currently being met on the Boone Bridge. It is key to get to the south. Is it key to get to the north?
- Zach: Yes, for a variety of reasons, if the Boone Bridge is impassible.
- Michelle: The connections from the north or south is important.
- Susie: It's not just fire and ambulance. It could be the police, tow trucks, or National Guard.
- Jeremy: He's not seeing the earthquake need as being as great. Emergency services will be busy within the City, not serving north or south outside the city.

- Nancy: We might need fuel, helicopters, water, and power generators being delivered. This bridge could serve the community not just in a seismic event, but long term.
- Jeremy: Is there consideration of going straight up to the highway for rapid access instead of through Old Town?
- Bob: That has not been considered yet. For example, W3 could consider that, but it is unlikely because the access point would be within the I-5 traffic jam.

- **C-Environmental Impacts**

- Steven VW: Are there concerns and input from the Confederated Tribes of Grand Rhonde?
- Bob: This is an area of historical interest, from prior to European settlement; this area was a canoe crossing. More investigation is needed. The tribes want to know more before selection of an alignment. The first priority is avoidance of cultural resources. There is potential for impact these resources. An archaeology report would be done first, before selection. The report will address potential resources that are above ground and below ground.
- Heidi: Signage or wayfinding information would be good to have in the river area about the historical and cultural importance of the place.

- **D-Compatibility with Recreational Goals**

- Steven VW: Is the parking issue related to recreation? The bridge and recreation would increase parking.
- Zach: Parking is not related to the bridge criteria. It is more a design issue. All alignments will need parking.
- Kirstin: Mentioned Metro's concern about impacts and benefits of tourism
- Bob: Criteria for tourism are in Category F.
- Susie: Why are we providing for exceeding design criteria?
- Bob: Exceeding minimum design criteria can provide for a better user experience. As an example, a slope of 5% meets minimum criteria, but a less steep slope would provide a better experience, better access.
- Gary Wappes: Asked a question about improving access to the river.
- Zach: We wanted to capture the impact of improving access to the river.
- Steven VW: Wants comments from Parks & Rec about the impacts to Boones Ferry Park.
- Kirstin: The Master Plan for Parks is on hold now for completion of the bridge plan.
- Zach: The Boones Ferry Park master plan has just kicked off and the bridge project is being coordinated with Parks & Rec.
- Steve B: We don't have anything on the bridge that has been brought to the Parks Advisory Committee yet for the Master Plan. What will make a good park?
- Heidi: Consider getting comments from DEQ regarding any conflicts with providing river access near the discharge pipe.
- Michelle: Shouldn't access be measured separately for the park and for the marina. The impacts might be very different.
- Steve VW: Agrees with the difference in impacts.
- Kirstin: Records a suggestion to amend D-2 to separate parks and marina (New D-3) on each side of the river.
- Michelle: The marina is on the south side of the river.
- Steve B: New park may have docks for boats (kayaks, canoes, etc.) on the north side.
- Zach: The intent is to capture impacts of recreational uses of the river. If you split out you may be missing other recreational uses of the river.

- Michelle: One alignment may have good compatibility with the park on one side or the other, but another may not.
- Bob: We limited sub-criteria to 3-4 items to keep each sub-criteria meaningful. Too many in a list would dilute the importance of each one.
- There was extensive discussion on the options for rewording the criteria.
- Susie: Lack of access to the river is concern to the community.
- Michelle: Reword for each side of the river.
- Bob: **The consensus is to keep D-3, make it D-4 and revise D-2 and D-4, to be D-2 & D-3. These last two will focus on maximizing compatibility and flexibility on the north and south sides of the river. Specifically:**

D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.
D-4	Maintain or improve river access.

- **E-Compatibility with Existing Built Environment**

- Steve C: Has the railroad expressed any concerns?
- Zach: Yes, they have concerns. We are meeting with them next week.

- **F-Cost & Economic Impact**

- Gary: How will we know how to make these judgements? How will we get enough information on total costs?
- Bob: There will be qualitative analysis of costs for each alignment. We don't yet have enough information on costs. We can provide order-of-magnitude cost estimating. The project team will use design information and come up with relative costs. The TF will only be asked about the weighting of the criteria.
- Kirstin: As a community representative, you will not be asked to score the criteria.
- Steve C: Sought to clarify Gary's question and Kirstin's response.
- Kirstin: The Task Force will only comment on and weight the criteria, not score it. The TAC will be scoring .
- Michelle: If Task Force disagrees with the TAC, can we comment on disagreements?
- Gary: He thought the Task Force would evaluate the criteria and make a recommendation for decision-making.
- Kirstin: That is not the process.
- Jim: Has someone already determined what we're going to do re: bike/ped/golf cart/emergency access, correct? Is that based on wanting to get money from ODOT, FHA?
- Kirstin: Yes.
- Zach: That decision was made years ago when applying for the grant for this bridge planning.
- Michelle: She was on the original committee when the bridge was first proposed. Bike/ped/golf cart/emergency access was desired by the community from day one. There have been years of study and input on this. It would be cheaper if it was just bike/ped.
- Steve B: As a community we are limited by I-5 and river for cross access.
- Jim: Five Eugene bridges have been built, mostly bike/pedestrian.

- Steve C: He would feel better if the Task Force makes recommendation on the evaluation criteria, then compares it with the Project Team, and present both to the City Council.
- Kirstin: Even the TAC members have different expertise to be used for scoring and weighting. The Project Team are the technical experts. Task Force comments are relevant, but not necessarily made with technical expertise. Comments are germane to the discussion.
- Steve C suggests having both Task Force and TAC participate scoring.
- Kirstin: The Task Force will recommend changes to criteria this evening. The Task Force will consider and use the TAC scoring to facilitate Task Force bridge alignment discussion and recommendation. Ultimately, the Task Force makes the recommendation to City Council on the final alignment, which does not have to match the TAC scoring.
- No changes to economic impact piece were proposed.

6. Alternatives-Bob Goodrich, Kirstin Greene

7:15 – 8:50 pm

- Any Weighting-Should there be any difference in weighting? All criteria are currently weighted evenly (at about 17 percent).
 - Susie: What would be less
 - Patricia Rehberg: Is this weighting for the greater good or personal opinion?
 - Kirstin: Yes, for the greater good.
 - Steve B: An emergency access example given. Some criteria may be diminished. What about conflicts with other criteria? How will that be considered? If looking at the representation, all should be weighted equally.
 - Heidi said she doesn't agree. The Main reason for the bridge is emergency access. That should be weighted more. A & B are more important.
 - Steve C: None of this will be done without economic impact known. Criteria F, Economic Impact, is more important.
 - Steven VW: We should also look at economic impact that the bridge can bring to Wilsonville. If done right, it will bring in enough to pay for itself. He's conservative but is not concerned about the cost. Cost should be considered, but balanced with benefits.
 - Tony: What are the bridge project objectives? Safety, emergency access, recreation are the objectives. Can we afford it or not is the question.
 - Susie: Asked for clarification on if costs vs. benefits are even out yet? Her concern is environmental impacts (trees, wildlife, birds, water, etc.). We need to do this in way that protects them.
 - David: His initial thoughts were with the costs. We're really here because the community spoke about emergency access and connectivity. Keep perspective on these two items.
 - Steve B: How do you go about scoring something like the fact that a bridge would go through the middle of a park versus on the edges of the park?
 - Bob: Current uses compatibility and flexibility of future uses are addressed in the criteria. There are several pages of scoring guidance that will help in the scoring decisions.
 - Jeremy Appt: Criteria A & B should be weighted a little bit heavier. If there are impacts you can mitigate for them.
 - Bob: If there are options that have less impacts, they score better.
 - Kirstin: Think about what would be diminished.
 - Steve C: He understands raising A & B higher. He wants E-Compatibility with Existing Built Environment, raised an equal amount. Leave them all at 17% and go with it.
 - David: A, B & D should be more important. We weren't brought here to look after the needs of Steve C's community, we are here for connectivity, safety and recreational opportunities,

which are A, B and D. He is still concerned with the impacts on the community, but that is not why we are here.

- Kirstin: Bob has a program to see how the pie chart changes with new inputs from the Task Force.
- Michelle: Understands the concerns of people’s homes being impacted. If we weighted A & B at 20 percent, and 15 percent on the rest of the criteria, then that would reflect why we are here.
- Douglas Muench agreed with Michelle.
- Steve C: Everything said benefits the city of Wilsonville, it does nothing for the people being most impacted which are the people on the south side of the river. With that said, you guys do what you want.
- Reem: ODOT must look at the project from a variety of aspects. The original concern was emergency access. She supports Steve C in leaving the criteria evenly weighted. The Federal Highway Administration on this project and they said they will provide a permit only for environmental aspect (recreational use) because the bridge is impacting the connectivity between parks. Emergency use is not a major aspect.
- Nancy: At the Metro funding meeting, part of the application was bike/ped, emergency access.
- Jenny Cavarno: The compatibility of the recreational goals is a big piece. When talking about more weighting of A & B, we are not talking about recreation at all.
- Heidi: Her constituents don’t want people to come on rural roads and get injured. Look at A-20, B-20, and 13 percent for the rest.
- Tony: Stay with the 3 objectives. Supports A, B and D.
- Steve B: Supports D being up there with A & B as well. Since cost is going to be enormous, just put \$0 for cost.
- Terra: She has no preference in weighting. This is just a tool, and gives us a perspective. Use the spreadsheet to show scenarios and see if there is a difference. There may be a wash in the end.
- Kirstin: City Council asked for weighting or not from this Task Force.
- Steven VW: All six criteria are in the discussion. What is the real difference if one is 20% or one is 15%? Are we splitting hairs that don’t need to be split?
- Steve B: It could be mathematically different.
- Kirstin: If Task Force considers one element is more important than another, it could be significant to City Council.
- Steve B: You could leave them the same and express the opinions.
- Jeremy: Steve B tossed out \$0 cost, but taxpayers will want to know what they are. We could diminish C, with mitigation. Keep A, B & D, + C & F (minus).
- Steve B: We have 4 scenarios that should be proposed for a vote. [*Informal motion*]

• **Vote #1**

7 votes	Option 1. Leave criteria equal as is in 5/18/17 Evaluation Criteria Memo.
5 votes	Option 2: Elevate A, B & D (20/20/20%) [diminish, F, C @11.5%,x2; E@ 17%]
2 votes	Option 3: Elevate A & B, 20/20 > rest of criteria @15, 15, 15, 15%
2 votes	Option 4: Elevate A, B, D, E (18%) (F, C @14%)

• **Vote #2**

6 votes	Option 1. Leave as is.
10 votes	Option 2: Elevate A, B & D (20/20/20%) [diminish F, C @11.5% each; E@ 17%]

- Other Changes: None presented.
- Public Comment
 - None
- Task Force Recommendation for City Council
Task Force members recommended this change:

D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.
D-4	Maintain or improve river access.

Regarding weighting:

- *Elevate Criteria A, B & D to (20/20/20%); diminish F, C @11.5% each; E@ 17%.*
- Alternative 3 (ODOT), Task Force Recommendation
 - No discussion or action was taken on this item.

7. Next Steps-Zach Weigel, Bob Goodrich

8:50-8:55 pm

- We will finalize the technical research including the archaeology report.
- The Task Force’s recommendation will be communicated to City Council.
- The TAC will score the criteria which will be brought before the Task Force to assist with their location recommendation.
- Considering the Task Force’s recommendation, the City Council will make the ultimate decision on the alignment. .
- Next meeting will likely be in September.
- We will let Task Force members know of the next TAC meeting; they are welcome to be present for the scoring discussion. .
- We expect a recommendation on the alignment to City Council in October.

8. Closing Comments and Adjourn-Co-chairs Bernard

8:55-9 pm

- Co-Chair Bernard thanked Task Force members for coming, appreciating their valuable work. He looks forward to making a decision on the bridge.

We adjourned the meeting at 8:31 PM.



**French Prairie Bridge Project Task Force
Meeting #3**

**Meeting Summary
Wednesday, April 12, 2018
6:00– 9:00 PM**

Wilsonville City Hall
29799 SW Town Center Loop E, Wilsonville, OR
Willamette River Rooms I & II

Members Present

Co-Chairs Commission Chair Jim Bernard, City Councilor Susie Stevens
Jeremy Appt, Heidi Bell, Steve Benson, Steve Chinn, Andrew Harvey, Tony Holt, Pete Ihrig, Douglas Muench, Samara Phelps, Patricia Rehberg, Leann Scotch, Ryan Sparks, Simon Springall, David Stead, Steven Van Wechel

Members Unable to Attend

Blake Arnold, Karen Houston, Charlotte Lehan, Michelle Ripple, Brian Sherrard, Gary Wappes

Project Management Team/ Staff

Bob Goodrich, OBEC Consulting Engineers; Reem Khaki, Oregon Department of Transportation (ODOT); Gail Curtis, Oregon Department of Transportation (ODOT); Zach Weigel, City of Wilsonville; Nancy Kraushaar, City of Wilsonville; Kirstin Greene, Enviroissues; Megan Burns, Enviroissues

Community Members/Public

Cory Buchanan, Michelle Demsey, Bill Hall, Jim Hoffman, Monica Keenan, David Leckey, Kris McVay, Eric Winters, Pat Wolfram

Conversation is summarized by agenda item below.

1. Welcome and Meeting Purpose

Co-Chairs Councilor Susie Stevens and County Chair Jim Bernard opened the meeting and began introductions.

Meeting Objectives:

City Project Manager Zach Weigel welcomed committee members. Facilitator Kirstin Greene asked members to introduce themselves and briefly describe their role.

Kirstin announced that the meeting is scheduled until 9:00pm. Kirstin informed the group that they were welcome to participate on their area of expertise, additionally that the intention of the meeting was to reach a consensus on the PMT scoring and for a recommendation to be formed for the City Council.

2. Project Updates

Zach Weigel, City of Wilsonville and Project Manager updated the Task Force some activities conducted by the project team over the last 11 months:

- The project team has not conducted the archaeological work yet as the Federal Highway Administration (FHWA), Oregon Department of Transportation (ODOT) and the City have since reassessed the environmental classification for the project. Previously, the project team laid out a process that would locate and design the bridge to fit within a categorical exclusion under the National Environmental Policy act. A categorical exclusion (CE) would only require an archaeological assessment of the selected alignment. The results of the technical reports indicate that there might be environmental risks associated with this project. Accordingly, FHWA, ODOT, and the City agreed that an increased level of permitting is necessary to reduce future environmental risk to the project. As a result, an Environmental Assessment on the preferred alignment needs to take place.
- Since the last Task Force Meeting, team members also have conducted stakeholder meetings to gather input from Genesee & Wyoming Railroad, emergency services providers and the Marine Board.
- Project team members have accordingly adjusted the schedule about six months later than what was envisioned. The bridge type selection process will begin this summer.
- Zach reminded participants of the Task Force's chartered goals: to select a preferred bridge alignment and a preferred bridge type. He reminded Task Force members of the three bridge alignments under consideration.

A community member, asked a clarifying question about when the archaeological digs would begin. Zach reminded Steven that an Environmental Assessment would be happening instead after the preferred alignment and bridge type were selected. The assessments would be conducted at that time.

Kirstin Greene then introduced voting blocs as a tool for consensus for a bridge location decision. The blocks are three sided, 1 is green and means comfortable with the decision, 2 is yellow means not fully comfortable with the decision, and 3 is red and means uncomfortable with the decision and is a consensus block. She explained that tonight's recommendation would go to City Council in May.

3. Public Comment

Pat Woolfram lives on Butteville Road

In reference to a planned corridor, I am wondering if this corridor will connect Charbonneau and Champoeg State Park. As a biker, it would be a nice addition.

Zach responded that there are regional bicycle and pedestrian trails and connections that have been identified as needs by Metro's Active Transportation Plan and Clackamas County's Transportation Systems Plan, but no exact routes have been determined, just generally planned.

Michelle Demsey, lives at the very end of Boones Ferry Road

Old town is changing quickly. I have had to call the police twice in the last month; the nonemergency line is on my speed dial. I have always known the Alignment 1 is the preferred route. There are increased vagrants, one lit a fire behind our garage, one spray painted our garage door, more people are on the railroad tracks that go through our backyard. When you look at the parks in Wilsonville, they all have an entrance a gate that can close when needed and can stop cars if they want. We are virtually inviting the entire region into our neighborhood with this alignment. Because it is not regulated with a gate, people will be parking throughout our neighborhood, and who knows what they're doing down there. It is concerning and frightening and we really hope that you think about that as you plan this project. It impacts us and not in a good way.

Bill Hall, SW Country View Court N in Charbonneau

I have been riding my bike and hiking around and I am concerned a little bit about the connections. So far, from the alternative design it doesn't get into the connections specifics. The south end connections have the lowest rating. Anyone from Charbonneau will use any of the alternatives. It is important to consider off road connections for safety issues., and It would be nice to know those connections for the alternatives ahead of a decision and ahead of an Environmental Assessment.

Eric Winters SW Magnolia Ave

I would like to reiterate everything Michelle said about the fears from Old Town residents, I've been one for about 12 years. It seems like regardless of what we want or not, this project will move forward. The changes to Old Town that have happened in the last ten years have impacted our ability to drive around and leave from or return to Old Town depending on the time of day. Boones Ferry is very crowded. We are stuck in our neighborhood because there is a bike lane that prevents us from taking right turns, and the bike lane is completely unused. I want the alignment that would have the least impact on Boones Ferry, which is alignment 3. Perhaps you can redirect bike traffic along a road that doesn't clog up Boones Ferry.

Kirstin thanked participants for their comments. She introduced Bob Goodrich who would lead the bridge alternative scoring discussion.

4. Bridge Alternative Scoring Review

Bob Goodrich, consulting team project manager with OBEC consulting engineers presented the evaluation criteria and scoring proposed by the Technical Advisory Committee (TAC). These criteria were established by the Task Force and informed by public meetings. They were solidified during the previous TAC meeting. The results are part of Appendix A of the Evaluation Criteria report memo.

The project team met with the technical advisory committee 6 weeks ago to formalize the scoring for each alignment. He noted that this scoring and the scores settled on tonight will all be given to city council for alignment recommendation.

He then touched upon each evaluation criteria (A1 thru F4) and the rankings for each of the three alignments (W1 thru W3). Task Force discussion follows.

Category A: Connectivity and Safety scoring

- Category A1
 - Simon Springall asked if there is an alignment that goes toward Champoeg because it

is currently a 4-mile walk without sidewalks.

- Zach responds that he does not believe there is a pedestrian connection to the west, but there is a bicycle connection via Butteville Road.
- Bob added that there is a plan to add wider shoulders to Butteville Road to accommodate cycling on the road, but no sidewalks. The scoring is ranked higher the closer the bridge connection is to Champoeg.
- Heidi asked a clarifying question about whether the shoulder widening is happening in both Clackamas and Marion Counties.
 - Zach responded that Marion County does not have a plan for that area yet. The two counties have not coordinated transportation plans. When Marion County updates their transportation plan, there will be more coordination and more focus on the border between Marion and Clackamas Counties.
 - Zach added that Marion County Staff are serving on the TAC and are aware of the need to coordinate transportation planning and how this project may affect their roadways in the future.
- Steven Chinn asked if it is against the law for pedestrians to walk in bike paths, suggesting that if it isn't then when the shoulders are widened, and a bike path is put in then pedestrians could use it, too.
- Category A3
 - Tony Holt wanted clarification regarding 'direct connections,' wondering if the scoring was based on one alignment being closer than the others. Tony also asked why Alignment W1 is scored a 10 and Alignment W2 is only scored a six.
 - Bob clarified that the Ice Age Tonquin trail directly connects right into Alignment W1. It comes down Boones Ferry road and would be a direct connection onto the bridge, whereas Alignments W2 and W3 would force the user to navigate through the park system.
 - Kirstin mentioned that there are sometimes minor differences in the scoring that reflect more heavily. This is one of the categories that the Task Force assigned a 20% greater importance, so minor differences have a greater weight than other sections.

The Task Force then voted unanimously to keep the scoring for the entire category A the same.

- Leann Scotch noted that avid cyclists enjoy spending money on their bikes, drinking coffee and enjoying beers. This economic opportunity should be a consideration when building a regional trail; trails connect to communities and activities.
- Simon Springall is very excited about the Tonquin Trail, which connects to the Tualatin National Wildlife Refuge. The trail is good for pedestrians and bikes simultaneously and comfortably. The trail is being planned for connection into old town. Simon is invested in the bridge because, to Simon, the bridge is a real essential part of the trail; the whole point of this bridge is to connect the regional trail.
- Steve Chinn asked in jest if the county is going to build a brewery and a Starbucks.
- Steve Benson spoke to the Parks and Rec's interest in the bridge, noting that they are currently in the process of developing the Boones Ferry Park Master Plan. The current trails go under the I-5 Bridge and up a steep hill to overlook the sewer plant. That trail is changing; it will likely traverse along the river instead. The exact alignment is not in place yet, but there are three potential plans that will likely meld into one.

Category B Emergency Access scoring

- Steven Van Wechel mentioned that although alignment W1 has minor parking, it may also provide shading for parking, which he noted as a bonus.
- Patricia Rehberg asked if emergency vehicles would use this bridge over the Boone Bridge.
 - Zach responded that emergency vehicles would only use this bridge if I-5 is not passable. If there were a major earthquake, this bridge would be designed to current earthquake standards and would serve as the main passable route for some time.
 - Jeremy Appt had questions regarding first and second responders and if the new bridge would be traffic controlled. He also wondered which authority this bridge falls under in an emergency.
 - Bob and Zach responded that the authority of the bridge is to be determined. Dependent on funding sources and how agreements work out between different agencies, the answer could go a few different ways.
 - Steve Benson asked how the emergency system would work. Steve wondered if there would be stoplights at either end for north/south traffic. Steve was concerned about a communication breakdown should multiple vehicles try to cross a one-lane bridge from both directions.
 - Bob responded that those are details the team will have to take up during the design progresses. As in every situation, emergency vehicles would communicate with each other. In an emergency response situation, there are typically only a handful of first responders and it is unlikely that secondary responders would ever use the bridge.
 - Pete Ihrig pointed out that emergency vehicles would have procedures in place to handle use of the bridge.

The Task Force then voted unanimously to keep the scoring for the entire category B the same.

Category C Environmental Impacts scoring

There were not any questions or comments on this category. Task Force members voted unanimously to keep the scoring the same.

Category D Compatibility with Recreational Goals scoring

- Category D1
 - Andrew Harvey asked how often the train travels through the project area and what the noise impacts are.
 - Steven Chinn replied that the train travels through usually four times a day at various times. Steven also noted that wherever there is a train there will be some noise impact but pointed out that the freeway noise is constant and has a greater negative impact.
 - Councilor Susie Stevens noted the sightline impact of the bridge if it sat too close to the railroad bridge and obstructed the upstream view of the Willamette River. She wants the design to fit and capitalize on the aesthetic of the area.
 - Pete Ihrig emphasized that the train would be sporadic and only four times a day, while freeway noise is constant.
 - Zach reminded folks about the tour given during the last Task Force

meeting where they all walked down to alignment 3 noticed how significant the freeway noise was even standing below I-5. There would be an even worse constant drone of traffic if the bridge were to be at freeway level.

- Steven Van Wechel wanted the timing of noise to be considered.
- Category D2
 - Councilor Susie Stevens asked if the question of alignment W2 for category D2 played into the Boones Ferry Master Plan.
 - Steven Benson from Parks and Recreation said that the bridge alignment would impact the master plan. Alignment W2 would split the park in half and would require the Parks department to adjust the Master Plan. When a bridge creates a tunnel, the underside of the bridges is dark and can limit recreation, but there are also options for transforming the covered area into something usable.
 - Simon Springall pointed out that because of the slope, the bridge would land steep slopes. The space under the bridge could connect the two sides of the park.
 - Steve responded that creating a usable space under the bridge wouldn't be impossible, mentioning basketball courts as an example, but pointed out that once there is a bridge, nothing big can be built that might encroach on the bridge.
- Category D3
 - Councilor Susie Stevens wondered how the Technical Advisory Committee defined 'impact' on marina parking. She wondered if that meant that parking wouldn't be able to be expanded, or if that implied that parking would be eliminated.
 - Bob responded that it is expected that some parking will be eliminated, but that the team is not certain yet what that looks like.
 - Zach added that this scoring captures future impacts to the area because when you put a bridge in this area, it limits what you can do with the area. For example, once the bridge is built, a building cannot be placed there.
 - Susie clarified that impacts could be defined as 'future impacts'.
 - Steve Chinn felt that the scoring was backwards. Steve felt that alignment W1 should be scored an 8 and alignment W3 should be scored a 3, noting that alignment W2 is the worst for the marina. The two lowest scoring alignments would significantly impact the maintenance area for the marina and the facility would be unusable. Steve felt that any alignment besides alignment W1 would have no flexibility for recreational uses.
 - Bob asked whether Steve was saying that alignment W3 should be scored lower because it is not near the marina and couldn't be a part of the recreational use for someone on the bridge.
 - Steve said that was correct and that there would be no recreational use there because it is a wetland and has many more trees that would have to be removed compared to the other alignments.
 - Chair Bernard also felt that the scoring is wrong. Although alignment W3 is scored the lowest, Chair Bernard thought that alignment W2 has the greatest impact on the marina by far. Chair Bernard also wanted to see alignment W1 scoring to be lowered.
 - Steve Benson brought up that category D2 talks about the recreational uses on the north side of the river. Regardless of where the bridge is placed, it

affects how the master plan comes out. A bridge landing on the north side only affects boating and cycling. Additionally, marina recreational uses should not be impacted. Steve Benson felt that category D2 is more important than category D3.

- Bob clarified the Technical Advisory Committee’s reasoning for the scoring, pointing out that the recreational connections were in regards to how the position of each alignment preclude or enhance the ability of the Marina to continue to be a recreational facility, and not in regards to the ability of someone using the bridge to access the recreational amenities offered by the Marina. The main question was about whether the Marina would be able to operate differently in the future if it wanted should the bridge be built.
- Heidi Bell asked if a Marina representative served on any of the boards and asked what they prefer.
 - County Chair Jim Bernard stated that Clackamas County owns the marina and reiterated that alignment W2 has the greatest impact.
 - Zach added that County Parks & Recreation staff sit on the TAC.
- Steve Van Wechel clarified whether alignment W1 is being counted down because of the loss of a parking space or two and if alignment W2 is marked up because of the loss of existing buildings. Steve wondered if a parking space was valued higher than existing buildings.
 - Bob said that that if that area was ever envisioned to be different than a parking lot, then options would be severely limited with certain alignments. For alignment W2, parking was valued higher because over the course of the past year on this project, parking concerns have been a major concern of Clackamas County, the community and the TAC.
 - Steve asked if future potential use is more important than current use of the building.
 - Zach responded that alignment W2 would go over a boat storage yard. The TAC decided that the parking impact would be greater than the boat storage area impact because the boat storage building could still possibly be used with alignment W2.
 - Steven Chinn pointed out that alignment W1 doesn’t impact the Marina because it is all on Burlington Northern property.
 - Tony Holt expressed concern over the lack of attention being paid the potential parking impacts. Tony has noticed many people driving to areas around Charbonneau to park and ride their bikes and because of this feels that parking should be a real consideration.
 - Zach responded that parking has always been a major consideration for the project team and the TAC, pointing out that all three alignments will have the same parking needs and issues. How parking works is more of a design phase problem to tackle and will be given the attention it deserves once an alignment and bridge type has been chosen.
 - Simon Springall hoped that if there is a bridge, then people will use parking on their own side of the river.
 - Tony Holt pointed out that the south side parking would still be impacted.

- Douglas Muench emphasized how large of a concern parking is for Old Town Neighborhood Association and recommended the advertisement of public transportation including SMART and WES options as part of an overall parking mitigation strategy.
- Patricia Rehberg emphasized Douglas' recommendations and noted that more people parking and shopping in Wilsonville is an economic opportunity for the community.
- Kirstin then requested that the project team briefly talk about the stages of bridge design to understand when parking concerns can legitimately be addressed.
 - Bob said that parking considerations would take place during the NEPA process - the Environmental Assessment would have to look at potential parking areas as part of the bridge permitting process.
- Leann Scotch encouraged the Task Force to go to Tualatin and see how the bridge that was built there ties together Tigard and Tualatin. Leann emphasized the importance of experiencing the look and feel of the bridge as a connectivity measure and how much it has offered the region, as a comparison to what this bridge could do for Wilsonville.
- Pete Ihrig noted that along the Springwater, the Trolley Trail, and other trails in the region, people don't park in one spot to use the trails, they park in dispersed areas along the trail. Pete mentioned that while a parking strategy in Wilsonville is important, there would be a lot of riders who will not be coming to the marina and Wilsonville to use the bridge.
- Steve Chinn did not feel that south side parking would be an issue and noted that parking lots defile the natural beauty of the area. Steve did not feel that adding additional parking is an issue or necessity.
- Patricia Rehberg recommended that the project team put restrooms where they want people to park.

Kirstin had the Task Force vote on Chair Bernard's recommendation for scoring change for Category D3 alignment W1 to be changed from a 3 to an 8, alignment W2 to be changed from a 5 to a 3, and alignment W3 to be changed from an 8 to a 5.

- Members discussed the fact that the only land available for parking belonging to ODOT. ODOT is not inclined to sell it because it is being put aside for an I-5 freeway expansion project. The committee tied on a vote to change the scoring. They then averaged the old and suggested scores for their final recommendation of:
 - alignment W1-6
 - alignment W2-3
 - alignment W3-6

Task Force members did not make any alterations for D4 scoring.

Category E Compatibility with Existing Built Environment scoring

- Category E4
 - Steven Van Wechel asked about the bridge alignment W2 going over the boat storage and if it had any impacts on that building.
 - Bob said that alignment W2 has a potential for that and pointed out that those impacts were captured in category E3.
 - Simon Springall asked if bridge alignment W3 would impact the widening of the

freeway, and that because it will, Simon recommended lowering the score for alignment W3.

- Bob said that ODOT has expressed concern over alignment W3 and has already said that they will likely not give the project team the property to build alignment W3.
- Andrew Harvey pointed out that an I-5 widening would put traffic closer to alignment W3, Andrew also recommended the score be lowered.
- Steve Benson brought up that a score cannot be lowered to 0 because that would mean the alignment is impossible. The lowest you could score it is a 1.
 - Zach pointed out that ODOT has several members on the TAC and that the TAC scoring reflected that theoretically the bridge and freeway widening could happen simultaneously because the area is so wide.

Task Force members agreed unanimously to lower Category E4 alignment W3 from a 5 to 1.

Category F: Cost and Economic Impact scoring

- Category F1
 - Simon Springall asked the project team to define the wall was in the context of the bridge.
 - Bob explained that retaining walls are used to transition from bridge spans to a fill ramp in areas of alignment where a wall costs less than a bridge or where fill needs to be contained to reduce impacts.
- Category F3
 - Pete Ihrig brought up the Opportunities and Constrains report from April 2017 and asked about the three fatal flaw issues that could potentially shut down the third alignment.
 - Bob responded that the BPA lines, identified as number 9, are on the west side of the railroad bridge. These transmission lines will not be impacted by alignment W1.
 - Zach addressed the zoning for exclusive farm use, identified as number 1. Since publishing the report, more conversations with the County planning department indicated there is a land use path forward for impacts to EFU land.
 - Steven Van Wechel gave an anecdote about bridgework in Eugene and how BPA had been partial funders for the bridges so that they could run power lines in the bridges themselves. Steven then suggested that Bonneville Power Administration be considered a potential funding opportunity. He then proposed that Category F3 alignment W1 be raised a point or two.
 - Pete then brought up number 17 which is the City's wastewater treatment plant outfall. Alignment W3 could conflict with this feature. Pete was concerned that would render alignment W3 impossible. Bob clarified it would not be impossible, would be notably more expensive and introduce additional complex to the project.
 - Kirstin pointed out that, based on current scoring, this alignment may be eliminated very shortly.
 - Heidi Bell recommend putting Public Private Partnerships up as a possibility for exploring funding opportunities.
 - Simon Springall asked if alignment W2 also had power lines and wondered if

alignment W2 had the same potential for carrying the lines as alignment W1.

- Bob verified that there were PGE power lines potentially in conflict with both alignments.
- Steve Benson pointed out that alignment W3 has flexibility to potentially avoid conflicting with outfall pipe.
- Bob and Zach assured Task Force members these issues were no longer considered fatal flaws.

The Task Force agreed to change the scoring for Category F3 alignment W1 from a 5 to a 6, alignment W2 from a 4 to a 5, and alignment W3 to stay at a 1.

Kirstin asked for questions and comments from the Task Force before a final decision.

- Heidi Bell recommended the Council and staff to focus on traffic and pedestrian safety as the top priority, to be sure that there are safe connections for pedestrians and bicyclists to exit onto. Heidi also wanted the City to consider how they would work out ownership of the bridge; to make sure the police are patrolling the area and protecting the community. Heidi wants the City to consider whether the bridge would or should be open 24/7. Furthermore, Heidi wanted the City to remember that it would be beneficial for them to really work on how to connect the two sides of Wilsonville.
- Tony Holt was surprised by the total lack of explicit categories addressing safety.
 - Bob replied that safety was implicit in each of the subcategories for Category A, but also mentioned that perhaps those could have been called out specifically.
 - Steven Van Wechel clarified that the scores reflect both connectivity and safety even though safety is not mentioned.
 - Bob said that yes, the existing and future connections are created with safety in mind.
- Heidi Bell asked ODOT to talk about the I-5 improvement studies happening at the Donald Interchange.
 - Reem Khaki and Gail Curtis with ODOT noted that they were from Region 1; the Donald interchange is in Region 2. They would need to check.

Kirstin called for a final round of public Comment before the Task Force made their final recommendation to be passed on to City Council.

Pat Woolfram

I walk my dog on Butteville Road every day and have noticed that people only slow down because of a blind curve, at a place where there are no shoulders on the road. Pat recommends that if the project team plans to land people on that road, it needs to be widened or another safety measure needs to be put in place. Otherwise, it will be very dangerous.

- Simon Springall agreed with the community member and mentioned that the one benefit to alignment W3 is that it lands on the north side of Butteville Road so that no one must cross it to get to Charbonneau. If the future connection is made under the south end of the Boone Bridge, Charbonneau residents will have a direct connection and not need to cross Butteville Road.
- Steve Benson pointed out that it is possible to tunnel under Butteville Road for a bike or pedestrian path, which would be much better than going over the road.

As a closing comment, Steve recommended that alignment W1 be moved as far west as possible as to not impact the park.

Andrew Harvey asked if the project would need Right of Way from the railroad for alignment W1. Zach responded that the Railroad is open to it and that the project and the Railroad would have to enter in to an agreement.

Michelle Demsey

I am very concerned with losing the 100-year-old Orchard in Old Town. The Orchard is one of the few remaining green spaces left in the neighborhood/Old Town and is full of wildlife that the neighborhood considers an asset. The Orchard is important to residents.

- Steve Benson responded that in all iterations of the Parks Master Plan, the natural areas in Old Town are being taken into strong consideration to remain intact.

5. Recommendation for City Council

Task Force member unanimously recommended alignment W1.

6. Next Steps

Zach told the Task Force that the next public open house for the top four bridge types will be held in September, towards the end of the summer. Later into September and October the project team will host a Task Force meeting to narrow down the bridge types to two alternatives. In late fall and early winter, Task Force members will be asked to recommend a single bridge type. The project team will then initiate the Environmental Assessment period and cost estimates. After the Environmental Assessment is complete, the search for funding can begin.

7. Closing Comments

Co-Chairs Councilor Charlotte Lehan and County Chair Jim Bernard thanked Task Force and community members for coming and for their deliberation and guidance.

Zach reminded Task Force members that the project team will be presenting the Task Force and TAC recommendations for a preferred bridge alignment to the City Council at their meeting on May 21st.

Chair Bernard adjourned the meeting.

Appendix: Task Force and Public Comment Forms

Comments and suggestions:

1. High potential for impact to orchard is very troublesome. Old Town has lost the majority of its green space and loss of the orchard would be unacceptable. Turning the orchard into a parking lot is not an option for the Old Town neighborhood. We already have the railroad bridge and the sewage treatment plant. We deserve to keep the remaining green space. For that matter, turning any of Boones Ferry Park into a parking lot for a bike bridge is horrific for the neighborhood.
 - a. Need to address camping in Old Town. Motor homes are coming to the park and trying to stay overnight. There was a motor home parked on Boones Ferry at the orchard when we left for this meeting tonight. This bridge will bring more overnight campers.
 - b. The underrepresented populations on Tauchman are all renters. There are no homeowners on Tauchman. Just landlords who do not live there.
 - c. Adding more traffic to Boones Ferry Rd. could be very problematic. It is already difficult to get in and out of Old Town at certain times.
 - d. Did I really hear someone say this bridge would become the I-5 bridge in the event of an earthquake? Really?? That would destroy the neighborhood. That sounds extremely dangerous for the people who live on Boones Ferry. Crime to be concerned about is not only traffic and car problems. I'm talking about property crimes to the homeowners that live near this site. It is already on the increase with more people coming into Old Town to check out the river/potential bridge sides.
 - e. More emphasis is being placed on future user experience (noise, etc.) than current homeowner and neighborhood impact.
2. Could use a better understanding of the timing for these regional trails and connectivity to this project.
 - a. What would be the connection to Charbonneau on the South end. Needs to be off road (under I-5 bridge) W1 and W2 are coming down on wrong side of Butteville Road.
 - b. If you're doing an EA on only one alignment need to show various approach alignments on each end to adequately address environmental impacts.
 - c. Alignment 1 is relatively close to the railroad bridge. This bike/ped bridge (to be used also for emergency vehicles) will be designed to latest seismic codes, however railroad bridge is not-so proximity to the new bridge pier boating, etc. would need to be carefully evaluated.
 - d. Alignment 3 is relatively close to the existing I-5 bridge. Need to evaluate proximity to I-5 bridge for future auxiliary lane widening and allowing for an in-water work

- bridge between the two structures.
- e. Whichever alignment is chosen needs to look at in water pier locations in relation to the existing railroad and I5 piers and existing boat ramp locations. With the activity of boating around the marina and those passing through more piers in the water in this location are just more problematic. I have a boat at Charbonneau marina so sometimes on the weekends this can get fairly bury.
 - f. The poorer the Charbonneau connection the more need for parking and at the south trailhead.
 - g. Is there an opportunity for a utility to use the bridge and share in the cost?
3. The numbers used on the evaluation criteria scoring seem subjective and biased toward the wants of the team; Totally different numbers could be established from a different viewpoint/personal experience.
 4. Please consider Old Town residents. This bridge should be given the alignment tend has the least long-term impact on traffic on Boones Ferry Road. Alignment W3 preferred. W2 is second. Alignment W1 is least preferred. If we have to build this thing, please minimize impact of bikes on Boones Ferry Rd.



French Prairie Bridge Project

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A		Connectivity and Safety			W1	W2	W3	Notes
A-1	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge	7	3	4	Assume Boones Ferry Road connection slightly higher priority than I-5 undercrossing trail. W1: No pedestrian facilities. Direct connection to SB bike lane on Boones Ferry Rd. W2: Connects east & west via Tauchman St, with no pedestrian or bicycle facilities. W3: Non-direct connection along Tauchman St. to a path towards Memorial Park.			
A-2	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge	2	2	3	No bike/ped routes exist on the south side. All connect directly to Butteville Road. W3: Connects to north side Butteville Road. No need to cross road to travel west or access marina.			
A-3	Connects to planned bike/pedestrian routes on north side of the bridge	10	6	5	W1: Directly connects w/ regional Ice Age Tonquin Trail (IATT). Connects to EB local trail. W2: Non-direct connection to both IATT and EB local trail. W3: About the same as W2. Further from regional IATT.			
A-4	Connects to planned bike/pedestrian routes on south side of the bridge	8	7	5	W1: Direct regional bike connection west and local ped/bike trail connection east. No planned ped. connection west. W2: Same as W1, but located further from regional connection. W3: Non-direct regional bike connection west and local ped/bike connection east. No planned ped. connection west.			
20.0% Criteria A Weighting		13.5	9.0	8.5				



French Prairie Bridge Project

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April 12, 2018

B		Emergency Access			W1	W2	W3	Notes
B-1	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus	10	6	2	W1: Direct route from Wilsonville Road to Boones Ferry Rd. W2: Some out of direction travel through the park onto Tauchman St. W3: Significant out of direction travel through the park onto Tauchman St.			
B-2	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus	5	7	6	W1: Longest distant from I-5/Miley Rd. Slow access loop. W2: Fairly direct connection to I-5/Miley Rd. via Butteville Rd. with a less constrained access loop. W3: Closest access to I-5/Miley Rd., but requires out of direction travel.			
B-3	Minimize emergency response impacts on residents, park activities, and marina operations	6	2	3	W1: Furthest from and least impact to residents, minor impact to marina access, minimal impact to parking. W2: Closer to residents on both sides of river, minimal impact to marina operations, major impact to middle of park. W3: Closest and most impacts to residents, no impact to marina, potential for impact to east edge of park facilities.			
20.0% Criteria B Weighting		14.0	10.0	7.3				



French Prairie Bridge Project

Scoring for City Council

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C	Environmental Impacts	W1	W2	W3	Notes
C-1	Avoid or minimize adverse impacts on wildlife habitat and trees	7	8	2	W1: Some tree and vegetation impacts on south side. W2: Mostly avoids wildlife & trees impact. W3: Moderate impacts to wildlife & trees on both sides of river.
C-2	Avoid or minimize adverse impacts on waters and wetlands	6	7	2	W1: Minimal impacts to river with potential wetland impacts. W2: Minimal impacts to river with potential wetland impacts. W3: Minimal impacts to river with likely impacts to wetlands and tributary crossings.
C-3	Avoid or minimize adverse impacts on cultural and historic resources	5	6	6	W1: Known resources are present (orchard and ferry crossing). Moderate to high potential for impacts. W2: Moderate potential for impacts, but most areas are previously disturbed. W3: Avoids known resources. Moderate potential for impacts. Area is undisturbed, so unidentified resources are possible. <i>*Each assessment based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.</i>
11.5%	Criteria C Weighting	6.9	8.1	3.8	



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D Compatibility with Recreational Goals		W1	W2	W3	Notes
D-1	Provide a positive user experience (e.g. noise, aesthetics, view, security, compatible with other travel modes, exceeds design standards for turns and slopes)	8	9	3	W1: Secure/visible, view of RR bridge & river, some noise impact from train. Very good user experience. W2: Secure/visible, located away from existing bridges, least noise impact. Great user experience. W3: Natural setting, but less secure/visible. I-5 noise, least favorable views, wastewater plant nearby. Poor user experience.
D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.	9	4	8	W1: Compatible with existing park being located on edge of existing undeveloped park land. Easily integrate into future uses. W2: Minor displacement of existing open lawn and picnic area. Splits open lawn in half, limiting flexibility for future uses. W3: Compatible with existing park being located on edge of existing undeveloped park land. May limit incorporating local trail and existing drainage channel into future uses.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.	6	3	6	W1: Compatible with existing use, but limits flexibility for marina parking, ramps, and slips. Limits use of land beneath bridge. W2: Similar to W1 with less parking impact, but potential building impacts. Parking impacts are more concerning to the County. W3: Avoids all related impacts. The Task force adjusted scores to reflect alignments closer to the Marina offer better recreational opportunities.
D-4	Maintain or improve river access	8	6	3	W1: Provides new river view from bridge. Provides best opportunity to improve river bank access via old ferry landing. W2: Provides best new views of river from the bridge. Limited opportunity to improve public access to the river bank. W3: Provides view of river to the west from the bridge. Little opportunity to improve river bank access due to I-5 Bridge, Wasterwater Treatment Plant outfall, and drainage channel.
20.0% Criteria D Weighting		15.5	11.0	10.0	



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E	Compatibility with Existing Built Environment	W1	W2	W3	Notes
E-1	Minimize bridge location and access impacts on residences in Old Town	6	5	6	W1: Close to residents on Boones Ferry Rd. W2: Close to residents on Tauchman St and requires travel through the neighborhood, which includes underrepresented populations. W3: Not close to residents, but requires the most travel through the neighborhood, which includes underrepresented populations.
E-2	Minimize bridge location and access impacts on residences at south terminus in Clackamas County	6	2	3	No underrepresented populations identified south of the river. W1: In close proximity to one residence. W2: Directly impacts two small lot, waterfront residences. W3: Directly impacts two large lot rural residences.
E-3	Minimize bridge location and access impacts on marina facilities	6	5	10	W1: Potential impact to parking that can be mitigated. Impact to marina slips and operations not anticipated. W2: Impact to marina operations or building is anticipated, but can be mitigated. Impact to marina slips and parking not anticipated. W3: Avoids all marina impacts.
E-4	Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)	6	10	1	W1: Located on railroad property, but can accommodate future improvements. Meeting w/RR provided confidence moving forward. W2: No impact to future infrastructure improvements. W3: Located on ODOT property, but can likely accommodate future infrastructure improvements, such as widening of I-5. The Task Force wanted to more strongly reflect ODOT's concern with this alignment.
17.0%	Criteria E Weighting	10.2	9.4	8.5	



French Prairie Bridge Project

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F Cost and Economic Impact		W1	W2	W3	Notes
F-1	Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.	9	9	8	Design Team initial calculation based on relative cost as determined by the proportion of bridge (most expensive), wall, and on-grade path (least expensive) for each alignment. Then potential environmental mitigation qualitatively considered. W1: 1200-ft bridge; 5100-sq ft wall; 850-ft on-grade path. W2: 1160-ft bridge; 11400-sq ft wall; 740-ft on-grade path. W3: 1180-ft bridge; 2400-sq ft wall; 1400-ft on-grade path. Most significant mitigation.
F-2	Minimize property acquisition (e.g. right-of-way, easements) and avoid displacement of residences and businesses	9	3	6	W1: Minor impacts to two properties with no displacements anticipated. W2: Major/moderate impact to three properties with potential displacement of a residence and business. W3: Moderate/minor impact to three properties with no displacements anticipated. ODOT property impacted, but maintenance facility avoided.
F-3	Minimize the displacement of utilities	6	5	1	W1: Adjacent to underground gas line. Overhead power lines that can be easily relocated. W2: Crosses underground gas line. Overhead power lines on Butteville Road/River Vista intersection that can be easily relocated, but intersection presents more challenges. W3: Potential impact to wastewater treatment plant outfall pipe that cannot be easily relocated. Might conflict with bridge foundation even if in proximity rather than directly. The Task force adjusted scores to reflect possible economic opportunities for utilities to participate in project costs if the bridge could accommodate one or more utilities.
F-4	Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections	9	9	6	W1: Provides significant benefit to local and regional economies. Closest to regional trails and parks, directly connects to Boones Ferry Rd, some noise impact from railroad. Also see D-1. W2: Provides significant benefit to local and regional economies. Good connection to regional trails and parks, good views, limited impact from I-5 and railroad. Also see D-1. W3: Provides some benefit to local and regional economies. Furthest from regional trails and parks, close to I-5, noise impacts, some out of direction travel. Also see D-1.
11.5%	Criteria F Weighting	9.5	7.5	6.0	
100%	Total, Weighted Score	70	55	44	

EVALUATION CRITERIA MEMO



June 7, 2017

Prepared for the City of Wilsonville



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Attachment G

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INTRODUCTION

The City of Wilsonville is undertaking a project to develop preliminary designs for the French Prairie Bridge, a proposed bicycle/pedestrian/emergency vehicle crossing of the Willamette River between Interstate 5 and the railroad bridge. The project addresses bridge alignment, bridge type selection, 30% design, and preliminary environmental documentation.

This memo is intended to provide a decision-making framework for selection of the preferred bridge alignment corridor. Since project kickoff in August 2016, the project team and project management team (PMT) have collected a comprehensive set of information and data that informs alignment corridor selection. Sources of information include: the Opportunities and Constraints Memo, the Technical Advisory Committee (TAC), the project's Task Force (TF), and public events and comments. The Opportunities and Constraints Memo has previously been submitted under separate cover. Appendix A summarizes the lists of criteria collected from the TAC meeting, TF meeting and Open House.

This memo distinguishes between design criteria and evaluation criteria, and presents the recommended evaluation criteria, the approach to scoring of alternatives, and the weighing of each criterion.

DESIGN CRITERIA

Design criteria are those items and considerations that will be met or achieved by the project, regardless of the preferred alignment or bridge type. For each of the alternatives, the design criteria apply equally and are therefore not included as evaluation criteria. Some of the project considerations identified as part of the project meetings (Appendix A) fall into the design criteria category and are therefore not included in the evaluation criteria presented below. Project design criteria include:

- Bridge design according to ODOT's loading conditions, and seismic and hydraulic performance criteria
- Bicycle, pedestrian, roadway and emergency vehicle design standards.
- Compliance with the Americans with Disability Act (ADA)
- Compliance with all federal, state, and local laws and regulations

EVALUATION CRITERIA

Based on the lists of criteria in Appendix A, and as tabulated in Appendix B, six evaluation criteria are recommended. The six criteria capture nearly all of the criteria listed in Appendix A, but with sufficient clarity and specificity to provide meaningful comparisons of alignment corridor alternatives.

Each criterion has three or four sub-criteria. The purpose of the sub-criteria is to capture the variety of considerations in the input received.

The six criteria and respective sub-criteria are presented below in narrative form and are tabulated in Appendix B.

Criterion A - Connectivity and Safety

The criterion is to connect to existing or planned bike/pedestrian routes directly or using streets with sidewalks and bike lanes and meet minimum safety and design standards for bicycle and pedestrian users. The alignment corridors differ in how they connect to existing and planned local and regional bike/pedestrian routes. In addition, they differ in the ability to meet or exceed design standards for bike and pedestrian facilities. Exceeding design standards will provide users with a more functional facility. The four sub-criteria are:

- A-1 – Connect to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge
- A-2 – Connect to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge
- A-3 – Connect to planned bike/pedestrian routes on north side of the bridge
- A-4 – Connect to planned bike/pedestrian routes on south side of the bridge

Criterion B – Emergency Access

The criterion is to provide direct and rapid emergency vehicle access to the bridge while minimizing impacts to bridge users, residents, park activities, and marina operations. The alignment corridors differ in ease of bridge access by emergency vehicles. Emergency access includes emergency response to Charbonneau and areas south of the Willamette River and secondary emergency response to clear accidents and debris when the I-5 Boone Bridge is congested. Emergency access also includes the movement of equipment and materials should the I-5 Boone Bridge not be accessible after a major earthquake. The three sub-criteria are:

- B-1 – Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus
- B-2 – Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus
- B-3 – Minimize emergency response impacts on residents, park activities, and marina operations

Criterion C – Environmental Impacts

The criterion is to avoid adverse impacts on environmental resources with the goal of maximizing project eligibility for programmatic environmental permitting processes. Impacts will vary depending on alignment corridor. The three sub-criteria are:

- C-1 – Avoid or minimize adverse impacts on wildlife habitat and trees
- C-2 – Avoid or minimize adverse impacts on waters and wetlands
- C-3 – Avoid or minimize adverse impacts on cultural and historic resources

Criterion D – Compatibility with Recreational Goals

The criterion is to maximize the recreational benefits the bridge provides. There are several opportunities to improve or enhance recreational opportunities. The opportunities vary among the alignment corridor. The four sub-criteria are:

- D-1 – Provide a positive user experience (e.g. noise, aesthetics, view, comfort, security, compatible with other travel modes, exceeds minimum design standards for turns and slopes)
- D-2 – Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.
- D-3 – Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side
- D-4 – Maintain or improve river access

Criterion E - Compatibility with the Existing Built Environment

The criterion is to avoid displacement of and incompatibility with residences, businesses, marina operations, and planned infrastructure improvements and to minimize adverse effects of locating and accessing the bridge.

Consideration is given to project benefits or impacts to underrepresented populations (e.g. communities of color, limited English proficient and low-income populations, people with disabilities, seniors, and youth). The four sub-criteria are:

- E-1 – Minimize bridge location and access impacts on residences in Old Town
- E-2 – Minimize bridge location and access impacts on residences at the south terminus in Clackamas County
- E-3 – Minimize bridge location and access impacts on marina facilities

- E-4 – Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)

Criterion F – Cost and Economic Impact

The criterion is to minimize the cost and adverse economic impacts of the project. There are temporary and permanent economic impacts which could improve or hinder local and regional economics. Those impacts vary depending on the preferred alignment corridor. The four sub-criteria are:

- F-1 – Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.
- F-2 – Minimize property acquisition (e.g. right-of-way, easements) and avoid displacements of residences and businesses
- F-3 – Minimize the displacement of utilities
- F-4 – Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections

SCORING OF ALTERNATIVES

The three or four sub-criteria within each criterion will be arithmetically averaged to provide a score of 0 to 10 for each alternative. This avoids giving more weight to criteria with four sub-criteria.

For each sub-criterion three scoring ranges are recommended to provide an objective baseline. However, the scoring ultimately contains a necessary and appropriate level of subjectivity based on factors that are not readily quantified.

Scores of 0 to 3 are recommended when an alternative generally does not meet most or any of the sub-criterion's objectives. Scores of 4 to 6 are recommended where an alternative meets some of the objectives. Scores of 7 to 10 are recommended where an alternative meets most or all of the objectives. A brief description for each scoring range for each sub-criterion is provided in Appendix C.

WEIGHING CRITERIA

The TF weighted criteria at their May 22, 2017 meeting as follows:

Criterion A – 20%

Criterion D – 20%

Criterion B – 20%

Criterion E – 17%

Criterion C – 11.5%

Criterion F – 11.5%



French Prairie Bridge Project

Appendix A – Criteria Lists

Task Force Criteria List

At the first Task Force meeting, the following list of criteria to consider when evaluating bridge alignment was created by the membership:

- Bicycle-pedestrian connectivity at bridge landings and to the greater networks, for both residents and tourists
- Sensitivity to homes at the bridge landings and traffic Impacts to neighbors and residents
- Increased safety for all users
- Emergency vehicle access
- Seismic resilience
- Increased mode share towards active transportation
- Balance between cost, aesthetics and usability
- Increased tourism and revenue for maximum economic benefit to the city, state and region
- ADA accessibility
- Bridge landing design allows for park amenities like toilets and picnic tables
- Avoids railroad crossings
- Ability to use golf carts to cross the bridge
- Partnerships with the state and counties to upgrade local, connecting roadways
- Design maximizes the number of users
- Accommodates as many utility uses (power lines, sewer, etc.) as it can support
- Provides increased access to the river so all users can experience the water and natural environment
- Supports Wilsonville's initiative as a HEAL (Healthy Eating Active Living) City through increased recreational opportunities

Technical Advisory Committee Criteria List

At the first Technical Advisory Committee meeting, the following list of criteria to consider when evaluating bridge alignment was created by the membership:

- Impacts to historic resources
- Impacts to protected resources areas
- Impacts to trees
- Impacts of alignments on any potential park uses
- Impacts to fish, riparian habitats, streams, wetlands, channels, tributaries
- Ecological value and functional value of wetlands
- Interpretive and recreational opportunities around these ecological resources
- Directness of connections to major destinations and the regional and statewide trail network
- User experience (views, noise)
- User comfort (safety, topography)
- Effects on future master planning efforts of adjacent park facilities
- Level of access for emergency vehicles
- Neighborhood impacts (visual, noise, traffic, emergency use frequency)
- Level of construction costs
- Impacts to utilities



French Prairie Bridge Project

Appendix A – Criteria Lists

Open House Criteria List

At the Open House a list of criteria proposed by the project Task Force and the Technical Advisory Committee was displayed on two boards. Participants were asked to use a green dot sticker to identify which criteria they thought were most important. A nearby easel pad also provided the opportunity to suggest additional criteria.

Overall, community members felt that the evaluation criteria proposed by the Task Force and TAC were comprehensive. Between the Task Force and TAC lists, the following top two criteria were identified as most important:

Task Force Evaluation Criteria

- Sensitivity to homes at the bridge landings and traffic impacts to neighbors and residents (23)
- Bicycle-pedestrian connectivity at bridge landings and to the greater networks, for both residents and tourists (15)

TAC Evaluation Criteria

- Neighborhood impacts (visual, noise, traffic, emergency use frequency). (14)
- Directness of connections to major destinations and the regional and statewide trail network. (13)

Community members were invited to provide any additional ideas or overall thoughts. Some of these included:

- The bridge would be a major asset to Wilsonville and connect it to the valuable regional bike network, increasing the tourism draw to the area.
- Impacts to private residences, businesses and neighborhoods should be closely monitored.
- Questions were raised about the greater traffic and transportation issues in the area.
- Questions were raised about the infrastructure for pedestrians and cyclists when they come off the bridge, especially on the south side of the river.



French Prairie Bridge Project

Appendix B - Evaluation Matrix

June 7, 2017

A		Connectivity and Safety			W1	W2	W3	Notes
A-1	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge							
A-2	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge							
A-3	Connects to planned bike/pedestrian routes on north side of the bridge							
A-4	Connects to planned bike/pedestrian routes on south side of the bridge							
20.0%	Criteria A Weighting	0	0	0				

B		Emergency Access			W1	W2	W3	Notes
B-1	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus							
B-2	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus							
B-3	Minimize emergency response impacts on residents, park activities, and marina operations							
20.0%	Criteria B Weighting	0	0	0				



French Prairie Bridge Project

Appendix B - Evaluation Matrix

June 7, 2017

C	Environmental Impacts	W1	W2	W3	Notes
C-1	Avoid or minimize adverse impacts on wildlife habitat and trees				
C-2	Avoid or minimize adverse impacts on waters and wetlands				
C-3	Avoid or minimize adverse impacts on cultural and historic resources				
11.5%	Criteria C Weighting	0	0	0	

D	Compatibility with Recreational Goals	W1	W2	W3	Notes
D-1	Provide a positive user experience (e.g. noise, aesthetics, view, security, compatible with other travel modes, exceeds design standards for turns and slopes)				
D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.				
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.				
D-4	Maintain or improve river access				
20.0%	Criteria D Weighting	0	0	0	



French Prairie Bridge Project

Appendix B - Evaluation Matrix

June 7, 2017

Attachment G

E	Compatibility with Existing Built Environment	W1	W2	W3	Notes
E-1	Minimize bridge location and access impacts on residences in Old Town				
E-2	Minimize bridge location and access impacts on residences at south terminus in Clackamas County				
E-3	Minimize bridge location and access impacts on marina facilities				
E-4	Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)				
17.0%	Criteria E Weighting	0	0	0	

F	Cost and Economic Impact	W1	W2	W3	Notes
F-1	Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.				
F-2	Minimize property acquisition (e.g. right-of-way, easements) and avoid displacement of residences and businesses				
F-3	Minimize the displacement of utilities				
F-4	Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections				
11.5%	Criteria F Weighting	0	0	0	

100%	Total, Weighted Score	0	0	0	
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French Prairie Bridge Project

Appendix C - Scoring Guidance

June 7, 2017

SCORING GUIDANCE - Blue text indicates evaluation considerations to determine the appropriate range of point value based on how well each alternative achieves the sub-criteria

Criteria
Sub-criteria

0 to 3

4 to 6

7 to 10

A Connectivity and Safety

A-1	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge	Does not connect well to existing pedestrian and bike facilities or facilities do not meet most design and safety standards	Connects to existing pedestrian and bike facilities that do not comply with all design and safety standards	Directly connects to existing pedestrian and bike facilities that meet or exceed design and safety standards
A-2	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge	Does not connect well to existing pedestrian and bike facilities or facilities do not meet most design and safety standards	Connects to existing pedestrian and bike facilities that do not comply with all design and safety standards	Directly connects to existing pedestrian and bike facilities that meet or exceed design and safety standards
A-3	Connects to planned bike/pedestrian routes on north side of the bridge	Does not connect well to planned bike and pedestrian routes	Connects to planned regional or local bike and pedestrian routes	Directly connects to planned regional and local bike and pedestrian routes
A-4	Connects to planned bike/pedestrian routes on south side of the bridge	Does not connect well to planned bike and pedestrian routes	Connects to planned regional or local bike and pedestrian routes	Directly connects to planned regional and local bike and pedestrian routes

B Emergency Access

B-1	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus	Indirect route from Wilsonville Road to middle of Willamette River	Neither direct nor indirect route from Wilsonville Road to middle of Willamette River	Direct route from Wilsonville Road to middle of Willamette River
B-2	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus	Indirect route from Miley Road @ I-5 to middle of Willamette River	Neither direct nor indirect route from Miley Road @ I-5 to middle of Willamette River	Direct route from Miley Road @ I-5 to middle of Willamette River
B-3	Minimize emergency response impacts on residents, park activities, and marina operations	Route for emergency responders directly adjoins residences or businesses or emergency vehicle use interrupts park activities or marina operations	Route for emergency responders avoids residences or businesses, but emergency vehicle use impacts park activities or marina operations	Route for emergency responders avoids residences, businesses, and parks and is separated from them



French Prairie Bridge Project

Appendix C - Scoring Guidance

June 7, 2017

SCORING GUIDANCE - Blue text indicates evaluation considerations to determine the appropriate range of point value based on how well each alternative achieves the sub-criteria

Criteria
Sub-criteria

0 to 3

4 to 6

7 to 10

C Environmental Impacts

C-1	Avoid or minimize adverse impacts on wildlife habitat and trees	Adverse impacts to wildlife habitat and trees	Moderate adverse impacts on wildlife habitat and trees	Avoids or has minimal adverse impacts on wildlife habitat and trees
C-2	Avoid or minimize adverse impacts on waters and wetlands	Adverse impacts to waters and wetlands	Moderate adverse impacts on waters and wetlands	Avoids or has minimal adverse impacts on existing waters and wetlands
C-3	Avoid or minimize adverse impacts on cultural and historic resources	Adverse impacts to cultural and historical resources	Moderate adverse impacts on cultural and historical resources	Avoids or has minimal adverse impacts on existing cultural and historical resources

D Compatibility with Recreational Goals

D-1	Provide a positive user experience (e.g. noise, aesthetics, view, security, compatible with other travel modes, exceeds design standards for turns and slopes)	Achieves some or few facets of a positive user experience	Achieves most facets of a positive user experience	Achieves all or nearly all facets of a positive user experience
D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.	Generally incompatible with existing uses (Permanent inconvenience or displacement) and/or precludes future improvements.	Compatible with existing uses with some temporary modifications and/or minor permanent displacement or limits flexibility for future improvements.	Compatible with existing uses with minor temporary modifications and no permanent displacement, while being flexible for future improvements.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.	Generally incompatible with existing uses (Permanent inconvenience or displacement) and/or precludes future improvements.	Compatible with existing uses with some temporary modifications and/or minor permanent displacement or limits flexibility for future improvements.	Compatible with existing uses with minor temporary modifications and no permanent displacement, while being flexible for future improvements.
D-4	Maintain or improve river access	The alignment provides opportunities to view the river, but adversely impacts existing public accesses to the river bank.	Provides opportunities to view the river and maintains existing public river bank access points	Provides opportunities to view the river and allows for improved public access to the river bank



French Prairie Bridge Project

Appendix C - Scoring Guidance
June 7, 2017

SCORING GUIDANCE - Blue text indicates evaluation considerations to determine the appropriate range of point value based on how well each alternative achieves the sub-criteria

Criteria
Sub-criteria

0 to 3

4 to 6

7 to 10

E Compatibility with Existing Built Environment

E-1	Minimize bridge location and access impacts on residences in Old Town	The alignment directly impacts residences in Old Town or impacts underrepresented populations (e.g. communities of color, limited English proficient and low-income populations, people with disabilities, seniors, and youth)	The alignment or its intended accesses is in close proximity to, but does not directly impact, residences in Old Town	The alignment and its accesses are not in close proximity to residences in Old Town or benefit underrepresented populations (e.g. communities of color, limited English proficient and low-income populations, people with disabilities, seniors, and youth)
E-2	Minimize bridge location and access impacts on residences at south terminus in Clackamas County	The alignment directly impacts residences in Clackamas County or impacts underrepresented populations (e.g. communities of color, limited English proficient and low-income populations, people with disabilities, seniors, and youth)	The alignment is in close proximity to, but does not directly impact, residences in Clackamas County	The alignment is not in close proximity to residences in Clackamas County or benefit underrepresented populations (e.g. communities of color, limited English proficient and low-income populations, people with disabilities, seniors, and youth)
E-3	Minimize bridge location and access impacts on marina facilities	The alignment directly impacts Marina operations and those impacts cannot be readily mitigated	The alignment impacts Marina operations, but those impacts can be readily mitigated	The alignment does not impact Marina operations
E-4	Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)	The alignment impacts future infrastructure improvements	The alignment does not substantially impact future infrastructure improvements	The alignment does not impact future infrastructure improvements

F Cost and Economic Impact

F-1	Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.	Formula based on relative project costs. Costs are not actual cost since there is insufficient information at this stage. Once each alignment has a relative cost based on the proportion of bridge, wall, path and mitigation, the least cost will receive a 10. Each of the other two alternatives will be scored lower in proportion to how much higher their cost is when compared with the lowest cost.		
F-2	Minimize property acquisition (e.g. right-of-way, easements) and avoid displacement of residences and businesses	The alignment affects more than four properties or may result in one or more displacements.	The alignment affects no more than four properties and does not result in any displacements.	The alignment affects no more than two properties and does not result in any displacements.
F-3	Minimize the displacement of utilities	The alignment directly impacts existing City or Franchise utilities which cannot be easily relocated	The alignment directly impacts existing City or Franchise utilities which can easily be relocated	The alignment does not impact existing City or Franchise utilities
F-4	Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections	Provides limited opportunity to increase revenue for the local and regional economies through improved access and tourism	Provides some opportunity to increase revenue for the local and regional economies through improved access and tourism	Provides significant opportunity to increase revenue for the local and regional economies through improved access and tourism

RESOLUTION NO. 2688

A RESOLUTION OF THE CITY OF WILSONVILLE TO SELECT THE PREFERRED BRIDGE LOCATION FOR THE FRENCH PRAIRIE BICYCLE-PEDESTRIAN-EMERGENCY ACCESS BRIDGE: BOONES FERRY ROAD TO BUTTEVILLE ROAD (CIP #9137).

WHEREAS, the adopted 2013 City of Wilsonville Transportation System Plan (TSP), updated in 2016, identifies a regionally significant gap in the bicycle and pedestrian network between Wilsonville and the area south of Willamette River, including Charbonneau; and

WHEREAS, the TSP identifies a critical need to link bicycle and pedestrian routes in the region, connecting nearby communities and regional trail systems, such as the Ice Age Tonquin Trail, to areas south of the Willamette River, such as Charbonneau and the French Prairie and Mid-Willamette Valley areas, including Champoeg State Park and the Willamette Valley Scenic Bikeway; and

WHEREAS, the TSP identifies the narrow shoulders along the I-5 Boone Bridge, which is the only bicycle and pedestrian connection over the Willamette River for 30 miles, as a significant safety deficiency; and

WHEREAS, the adopted 2006 City of Wilsonville Bicycle and Pedestrian Master Plan evaluated six alternatives to provide a pedestrian and bicycle crossing of the Willamette River and a new standalone bicycle/pedestrian bridge was identified as the preferred option.

WHEREAS, the TSP identifies the need to construct a bridge over the Willamette River for bike, pedestrian, and emergency access to provide an alternative to the I-5 Boone Bridge; and

WHEREAS, the TSP lists the Willamette River Bike/Pedestrian/Emergency Bridge (aka French Prairie Bridge), Project RT-06 and RT-P3, to serve as a standalone, pedestrian and bicycle regional trail alternative to the I-5 Boone Bridge; and

WHEREAS, the adopted 2013 Clackamas County Transportation System Plan lists the French Prairie Bridge, Project #1085, as a 20-year capital project need; and

WHEREAS, the French Prairie Bridge north landing is to be located within the City of Wilsonville and the south landing is to be located within unincorporated Clackamas County; and

WHEREAS, the Wilsonville City Council authorized Staff (Resolution No. 2129) to apply for regional flexible funds through the Metropolitan Transportation Improvement Program 2010-2013 project solicitation for project development of the French Prairie Bridge; and

WHEREAS, the Metro awarded \$1.25 Million from 2010-2013 Regional Flexible funds to perform project development for the French Prairie Bridge; and

WHEREAS, the Wilsonville City Council authorized the Mayor to enter into an Intergovernmental Agreement with the State of Oregon to initiate the use of federal funding for planning and preliminary design of the French Prairie Bridge project (the Project); and

WHEREAS, the Project will determine the final bridge location, type, and preliminary design necessary to determine whether to pursue final bridge design and construction; and

WHEREAS, the Project identified three potential bridge locations within the Project study area and the French Prairie Bridge Opportunities and Constraints Report, dated April 5, 2017, documents the opportunities and constraints associated with each location; and

WHEREAS, a Project Management Team leads the Project, comprised of City of Wilsonville, Clackamas County, and the Oregon Department of Transportation staff and the lead consulting firm; and

WHEREAS, the Project formed a Technical Advisory Committee (TAC), with members representing public agencies and organizations having expertise and implementation authority to provide recommendations on regulatory and technical issues relevant to bridge siting and design; and

WHEREAS, the Project formed a Task Force, with members representing a wide range of stakeholder values and interests, including affected neighborhoods and businesses, walking and cycling enthusiasts, local parks and trails interests, tourism associations, and emergency services personnel, to provide recommendations to the Wilsonville City Council at key milestones in the bridge planning and design process; and

WHEREAS, the Project solicited public input on the three potential bridge locations through individual stakeholder interviews, a public open house (in-person and online), and online comment forms; and

WHEREAS, the Task Force finalized bridge location evaluation criteria based on input obtained from interested members of the public, Project Management Team, TAC, Wilsonville City Council, and Clackamas Board of County Commissioners meetings as documented in the French Prairie Bridge Evaluation Criteria Memo, dated June 7, 2017; and

WHEREAS, the three bridge locations were evaluated based on six criteria, including Connectivity and Safety, Emergency Access, Environmental Impacts, Compatibility with Recreational Goals, Compatibility with the Existing Built Environment, Cost and Economic Impact; and

WHEREAS, the TAC provided a technical evaluation of the three potential bridge locations utilizing the Opportunity and Constraints Report and Evaluation Criteria Memo, identifying bridge alignment W1 as the preferred bridge location; and

WHEREAS, the Task Force evaluated the three potential bridge locations utilizing the TAC technical evaluation, Opportunity and Constraints Report, and Evaluation Criteria Memo, unanimously recommending bridge alignment W1 as the preferred bridge location; and

WHEREAS, of the three potential locations, bridge alignment W1 is identified as providing the least cost and best connectivity and safety, emergency access, compatibility with recreational goals, compatibility with existing built environment, and economic impact; and

WHEREAS, the French Prairie Bridge Location Selection Summary, dated XX, XX, 2018, attached hereto as **Exhibit 1** and incorporated herein, documents the preferred bridge location; and

WHEREAS, future project work, particularly information gained through further bridge design environmental assessment, may result in a variation from the W1 alignment as the final bridge site.

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

1. The French Prairie Bridge Location Evaluation Report summarizes the results of the comprehensive study completed to determine the preferred bridge location for the French Prairie Bridge.
2. The preferred French Prairie Bridge location is identified as alignment W1.
3. The City of Wilsonville will continue to work with Clackamas County and staff through bridge type selection and future project design to address concerns and mitigate potential impacts to the Boones Ferry Marina and Butteville Road due to the construction and operation of the French Prairie Bridge.
4. The City of Wilsonville will continue to work with members of the Old Town neighborhood association as part of future design work to address concerns and mitigate potential neighborhood impacts resulting from the Project.
5. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of June 2018, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

Attachment:

- A. Exhibit 1 – French Prairie Bridge Location Selection Summary, dated May 2018

Resolution No. 2688 - Exhibit 1

Bridge Location Selection Summary



May 2018

Prepared for the City of Wilsonville



Prepared By



OBEC Consulting Engineers
5000 Meadows Road, Suite 420
Lake Oswego, OR 97035
503.620.6103

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APPENDICES

Appendix A Evaluation Criteria Scoring

Appendix B Opportunity and Constraint Figures

Introduction

The City of Wilsonville is undertaking a project to develop preliminary designs for the French Prairie Bridge, a proposed bicycle/pedestrian/emergency vehicle crossing of the Willamette River between Interstate 5 (I-5) and the Portland and Western Railroad bridge. The project addresses bridge location, bridge type selection, 30% design, and preliminary environmental documentation.

Three locations have been conceptually developed for analysis. Following selection of a preferred location, the project team will analyze and select a preferred bridge type, and then proceed to complete preliminary environmental documentation in preparation for a future Environmental Assessment.

Prior to preparation of this report, the project team performed preliminary investigations of the project site and compiled the resulting information into reports. These reports were prepared using the project team's best judgement, and were supplemented with guidance offered by the Technical Advisory Committee (TAC). This information is summarized in the Opportunities and Constraints Report.

Following development of the Opportunities and Constraints Report, the project team, with input from the TAC, Task Force, an open house, Wilsonville City Council, and Clackamas County Board of Commissioners, prepared a list of criteria to evaluate the relative merits of each location. These criteria are based on the needs and values of the community, including City and County goals. The Task Force assigned relative weighting to the criteria to provide for a quantitative comparison of the locations. This work is summarized in the Evaluation Criteria Memo.

This Location Selection Summary is a capstone document for determining the preferred bridge location using the information prepared in the technical reports, Opportunities and Constraints Memo, and Evaluation Criteria Memo. This qualitative discussion has been prepared considering the Evaluation Criteria Memo and its quantitative scoring guidance to determine which location, as a whole, best meets the varied needs and values of the City of Wilsonville and the region.

The discussion below is grouped by location and then by evaluation criteria with an explanation of how the quantitative score for that portion of the evaluation was reached.

The quantitative evaluation criteria and resulting alignment evaluation scores from both the TAC and the Task Force are included in Appendix A. The figures depicting the project's opportunities and constraints are included in Appendix B.

Alignment W1

Alignment W1 is located at the far west edge of the project area, adjacent to the Portland and Western Railroad facility. The north end of the path connects to the west shoulder of SW Boones Ferry Road in Boones Ferry Park. The south end of the path connects to NE Butteville Road, opposite the Boones Ferry Boat Launch parking lot.

The alignment starts closely following the grade and alignment of SW Boones Ferry Road. Near the entrance to the Boones Ferry Park parking lot, the alignment begins to climb to the elevation required to clear the assumed United States Coast Guard (USCG) navigational clearance (assumed to be the same as the railroad bridge) at a maximum grade of 5%. After crossing over the navigational channel, the alignment descends at approximately a 2% grade. The alignment crosses over the westernmost boat slips of the Boones Ferry Marina and the main parking lot of the Boones Ferry Boat Launch before crossing over NE Butteville Road. After crossing NE Butteville Road, the alignment makes a big sweeping loop at a maximum grade of 5% down to connect to NE Butteville Road.

The path through the W1 alignment corridor is approximately 2,000 feet long. The main span crossing of the Willamette River is approximately 750 feet in length. The total bridge length, including approach spans, is anticipated to be approximately 1,200 feet long. Retaining walls are anticipated to minimize property impacts at both ends of the alignment.

See Figure 1 for a conceptual plan of Alignment W1.

Connectivity and Safety

This criterion is related to the alignment's effectiveness of safely connecting existing and planned pedestrian routes on the two sides of the river.

North Terminal Connection

The alignment connects directly to the existing southbound bike lane on the west shoulder of SW Boones Ferry Road. This bike path connects directly to the planned extension of the Ice Age Tonquin Trail, which extends to Sherwood and Tualatin and connects to trails extending farther north. There are currently no pedestrian accommodations in this area.

The alignment connects to existing local trails to the east by way of SW Tauchman Street. The east end of SW Tauchman Street connects to the Wilsonville Waterfront Trail, which crosses under I-5 and connects to Memorial Park. SW Tauchman Street has no current accommodations for bicycles or pedestrians.

South Terminal Connection

There are no existing bicycle or pedestrian accommodations on the south side of the Willamette River.

The alignment's connection to NE Butteville Road provides opportunity to connect to a planned bicycle and pedestrian path located along the south bank of the Willamette River. This path will cross under I-5 and connect NE Butteville Road to the Charbonneau District. Users will need to pass through the busy area at the Boones Ferry Marina, Boones Ferry Boat Launch, and NE River Vista Lane to connect to this planned path.

The alignment's relatively direct connection to NE Butteville Road provides excellent access to a planned widening of NE Butteville Road to Champoeg State Park and connections to the Willamette Valley Scenic Bikeway, which extends southward to Eugene.

Emergency Access

This criterion is related to the alignment's effectiveness at conveying emergency vehicles across the Willamette River and assessing the impacts of such use on existing land uses.

North Terminal Connection

Alignment W1 offers the most direct route possible from Wilsonville Road to the south side of the Willamette River, connecting to the south end of SW Boones Ferry Road and extending directly south over the river.

South Terminal Connection

Alignment W1 uses a loop to connect to NE Butteville Road. Additionally, the alignment connects at the west end of the project corridor, while most emergency vehicle trips are expected to be headed east towards I-5, Miley Road, and the Charbonneau District.

Impacts to Existing Uses

Alignment W1 is generally routed away from homes. The alignment has limited impacts to Boones Ferry Park users, as it is located in an undeveloped portion of the park. The alignment does not directly affect marina and boat launch users on the south side of the Willamette River, as it crosses overhead, but some noise impacts to marina and boat launch users are expected.

Environmental Impacts

This criterion is related to the anticipated impacts to terrestrial and aquatic habitat, animals and plants, and cultural and historic resources.

Impacts to Terrestrial Habitat and Wildlife

Alignment W1 has some impacts to wooded areas and wildlife habitat. The alignment will impact trees and habitat on the river banks and along the railroad property south of Butteville Road. Beyond these areas, the alignment is located within developed areas and grassy fields.

Impacts to Waters, Wetlands, and Aquatic Wildlife

Alignment W1 minimizes impacts to wetlands, waters, and aquatic wildlife. The impacts to the Willamette River will be minimized. There is the potential to impact some wetland areas within the grassy fields on the south side, but these impacts are anticipated to be minimal.

Impacts to Cultural and Historic Resources

This assessment is based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.

Alignment W1 is located in relatively close proximity to the historic location of Boones Ferry and a historic orchard located within Boones Ferry Park. As a result, it is possible that the alignment could impact these known historic resources, though

these resources likely have already been disturbed. There is a moderate to high possibility of encountering pre-contact resources.

Compatibility with Recreational Goals

This criterion is related to how well recreational objectives are achieved. It includes the influence of the bridge on existing and future park uses on both sides of the river.

User Experience

Alignment W1's location at the west edge of the project corridor is as far as practical from the busy I-5 Boone Bridge, minimizing the volume of highway noise heard by bridge users. However, this location is in close proximity to the railroad bridge, and the periodic noise due to railroad traffic will be loud. The alignment will provide good views downstream, but upstream views may be partially obstructed by the railroad bridge.

The alignment is out in the open for the majority of the path. A portion of the loop may feel secluded because of the proximity of the railroad embankment, but it is a safe and visible alignment.

Alignment W1 accommodates several features that meet or exceed the minimum design standards for the facility. In general, this alignment will provide a very good user experience.

Compatibility with North Bank Recreational Uses

On the north bank of the Willamette River, Alignment W1 is located west of SW Boones Ferry Road. This location places the alignment outside of the developed portion of Boones Ferry Park. The path can be located at either the west or east edge of the portion of the park west of SW Boones Ferry Road, maximizing the possible future uses of that portion of the park.

Compatibility with South Bank Recreational Uses

On the south bank of the Willamette River, Alignment W1 crosses over some of the Boones Ferry Marina boat slips, potentially limiting future flexibility with slip arrangement. The alignment is also elevated above the primary parking lot for the Boones Ferry Boat Launch, possibly affecting the number and arrangement of parking spaces within the lot. In addition to the potential loss of parking spaces, the County is concerned with parking impacts of new path and bridge users. It is expected this project's preliminary and final design will include explicit accommodation of the increased parking demand by providing a designated lot.

River Access

Alignment W1 has no direct influence on river access. The alignment is located near the existing river access at the end of SW Boones Ferry Road on the north bank of the river, creating the best opportunity to bring additional users to the north bank. The alignment is located near the existing Boones Ferry Boat Launch, potentially bringing additional users to the south bank of the river, though river access needs to be coordinated with Boones Ferry Marina operations.

Compatibility with Built Environment

This criterion is related to the potential impacts to the existing built environment and compatibility with future improvements in the immediate vicinity of the bridge alignment. Specific areas of consideration are residences, parks, and the Boones Ferry Marina.

North Terminal Connection

The north terminal connection of Alignment W1 is located on the west side of SW Boones Ferry Road. It is anticipated that the end of the path would connect to SW Boones Ferry Road at or south of SW Tauchman Street. The nearest residences are located east of SW Boones Ferry Road and north of SW Tauchman Street. These residences include underrepresented populations. Users would access the path via SW Boones Ferry Road, which already has some accommodations for bicycle users.

South Terminal Connection

The south terminal connection of Alignment W1 is located over a parking lot and lands in undeveloped or agricultural property south of NE Butteville Road. There is only one residence in proximity to the alignment and it is located approximately 50 feet from the closest approach of the alignment.

Marina Facilities

Alignment W1 crosses over boat slips for the Boones Ferry Marina. The bridge can be configured to be compatible with the existing boat slips and marina usage.

Future Infrastructure Improvements

Alignment W1 is located adjacent to the existing railroad bridge. The alignment requires use of a portion of the existing railroad right of way (ROW). Based on a meeting with the railroad, this alignment will not limit future expansion of railroad facilities. The railroad's primary concern focuses on trespassing and safety. Should this alignment be selected, further coordination would be necessary to determine what, if any, positive barriers between the path and rail line would be required.

Cost and Economic Impact

This criterion is related to the construction cost, anticipated property acquisition and displacements of residences and businesses, required utility relocations, and anticipated economic benefits generated by the bridge crossing.

Estimated Project Cost

A comparative cost analysis was performed for Alignments W1, W2, and W3. All alignments are fairly comparable in relative cost. Though there are other costs, this analysis only compared the relative quantities of bridge, retaining walls, and path required by each alignment along with a qualitative assessment of environmental mitigation. For Alignment W1, the quantities used for this comparison were: 1,200 feet of bridge (800 feet of main span, and 400 feet of approach span); 5,100 square feet of retaining walls; and 850 feet of on-grade path. Environmental mitigation costs are expected to be minor to moderate and are qualitatively considered in this criterion.

At the conclusion of this analysis, Alignment W1 was scored 9 points out of a possible 10.

Anticipated Property Acquisitions and Displacements

Alignment W1 will primarily require transfer of public properties. The portion of the alignment located on the north bank of the river is wholly owned by the City of Wilsonville. On the south bank of the river, easements would be required from Clackamas County and the Oregon Department of Transportation (ODOT). Property acquisition from one private party is anticipated on the south bank.

No residential or business relocations are anticipated for alignment W1.

Impacts to Utilities

Alignment W1 will require the relocation of existing overhead power distribution lines located along NE Butteville Road. The placement of a path and bridge along Alignment W1 will require coordination with an adjacent underground gas line, overhead power transmission lines, and existing water and sewer lines on the north bank.

Economic Benefits

Alignment W1 provides significant potential benefit to the local and regional economies as a result of the good connections to regional trails and parks, and a direct connection to Boones Ferry Road. Some impact from railroad noise is expected.

Alignment W2

Alignment W2 is located roughly in the middle of the project area. The north end of the path connects to the south shoulder of SW Tauchman Street east of SW Magnolia Avenue. The south end of the path connects to NE Butteville Road south of NE River Vista Lane.

The alignment crosses a relatively open portion of Boones Ferry Park. From SW Tauchman Street, the path becomes elevated as it falls at a maximum grade of 5%, while the existing ground underneath falls at close to 10%. The path then begins to climb to the elevation required to clear the assumed USCG navigational clearance at a maximum grade of about 3.5%. After crossing over the navigational channel, the alignment descends at approximately a 2.5% grade. The alignment crosses over the easternmost boat slips of the Boones Ferry Marina. On the south bank of the Willamette River, the path crosses over a portion of the Boones Ferry Marina boat storage and a residential parcel before crossing over NE River Vista Lane. After crossing over NE River Vista Lane, the path turns towards the west and crosses over NE Butteville Road. The path then makes a loop and descends at a maximum grade of 5%, connecting to NE Butteville Road south of NE River Vista Lane.

The path through the W2 alignment corridor is approximately 1,900 feet long. The main span crossing of the Willamette River is approximately 700 feet in length. The total bridge length, including approach spans, is anticipated to be approximately 1,200 feet long. Retaining walls are anticipated to minimize property impacts at both ends of the alignment.

See Figure 1 for a conceptual plan of Alignment W2.

Connectivity and Safety

This criterion is related to the alignment's effectiveness of safely connecting existing and planned pedestrian routes on the two sides of the river.

North Terminal Connection

The alignment connects to SW Tauchman Street, which does not have existing bicycle or pedestrian accommodations. Currently, traffic on SW Tauchman Street at the point of connection is very light, as the only traffic generator is a relatively small number of residences and the wastewater treatment plant.

Path users can follow SW Tauchman Street west to SW Boones Ferry Road. SW Boones Ferry Road connects directly to the planned extension of the Ice Age Tonquin Trail, which extends to Sherwood and Tualatin and connects to trails extending farther north. Path users can follow SW Tauchman Street east to the Wilsonville Waterfront Trail, which crosses under I-5 and connects to Memorial Park.

South Terminal Connection

There are no existing bicycle or pedestrian accommodations on the south side of the Willamette River.

The alignment's connection to NE Butteville Road provides opportunity to connect to a planned bicycle and pedestrian path located along the south bank of the Willamette River. This path will cross under I-5 and connect NE Butteville Road to the Charbonneau District.

The alignment's connection to NE Butteville Road provides access to a planned widening of NE Butteville Road to Champoeg State Park and connections to the Willamette Valley Scenic Bikeway, which extends southward to Eugene. Users will need to pass through the busy area at the Boones Ferry Marina, Boones Ferry Boat Launch, and NE River Vista Lane to make this connection.

Emergency Access

This criterion is related to the alignment's effectiveness at conveying emergency vehicles across the Willamette River and assessing the impacts of such use on existing land uses.

North Terminal Connection

Alignment W2 connects emergency responders from Wilsonville Road across the Willamette River by way of SW Boones Ferry Road and SW Tauchman Street. After turning off of SW Tauchman Street, the path proceeds directly across the Willamette River.

South Terminal Connection

Alignment W2 uses a loop to connect to NE Butteville Road. This loop runs roughly parallel to NE Butteville Road, bringing responders towards I-5. The path is reasonably direct for the majority of emergency vehicle trips, which are anticipated to be headed east towards I-5, Miley Road, and the Charbonneau District.

Impacts to Existing Users

Alignment W2 requires emergency responders to travel down SW Tauchman Street, which has residences located on the north side of the street. The alignment bisects the main portion of Boones Ferry Park, skirting to the east of the main improvements. The alignment does not directly affect residents, marina uses, and boat launch uses on the south side of the Willamette River as it crosses overhead. It is anticipated that noise impacts will be experienced by residents, as well as park and river users along the path alignment.

Environmental Impacts

This criterion is related to the anticipated impacts to terrestrial and aquatic habitat, animals and plants, and cultural and historic resources.

Impacts to Terrestrial Habitat and Wildlife

Alignment W2 avoids most impacts to wooded areas and wildlife habitat. The alignment will impact trees and habitat on the river banks. Beyond the river banks, the alignment is located within developed areas and grassy fields.

Impacts to Waters, Wetlands, and Aquatic Wildlife

Alignment W2 has the practical minimum impacts to wetlands, waters, and aquatic wildlife. The impacts to the Willamette River will be minimized. There is the potential to impact some wetland areas within the grassy fields on the south side, but these impacts are anticipated to be minimal.

Impacts to Cultural and Historic Resources

This assessment is based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.

Alignment W2 is located east of the Tauchman House and crosses the Willamette River adjacent to, but east of, the historic location of Boones Ferry. As a result, it is possible that the alignment could impact historic era resources, though these resources likely have already been disturbed. There is a moderate possibility of encountering pre-contact resources, though most areas have been disturbed by historic era activities.

Compatibility with Recreational Goals

This criterion is related to how well recreational objectives are achieved. It includes the influence of the bridge on existing and future park uses on both sides of the river.

User Experience

Alignment W2's location in the middle of the project corridor means that it is not particularly close to either the I-5 Boone Bridge or the railroad bridge. The alignment will provide good views both upstream and downstream.

The alignment is out in the open for the entirety of the path length. This alignment is safe and visible.

Alignment W2 accommodates several features that meet or exceed the minimum design standards for the facility. In general, this alignment will provide a great user experience.

Compatibility with North Bank Recreational Uses

On the north bank of the Willamette River, Alignment W2 bisects Boones Ferry Park. This location places the alignment east of the main developed portion of Boones Ferry Park. The location of the path can be adjusted today to accommodate current uses, but possible future uses of the park will be restricted by the presence of the path.

Compatibility with South Bank Recreational Uses

On the south bank of the Willamette River, Alignment W2 crosses over some of the Boones Ferry Marina boat slips, potentially limiting future flexibility of slip arrangement. The alignment is also elevated above dry boat storage for the Boones Ferry Marina, possibly affecting the number and arrangement of storage spaces within the lot.

River Access

Alignment W2 has no direct influence on river access. It will provide the best view of the river from the bridge. There are limited opportunities to enhance river access on this alignment.

Compatibility with Built Environment

This criterion is related to the potential impacts to the existing built environment and compatibility with future improvements in the immediate vicinity of the bridge alignment. Specific areas of consideration are residences, parks, and the Boones Ferry Marina.

North Terminal Connection

The north terminal connection of Alignment W2 is located in Boones Ferry Park on SW Tauchman Street. Residences are located across SW Tauchman Street from the end of the path. These residences include underrepresented populations. Users would access the path via SW Tauchman Street, which has no accommodations for bicycle or pedestrian use.

South Terminal Connection

The south terminal connection of Alignment W2 is located over a storage yard for the Boones Ferry Marina, two residential properties, and agricultural property. One residence is located immediately adjacent to the alignment, and two other residences are located in proximity to the alignment.

Marina Facilities

Alignment W2 crosses over boat slips for the Boones Ferry Marina. The bridge can be configured to be compatible with the existing boat slips and parking. Impacts are anticipated to marina operations and/or existing marina buildings.

Future Infrastructure Improvements

Alignment W2 does not have an appreciable impact on future expansion of existing infrastructure.

Cost and Economic Impact

This criterion is related to the construction cost, anticipated property acquisition and displacements of residences and businesses, required utility relocations, and anticipated economic benefits generated by the bridge crossing.

Estimated Project Cost

A comparative cost analysis was performed for Alignments W1, W2, and W3. All alignments are fairly comparable in relative cost. Though there are other costs, this analysis only compared the relative quantities of bridge, retaining walls, and path required by each alignment along with a qualitative assessment of environmental mitigation. For Alignment W2, the quantities used for this comparison were: 1,160 feet of bridge (720 feet of main span and 440 of approach span); 11,400 square feet of retaining walls; and 740 feet of on-grade path. Environmental mitigation costs are expected to be minor to moderate and are qualitatively considered in this criterion.

At the conclusion of this analysis, Alignment W2 was scored 9 points out of a possible 10.

Anticipated Property Acquisitions and Displacements

Alignment W2 will primarily require transfer of public properties. The portion of the alignment located on the north bank of the river is wholly owned by the City of Wilsonville. On the south bank of the river, easements would be required from Clackamas County. Property acquisition from three private parties is anticipated on the south bank of the river.

One potential residential displacement is possible for Alignment W2. One business displacement is possible for Alignment W2.

Impacts to Utilities

Alignment W2 will require the relocation of existing overhead power transmission and distribution lines located along NE Butteville Road. The placement of a path and bridge along Alignment W2 will require coordination with underground gas lines located along NE Butteville Road and existing water and sewer lines located within Boones Ferry Park and along SW Tauchman Street.

Economic Benefits

Alignment W2 provides the greatest potential benefit to the local and regional economies as a result of the good connections to regional trails and parks, inviting river views, and limited impact from I-5 and the railroad.

Alignment W3

Alignment W3 is located at the east edge of the project area. The north end of the path connects to the south shoulder of SW Tauchman Street at the entrance to the wastewater treatment plant. The south end of the path connects to NE Butteville Road, well south of NE River Vista Lane.

The alignment begins at the east end of SW Tauchman Street and heads east through a wooded area within a parcel acquired by the City of Wilsonville for expansion of Boones Ferry Park. The path turns south at the bank of a drainage and crosses the Willamette River. The path more or less follows existing ground in this area, descending at a maximum 5% grade before beginning to climb at 4% to clear the assumed USCG navigational channel. After crossing over the navigational channel, the alignment descends at approximately a 4.5% grade. The alignment lands on the south bank of the river east of an existing drainage. After landing on the south bank of the river, the path follows existing ground through wooded terrain along the east bank of the channel before turning to the west and crossing over the channel on a single-span bridge. Once across the channel, the path follows an existing driveway to NE Butteville Road, with a maximum grade of about 3.1%.

The path through the W3 alignment corridor is approximately 2,550 feet long. The main span crossing of the Willamette River is approximately 800 feet in length. The total bridge length, including approach spans, is anticipated to be approximately 1,000 feet long. The second bridge is approximately 140 feet long. Retaining walls are anticipated to minimize property impacts at the north end of the alignment.

See Figure 1 for a conceptual plan of Alignment W3.

Connectivity and Safety

This criterion is related to the alignment's effectiveness of safely connecting existing and planned pedestrian routes on the two sides of the river.

North Terminal Connection

The alignment connects to the end of SW Tauchman Street, which does not have existing bicycle or pedestrian accommodations. Currently, traffic on SW Tauchman Street at the point of connection is very light, as the only traffic generator is a relatively small number of residences and the wastewater treatment plant.

Path users can follow SW Tauchman Street west to SW Boones Ferry Road. SW Boones Ferry Road connects directly to the planned extension of the Ice Age Tonquin Trail, which extends to Sherwood and Tualatin and connects to trails extending farther north. Path users can directly connect to the Wilsonville Waterfront Trail, which crosses under I-5 and connects to Memorial Park.

South Terminal Connection

There are no existing bicycle or pedestrian accommodations on the south side of the Willamette River.

The alignment's eastern location provides the opportunity to directly connect to a planned bicycle and pedestrian path located along the south bank of the Willamette

River. This path will cross under I-5 and connect NE Butteville Road to the Charbonneau District.

The alignment's connection to NE Butteville Road provides access to a planned widening of NE Butteville Road to Champoeg State Park and connections to the Willamette Valley Scenic Bikeway, which extends southward to Eugene. Bridge users wanting to travel west do not have to cross the NE Butteville Road at the alignment connection point. Users will need to pass through the busy area at the Boones Ferry Marina, Boones Ferry Boat Launch, and NE River Vista Lane to make this connection.

Emergency Access

This criterion is related to the alignment's effectiveness at conveying emergency vehicles across the Willamette River and assessing the impacts of such use on existing land uses.

North Terminal Connection

Alignment W3 connects emergency responders from Wilsonville Road across the Willamette River by way of SW Boones Ferry Road and SW Tauchman Street. At the end of SW Tauchman Street, the path proceeds east through Boones Ferry Park before turning south to cross the Willamette River.

South Terminal Connection

Alignment W3 connects to NE Butteville Road by way of a long path. The route is fairly direct for responders headed towards I-5, Miley Road, and the Charbonneau District, but emergency vehicles would need to proceed carefully and slowly due to the shared use nature of the facility.

Impacts to Existing Users

Alignment W3 requires emergency responders to travel down SW Tauchman Street, which has residences located on the north side of the street. The alignment travels along the east edge of an undeveloped portion of Boones Ferry Park. The alignment does not affect marina uses or the boat launch on the south side of the Willamette River. The alignment is in proximity to residences as it nears NE Butteville Road. It is anticipated that noise impacts will be experienced by residents, as well as park and river users along the path alignment.

Environmental Impacts

This criterion is related to the anticipated impacts to terrestrial and aquatic habitat, animals and plants, and cultural and historic resources.

Impacts to Terrestrial Habitat and Wildlife

Alignment W3 impacts wooded areas and wildlife habitat for the majority of its length on both sides of the river.

Impacts to Waters, Wetlands, and Aquatic Wildlife

Alignment W3 minimizes impacts to wetlands, waters, and aquatic wildlife. The impacts to the Willamette River will be minimized. There are additional impacts due

to wetlands and tributary crossings. In particular, there is a second bridge required to cross the drainage south of the Willamette River.

Impacts to Cultural and Historic Resources

This assessment is based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.

Alignment W3 is located well east of the historic location of Boones Ferry. Impacts to historic era resources are not considered likely. There is a moderate possibility of encountering pre-contact resources, particularly because much of the area is undisturbed.

Compatibility with Recreational Goals

This criterion is related to how well recreational objectives are achieved. It includes the influence of the bridge on existing park uses on both sides of the river.

User Experience

Alignment W3 is located relatively close to the I-5 Boone Bridge. Freeway noise is anticipated to be noticeable on the bridge. The alignment will provide good views upstream, but the I-5 Boone Bridge will limit views in the downstream direction.

The alignment is largely secluded. The wooded nature of the path would make it a unique experience; however, it may also make the alignment feel unsafe due to lack of visibility.

Alignment W3 accommodates several features that meet or exceed the minimum design standards for the facility. In general, this alignment will provide a poor user experience.

Compatibility with North Bank Recreational Uses

On the north bank of the Willamette River, Alignment W3 skirts the east edge of Boones Ferry Park. This location places the alignment outside of currently developed park areas and maximizes flexibility for future uses of the undeveloped portion of the park. However, this location may limit local trail flexibility.

Compatibility with South Bank Recreational Uses

On the south bank of the Willamette River, Alignment W3 is well east of the Boones Ferry Marina and Boones Ferry Boat Launch. Existing recreational uses will not be impacted by this alignment.

River Access

Alignment W3 brings users to portions of the river bank not currently accessed. However, there is little opportunity to create river bank access due to the I-5 Bridge, the Wastewater Treatment Plant outfall, and the drainage channels on both sides of the river.

Compatibility with Built Environment

This criterion is related to the potential impacts to the existing built environment and compatibility with future improvements in the immediate vicinity of the bridge

alignment. Specific areas of consideration are residences, parks, and the Boones Ferry Marina.

North Terminal Connection

The north terminal connection of Alignment W3 is located at the end of SW Tauchman Street. Residences are located along the north side of SW Tauchman Street. These residences include underrepresented populations. Users would access the path via SW Tauchman Street, which has no accommodations for bicycle or pedestrian use.

South Terminal Connection

The south terminal connection of Alignment W3 is located in undeveloped forest and through three residential parcels. It is anticipated that the path will share an existing driveway for access to NE Butteville Road. All three residences are in proximity to the path.

Marina Facilities

Alignment W3 will avoid all marina facilities.

Future Infrastructure Improvements

Alignment W3 is located adjacent to the I-5. The alignment requires use of a portion of ODOT property. If selected, further coordination with ODOT would be required to determine the feasibility of accommodating the future expansion of I-5 and this project.

Based upon discussions and coordination with ODOT to-date, there is a very low likelihood of ODOT agreeing to allow the new bridge and path to be sited on their property west of I-5. It is their perspective that all ODOT property in this area must be reserved for the widening of the I-5 Boone Bridge and Southbound I-5.

Cost and Economic Impact

This criterion is related to the construction cost, anticipated property acquisition and displacements of residences and businesses, required utility relocations, and anticipated economic benefits generated by the bridge crossing.

Estimated Project Cost

A comparative cost analysis was performed for Alignments W1, W2, and W3. All alignments are fairly comparable in relative cost. Though there are other costs, this analysis only compared the relative quantities of bridge, retaining walls, and path required by each alignment along with a qualitative assessment of environmental mitigation. For Alignment W3, the quantities used for this comparison were: 1,180 feet of bridge (800 feet of main span, and 380 feet of approach span); 2,400 square feet of retaining walls; and 1,400 feet of on-grade path. Environmental mitigation costs are expected to be moderate and are qualitatively considered in this criterion.

At the conclusion of this analysis, Alignment W3 was scored 8 points out of a possible 10.

Anticipated Property Acquisitions and Displacements

Alignment W3 will primarily require transfer of public properties. The portion of the alignment located on the north bank of the river is owned by the City of Wilsonville and ODOT. No impacts to ODOT's maintenance facilities are expected. On the south bank of the river, easements would be required from ODOT. Property acquisition from three private parties is anticipated on the south side of the river to connect the path west to NE Butteville Road.

No residential or business relocations are anticipated to be required for Alignment W3.

Impacts to Utilities

Alignment W3 will require coordination to avoid impacts to the existing City of Wilsonville sanitary sewer lines and outfall. It is expected a conflict can be avoided. However, even bridge foundations in the vicinity of the outfall (no direct impact) could result in a conflict and potential outfall relocation.

Economic Benefits

Alignment W3 provides the least potential benefit to the local and regional economies. It is the furthest away from regional trails and parks, closest to I-5 noise impacts, and requires more out of direction travel.

Scoring of Alignments

The alignments were individually scored against the criteria by members of the project team. Upon conclusion of this process, the scorers met and discussed each of the subcriteria in succession. Each subcriteria was scored and the criteria scores were tallied. A total score for each alignment was reached using the relative weighting determined by the project Task Force.

The project team's score and notes were provided to the Project Management Team (PMT) for review and revision. The PMT provided additional insight and made revisions to the subcriteria scores. Following this process, the TAC provided review comments and scoring revisions. As the final step in the scoring, the Task Force completed a similar process. The TAC scores and scores resulting from the TAC revisions are the final evaluation scores and are the basis for the recommended alignment.

TAC Scoring

The TAC met on February 28, 2018. Their recommended scoring changes are summarized below:

Criteria A – Connectivity and Safety: No recommended changes

Criteria B – Emergency Access: No recommended changes

Criteria C – Environmental Impacts: Reduce Alignments W1 and W3 for both habitat and waters/wetland impacts to reflect the regulatory importance of the affected resources. Recognize the unknown, but potential impacts to above ground and below ground cultural resources by lowering the score for all three Alignments.

Criteria D – Compatibility with Recreational Goals: Reduce most of the scores for Alignment W3 because of its disadvantageous location.

Criteria E – Compatibility with Existing Built Environment: Reduce Alignment W1 relative to impacts at the south terminus to better reflect the effects on the marina and the private residence.

Criteria F – Cost and Economic Impact: Recognize the relative environmental mitigation costs as part of the total project cost. Reduce Alignment W3 more since this alignment would require the most mitigation. Reduce the scores for Alignment W3 for property and utility impacts to better represent the challenges associated with the ODOT property and the City's wastewater outfall structure.

Table 1 –TAC Scoring Summary

Criterion	W1	W2	W3
A – Connectivity & Safety	13.5	9.0	8.5
B – Emergency Access	14.0	10.0	7.3
C – Environmental Impacts	6.9	8.1	3.8
D – Recreational Goals	14.0	12.0	11.0
E – Built Environment	10.2	9.4	10.2
F – Cost & Economic Impact	9.4	7.2	6.0
TOTAL	68	56	47

The TAC unanimously agreed with recommending Alignment W1 to the Task Force as the preferred bridge location.

Task Force Scoring

The Task Force met on April 12, 2018. Their recommended scoring changes are summarized below:

Criteria A – Connectivity and Safety: No recommended changes

Criteria B – Emergency Access: No recommended changes

Criteria C – Environmental Impacts: No recommended changes

Criteria D – Compatibility with Recreational Goals: Modify the scoring for each Alignment to reflect that alignments closer to the marina offer better recreational opportunities. Accordingly, Alignment W1 increased and Alignments W2 and W3 decreased.

Criteria E – Compatibility with Existing Built Environment: Reduce Alignment W3 to better reflect ODOT's strong concerns with this location relative to the future widening of I-5.

Criteria F – Cost and Economic Impact: Increase the scores for Alignments W1 and W2. The Task Force adjusted scores to reflect possible economic opportunities for utilities to participate in project costs if the bridge could accommodate one or more utilities.

Table 2 –Task Force Scoring Summary

Criterion	W1	W2	W3
A – Connectivity & Safety	13.5	9.0	8.5
B – Emergency Access	14.0	10.0	7.3
C – Environmental Impacts	6.9	8.1	3.8
D – Recreational Goals	15.5	11.0	10.0
E – Built Environment	10.2	9.4	8.5
F – Cost & Economic Impact	9.5	7.5	6.0
TOTAL	70	55	44

The Task Force unanimously agreed with recommending Alignment W1 as the preferred bridge location to the Board of County Commissioners and Wilsonville City Council.

Conclusion

Over the last 18 months, the project team has implemented a comprehensive reconnaissance, analysis, and evaluation process with broad stakeholder engagement and input to evaluate three bridge locations. Key documents prepared during that time include the Opportunities and Constraints Memo and the Evaluation Criteria Memo. Using those two documents, PMT direction, TAC and Task Force input, and public outreach, the team outlined a scoring criteria matrix.

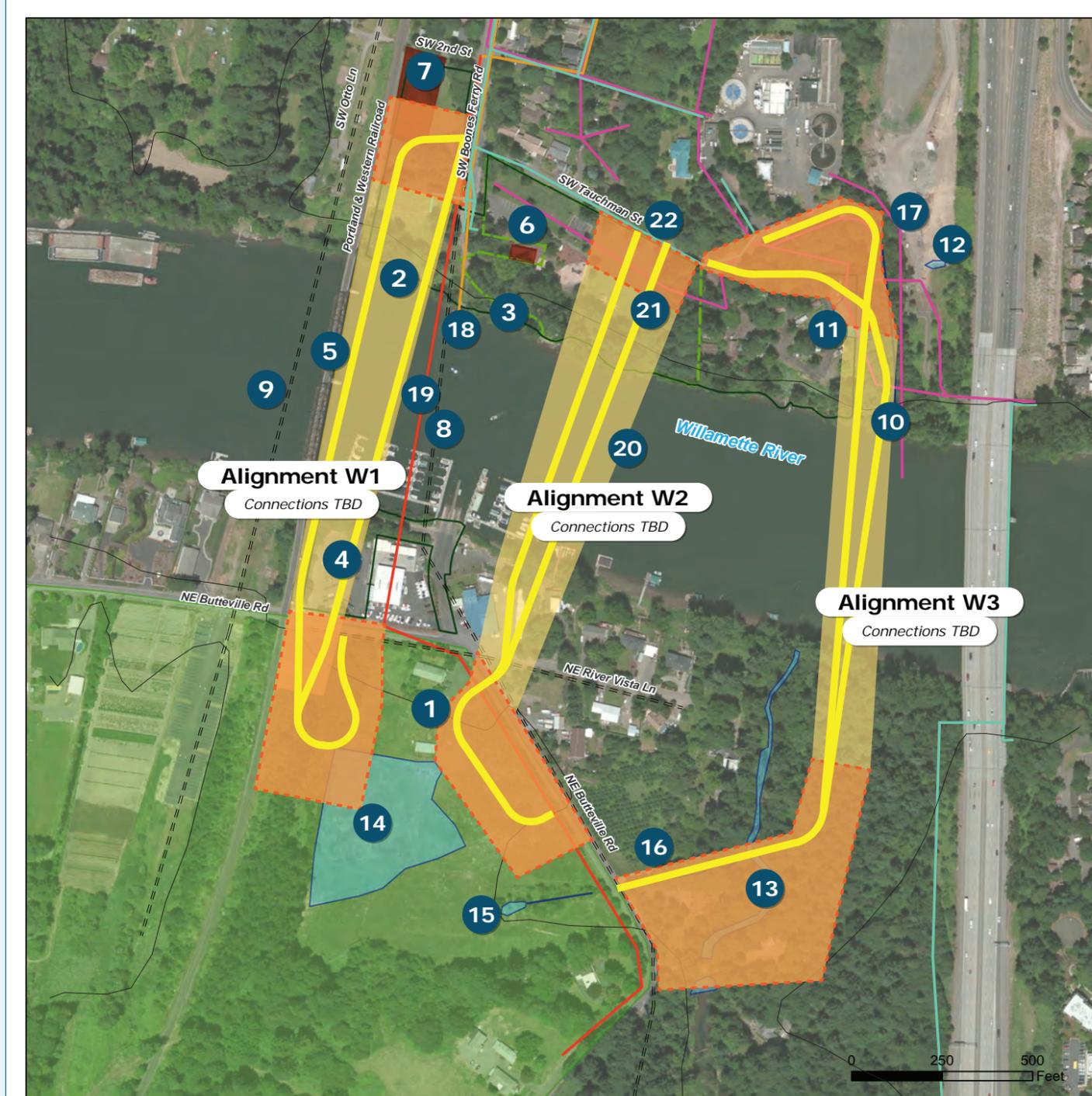
Alignment W1 scored the highest in five of the six major criteria. The exception is Criterion C – Environmental Impacts where Alignment W2 scored highest. Accordingly, Alignment W1 is the overall highest scoring location. The project team, PMT, TAC, and Task Force are in unanimous agreement that Alignment W1 is the preferred bridge location.

At the May 17th meeting, the Clackamas County Board of County Commissioners agreed with the Task Force recommendation and approved a Resolution identifying Alignment W1 as the preferred French Prairie Bridge location.

The Wilsonville City Council, at the regular session meeting on May 21st affirmed the Task Force recommendation, identifying French Prairie Bridge Alignment W1 as the preferred bridge location through a Resolution.

Figure 1. Alignment Alternatives

ALIGNMENT ALTERNATIVES



KEY

- 1 Land zoned Exclusive Farm Use
- 2 Boone's Ferry Park subject to Section 4(f)
- 3 Boone's Ferry Park subject to Section 6(f)
- 4 Boone's Ferry Boat Launch subject to Section 4(f)
- 5 Portland & Western Railroad
- 6 Tauchman House
- 7 Apple orchard in Boone's Ferry Park
- 8 PGE overhead power lines
- 9 BPA overhead transmission lines
- 10 Ephemeral drainage channel
- 11 Depression left by former mobile homes
- 12 Construction stormwater pond
- 13 Stream channel and associated wetlands
- 14 Possible wetland
- 15 Stock pond
- 16 Agricultural drainage ditch
- 17 Wastewater treatment plant discharge pipe
- 18 Main Old Town storm sewer outfall
- 19 Underground gas transmission lines
- 20 USGS navigational channel
- 21 Sanitary sewer lines
- 22 Domestic water mains

LEGEND

- === Overhead power line
- Underground water line
- Underground storm sewer
- Underground sanitary sewer
- Underground gas line
- Stream
- Water (in addition to Willamette River) and potential wetland observable from streets and public land
- Section 4(f) resource
- Section 6(f) resource
- Historic resource
- Exclusive Farm Use zone

APPENDIX A

Evaluation Criteria Scoring



French Prairie Bridge Project

Technical Advisory Committee Scoring

A		Connectivity and Safety			W1	W2	W3	Notes
A-1	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge	7	3	4	Assume Boones Ferry Road connection slightly higher priority than I-5 undercrossing trail. W1: No pedestrian facilities. Direct connection to SB bike lane on Boones Ferry Rd. W2: Connects east & west via Tauchman St, with no pedestrian or bicycle facilities. W3: Non-direct connection along Tauchman St. to a path towards Memorial Park.			
A-2	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge	2	2	3	No bike/ped routes exist on the south side. All connect directly to Butteville Road. W3: Connects to north side Butteville Road. No need to cross road to travel west or access marina.			
A-3	Connects to planned bike/pedestrian routes on north side of the bridge	10	6	5	W1: Directly connects w/ regional Ice Age Tonquin Trail (IATT). Connects to EB local trail. W2: Non-direct connection to both IATT and EB local trail. W3: About the same as W2. Further from regional IATT.			
A-4	Connects to planned bike/pedestrian routes on south side of the bridge	8	7	5	W1: Direct regional bike connection west and local ped/bike trail connection east. No planned ped. connection west. W2: Same as W1, but located further from regional connection. W3: Non-direct regional bike connection west and local ped/bike connection east. No planned ped. connection west.			
20.0% Criteria A Weighting		13.5	9.0	8.5				



French Prairie Bridge Project

Technical Advisory Committee Scoring

B		Emergency Access			W1	W2	W3	Notes
B-1	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus	10	6	2	W1: Direct route from Wilsonville Road to Boones Ferry Rd. W2: Some out of direction travel through the park onto Tauchman St. W3: Significant out of direction travel through the park onto Tauchman St.			
B-2	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus	5	7	6	W1: Longest distant from I-5/Miley Rd. Slow access loop. W2: Fairly direct connection to I-5/Miley Rd. via Butteville Rd. with a less constrained access loop. W3: Closest access to I-5/Miley Rd., but requires out of direction travel.			
B-3	Minimize emergency response impacts on residents, park activities, and marina operations	6	2	3	W1: Furthest from and least impact to residents, minor impact to marina access, minimal impact to parking. W2: Closer to residents on both sides of river, minimal impact to marina operations, major impact to middle of park. W3: Closest and most impacts to residents, no impact to marina, potential for impact to east edge of park facilities.			
20.0% Criteria B Weighting		14.0	10.0	7.3				



French Prairie Bridge Project

Technical Advisory Committee Scoring

C	Environmental Impacts	W1	W2	W3	Notes
C-1	Avoid or minimize adverse impacts on wildlife habitat and trees	7	8	2	W1: Some tree and vegetation impacts on south side. W2: Mostly avoids wildlife & trees impact. W3: Moderate impacts to wildlife & trees on both sides of river.
C-2	Avoid or minimize adverse impacts on waters and wetlands	6	7	2	W1: Minimal impacts to river with potential wetland impacts. W2: Minimal impacts to river with potential wetland impacts. W3: Minimal impacts to river with likely impacts to wetlands and tributary crossings.
C-3	Avoid or minimize adverse impacts on cultural and historic resources	5	6	6	W1: Known resources are present (orchard and ferry crossing). Moderate to high potential for impacts. W2: Moderate potential for impacts, but most areas are previously disturbed. W3: Avoids known resources. Moderate potential for impacts. Area is undisturbed, so unidentified resources are possible. <i>*Each assessment based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.</i>
11.5%	Criteria C Weighting	6.9	8.1	3.8	



French Prairie Bridge Project

Technical Advisory Committee Scoring

D Compatibility with Recreational Goals		W1	W2	W3	Notes
D-1	Provide a positive user experience (e.g. noise, aesthetics, view, security, compatible with other travel modes, exceeds design standards for turns and slopes)	8	9	3	W1: Secure/visible, view of RR bridge & river, some noise impact from train. Very good user experience. W2: Secure/visible, located away from existing bridges, least noise impact. Great user experience. W3: Natural setting, but less secure/visible. I-5 noise, least favorable views, wastewater plant nearby. Poor user experience.
D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.	9	4	8	W1: Compatible with existing park being located on edge of existing undeveloped park land. Easily integrate into future uses. W2: Minor displacement of existing open lawn and picnic area. Splits open lawn in half, limiting flexibility for future uses. W3: Compatible with existing park being located on edge of existing undeveloped park land. May limit incorporating local trail and existing drainage channel into future uses.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.	3	5	8	W1: Compatible with existing use, but limits flexibility for marina parking, ramps, and slips. Limits use of land beneath bridge. W2: Similar to W1 with less parking impact, but potential building impacts. Parking impacts are more concerning to the County. W3: Avoids all related impacts.
D-4	Maintain or improve river access	8	6	3	W1: Provides new river view from bridge. Provides best opportunity to improve river bank access via old ferry landing. W2: Provides best new views of river from the bridge. Limited opportunity to improve public access to the river bank. W3: Provides view of river to the west from the bridge. Little opportunity to improve river bank access due to I-5 Bridge, Wastewater Treatment Plant outfall, and drainage channel.
20.0% Criteria D Weighting		14.0	12.0	11.0	



French Prairie Bridge Project

Technical Advisory Committee Scoring

E	Compatibility with Existing Built Environment	W1	W2	W3	Notes
E-1	Minimize bridge location and access impacts on residences in Old Town	6	5	6	W1: Close to residents on Boones Ferry Rd. W2: Close to residents on Tauchman St and requires travel through the neighborhood, which includes underrepresented populations. W3: Not close to residents, but requires the most travel through the neighborhood, which includes underrepresented populations.
E-2	Minimize bridge location and access impacts on residences at south terminus in Clackamas County	6	2	3	No underrepresented populations identified south of the river. W1: In close proximity to one residence. W2: Directly impacts two small lot, waterfront residences. W3: Directly impacts two large lot rural residences.
E-3	Minimize bridge location and access impacts on marina facilities	6	5	10	W1: Potential impact to parking that can be mitigated. Impact to marina slips and operations not anticipated. W2: Impact to marina operations or building is anticipated, but can be mitigated. Impact to marina slips and parking not anticipated. W3: Avoids all marina impacts.
E-4	Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)	6	10	5	W1: Located on railroad property, but can accommodate future improvements. Meeting w/RR provided confidence moving forward. W2: No impact to future infrastructure improvements. W3: Located on ODOT property, but can likely accommodate future infrastructure improvements, such as widening of I-5.
17.0%	Criteria E Weighting	10.2	9.4	10.2	



French Prairie Bridge Project

Technical Advisory Committee Scoring

F Cost and Economic Impact		W1	W2	W3	W2
F-1	Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.	9	9	8	Design Team initial calculation based on relative cost as determined by the proportion of bridge (most expensive), wall, and on-grade path (least expensive) for each alignment. Then potential environmental mitigation qualitatively considered. W1: 1200-ft bridge; 5100-sq ft wall; 850-ft on-grade path. W2: 1160-ft bridge; 11400-sq ft wall; 740-ft on-grade path. W3: 1180-ft bridge; 2400-sq ft wall; 1400-ft on-grade path. Most significant mitigation.
F-2	Minimize property acquisition (e.g. right-of-way, easements) and avoid displacement of residences and businesses	9	3	6	W1: Minor impacts to two properties with no displacements anticipated. W2: Major/moderate impact to three properties with potential displacement of a residence and business. W3: Moderate/minor impact to three properties with no displacements anticipated. ODOT property impacted, but maintenance facility avoided.
F-3	Minimize the displacement of utilities	5	4	1	W1: Adjacent to underground gas line. Overhead power lines that can be easily relocated. W2: Crosses underground gas line. Overhead power lines on Butteville Road/River Vista intersection that can be easily relocated, but intersection presents more challenges. W3: Potential impact to wastewater treatment plant outfall pipe that cannot be easily relocated. Might conflict with bridge foundation even if in proximity rather than directly.
F-4	Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections	9	9	6	W1: Provides significant benefit to local and regional economies. Closest to regional trails and parks, directly connects to Boones Ferry Rd, some noise impact from railroad. Also see D-1. W2: Provides significant benefit to local and regional economies. Good connection to regional trails and parks, good views, limited impact from I-5 and railroad. Also see D-1. W3: Provides some benefit to local and regional economies. Furthest from regional trails and parks, close to I-5, noise impacts, some out of direction travel. Also see D-1.
11.5%	Criteria F Weighting	9.2	7.2	6.0	
100%	Total, Weighted Score	68	56	47	



French Prairie Bridge Project

Task Force Scoring

A		Connectivity and Safety			W1	W2	W3	Notes
A-1	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge	7	3	4	Assume Boones Ferry Road connection slightly higher priority than I-5 undercrossing trail. W1: No pedestrian facilities. Direct connection to SB bike lane on Boones Ferry Rd. W2: Connects east & west via Tauchman St, with no pedestrian or bicycle facilities. W3: Non-direct connection along Tauchman St. to a path towards Memorial Park.			
A-2	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge	2	2	3	No bike/ped routes exist on the south side. All connect directly to Butteville Road. W3: Connects to north side Butteville Road. No need to cross road to travel west or access marina.			
A-3	Connects to planned bike/pedestrian routes on north side of the bridge	10	6	5	W1: Directly connects w/ regional Ice Age Tonquin Trail (IATT). Connects to EB local trail. W2: Non-direct connection to both IATT and EB local trail. W3: About the same as W2. Further from regional IATT.			
A-4	Connects to planned bike/pedestrian routes on south side of the bridge	8	7	5	W1: Direct regional bike connection west and local ped/bike trail connection east. No planned ped. connection west. W2: Same as W1, but located further from regional connection. W3: Non-direct regional bike connection west and local ped/bike connection east. No planned ped. connection west.			
20.0% Criteria A Weighting		13.5	9.0	8.5				



French Prairie Bridge Project

Task Force Scoring

B		Emergency Access			W1	W2	W3	Notes
B-1	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus	10	6	2	W1: Direct route from Wilsonville Road to Boones Ferry Rd. W2: Some out of direction travel through the park onto Tauchman St. W3: Significant out of direction travel through the park onto Tauchman St.			
B-2	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus	5	7	6	W1: Longest distant from I-5/Miley Rd. Slow access loop. W2: Fairly direct connection to I-5/Miley Rd. via Butteville Rd. with a less constrained access loop. W3: Closest access to I-5/Miley Rd., but requires out of direction travel.			
B-3	Minimize emergency response impacts on residents, park activities, and marina operations	6	2	3	W1: Furthest from and least impact to residents, minor impact to marina access, minimal impact to parking. W2: Closer to residents on both sides of river, minimal impact to marina operations, major impact to middle of park. W3: Closest and most impacts to residents, no impact to marina, potential for impact to east edge of park facilities.			
20.0% Criteria B Weighting		14.0	10.0	7.3				



French Prairie Bridge Project

Task Force Scoring

C	Environmental Impacts	W1	W2	W3	Notes
C-1	Avoid or minimize adverse impacts on wildlife habitat and trees	7	8	2	W1: Some tree and vegetation impacts on south side. W2: Mostly avoids wildlife & trees impact. W3: Moderate impacts to wildlife & trees on both sides of river.
C-2	Avoid or minimize adverse impacts on waters and wetlands	6	7	2	W1: Minimal impacts to river with potential wetland impacts. W2: Minimal impacts to river with potential wetland impacts. W3: Minimal impacts to river with likely impacts to wetlands and tributary crossings.
C-3	Avoid or minimize adverse impacts on cultural and historic resources	5	6	6	W1: Known resources are present (orchard and ferry crossing). Moderate to high potential for impacts. W2: Moderate potential for impacts, but most areas are previously disturbed. W3: Avoids known resources. Moderate potential for impacts. Area is undisturbed, so unidentified resources are possible. <i>*Each assessment based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.</i>
11.5%	Criteria C Weighting	6.9	8.1	3.8	



French Prairie Bridge Project

Task Force Scoring

D	Compatibility with Recreational Goals	W1	W2	W3	Notes
D-1	Provide a positive user experience (e.g. noise, aesthetics, view, security, compatible with other travel modes, exceeds design standards for turns and slopes)	8	9	3	W1: Secure/visible, view of RR bridge & river, some noise impact from train. Very good user experience. W2: Secure/visible, located away from existing bridges, least noise impact. Great user experience. W3: Natural setting, but less secure/visible. I-5 noise, least favorable views, wastewater plant nearby. Poor user experience.
D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.	9	4	8	W1: Compatible with existing park being located on edge of existing undeveloped park land. Easily integrate into future uses. W2: Minor displacement of existing open lawn and picnic area. Splits open lawn in half, limiting flexibility for future uses. W3: Compatible with existing park being located on edge of existing undeveloped park land. May limit incorporating local trail and existing drainage channel into future uses.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.	6	3	6	W1: Compatible with existing use, but limits flexibility for marina parking, ramps, and slips. Limits use of land beneath bridge. W2: Similar to W1 with less parking impact, but potential building impacts. Parking impacts are more concerning to the County. W3: Avoids all related impacts. <i>The Task force adjusted scores to reflect alignments closer to the Marina offer better recreational opportunities.</i>
D-4	Maintain or improve river access	8	6	3	W1: Provides new river view from bridge. Provides best opportunity to improve river bank access via old ferry landing. W2: Provides best new views of river from the bridge. Limited opportunity to improve public access to the river bank. W3: Provides view of river to the west from the bridge. Little opportunity to improve river bank access due to I-5 Bridge, Wasterwater Treatment Plant outfall, and drainage channel.
20.0% Criteria D Weighting		15.5	11.0	10.0	



French Prairie Bridge Project

Task Force Scoring

E	Compatibility with Existing Built Environment	W1	W2	W3	Notes
E-1	Minimize bridge location and access impacts on residences in Old Town	6	5	6	W1: Close to residents on Boones Ferry Rd. W2: Close to residents on Tauchman St and requires travel through the neighborhood, which includes underrepresented populations. W3: Not close to residents, but requires the most travel through the neighborhood, which includes underrepresented populations.
E-2	Minimize bridge location and access impacts on residences at south terminus in Clackamas County	6	2	3	No underrepresented populations identified south of the river. W1: In close proximity to one residence. W2: Directly impacts two small lot, waterfront residences. W3: Directly impacts two large lot rural residences.
E-3	Minimize bridge location and access impacts on marina facilities	6	5	10	W1: Potential impact to parking that can be mitigated. Impact to marina slips and operations not anticipated. W2: Impact to marina operations or building is anticipated, but can be mitigated. Impact to marina slips and parking not anticipated. W3: Avoids all marina impacts.
E-4	Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)	6	10	1	W1: Located on railroad property, but can accommodate future improvements. Meeting w/RR provided confidence moving forward. W2: No impact to future infrastructure improvements. W3: Located on ODOT property, but can likely accommodate future infrastructure improvements, such as widening of I-5. <i>The Task Force wanted to more strongly reflect ODOT's concern with this alignment.</i>
17.0%	Criteria E Weighting	10.2	9.4	8.5	



French Prairie Bridge Project

Task Force Scoring

F		Cost and Economic Impact			W1	W2	W3	Notes
F-1	Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.	9	9	8	Design Team initial calculation based on relative cost as determined by the proportion of bridge (most expensive), wall, and on-grade path (least expensive) for each alignment. Then potential environmental mitigation qualitatively considered. W1: 1200-ft bridge; 5100-sq ft wall; 850-ft on-grade path. W2: 1160-ft bridge; 11400-sq ft wall; 740-ft on-grade path. W3: 1180-ft bridge; 2400-sq ft wall; 1400-ft on-grade path. Most significant mitigation.			
F-2	Minimize property acquisition (e.g. right-of-way, easements) and avoid displacement of residences and businesses	9	3	6	W1: Minor impacts to two properties with no displacements anticipated. W2: Major/moderate impact to three properties with potential displacement of a residence and business. W3: Moderate/minor impact to three properties with no displacements anticipated. ODOT property impacted, but maintenance facility avoided.			
F-3	Minimize the displacement of utilities	6	5	1	W1: Adjacent to underground gas line. Overhead power lines that can be easily relocated. W2: Crosses underground gas line. Overhead power lines on Butteville Road/River Vista intersection that can be easily relocated, but intersection presents more challenges. W3: Potential impact to wastewater treatment plant outfall pipe that cannot be easily relocated. Might conflict with bridge foundation even if in proximity rather than directly. <i>The Task force adjusted scores to reflect possible economic opportunities for utilities to participate in project costs if the bridge could accommodate one or more utilities.</i>			
F-4	Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections	9	9	6	W1: Provides significant benefit to local and regional economies. Closest to regional trails and parks, directly connects to Boones Ferry Rd, some noise impact from railroad. Also see D-1. W2: Provides significant benefit to local and regional economies. Good connection to regional trails and parks, good views, limited impact from I-5 and railroad. Also see D-1. W3: Provides some benefit to local and regional economies. Furthest from regional trails and parks, close to I-5, noise impacts, some out of direction travel. Also see D-1.			
11.5%	Criteria F Weighting	9.5	7.5	6.0				
100%	Total, Weighted Score	70	55	44				

APPENDIX B

Opportunity and Constraints Figures

FIGURE 1: VICINITY MAP

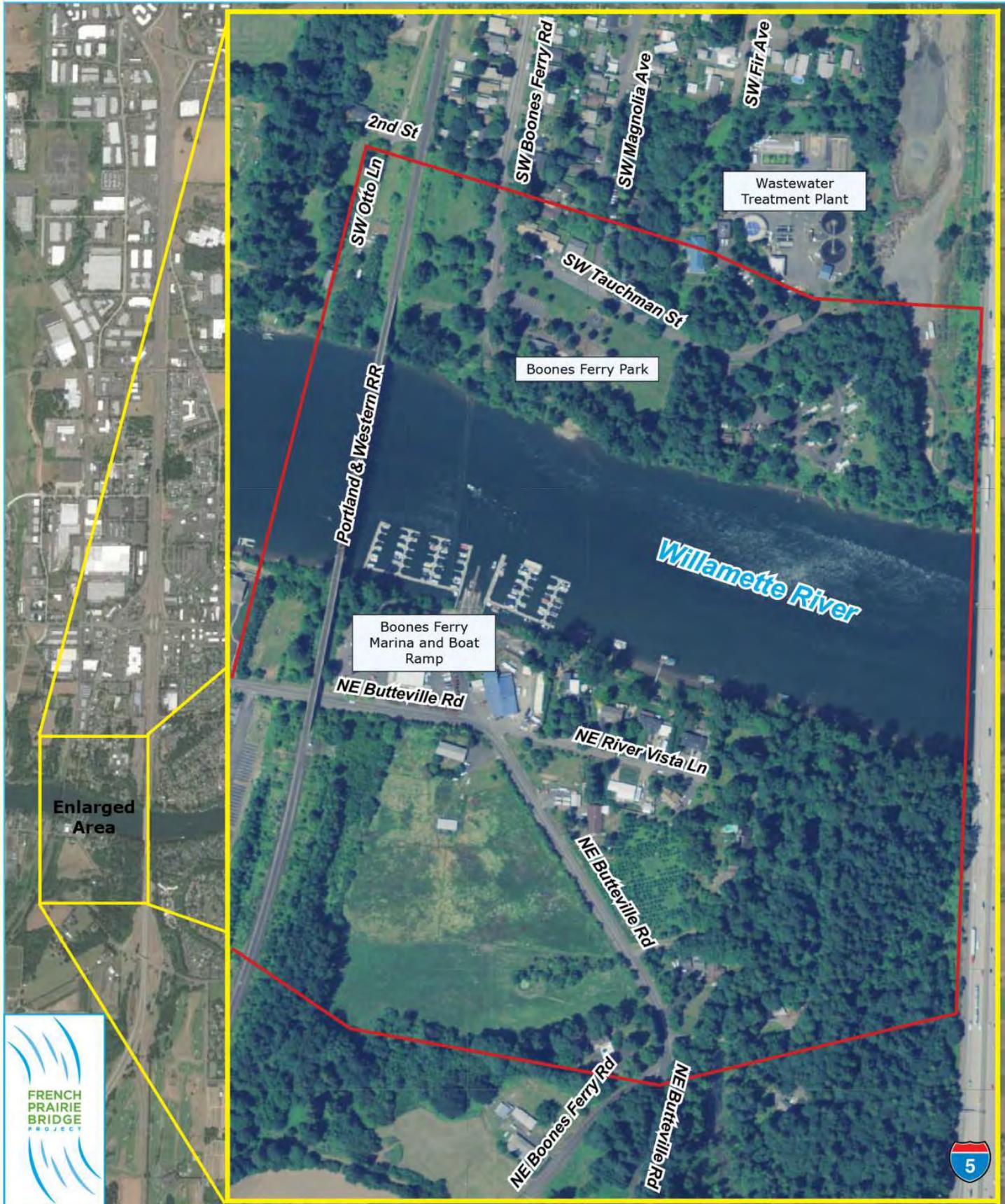


FIGURE 2: TOPOGRAPHY, RIVER, AND UTILITIES

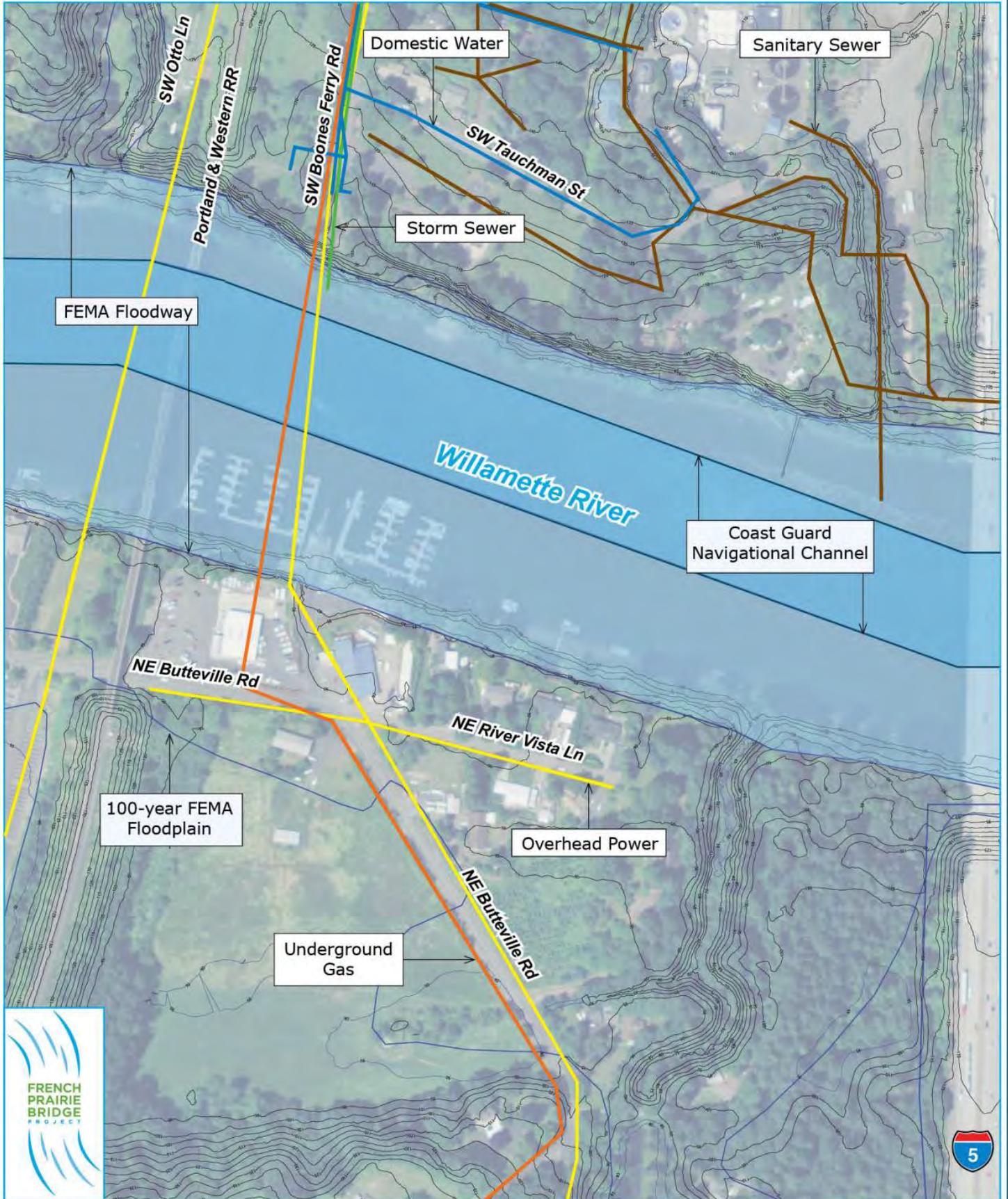
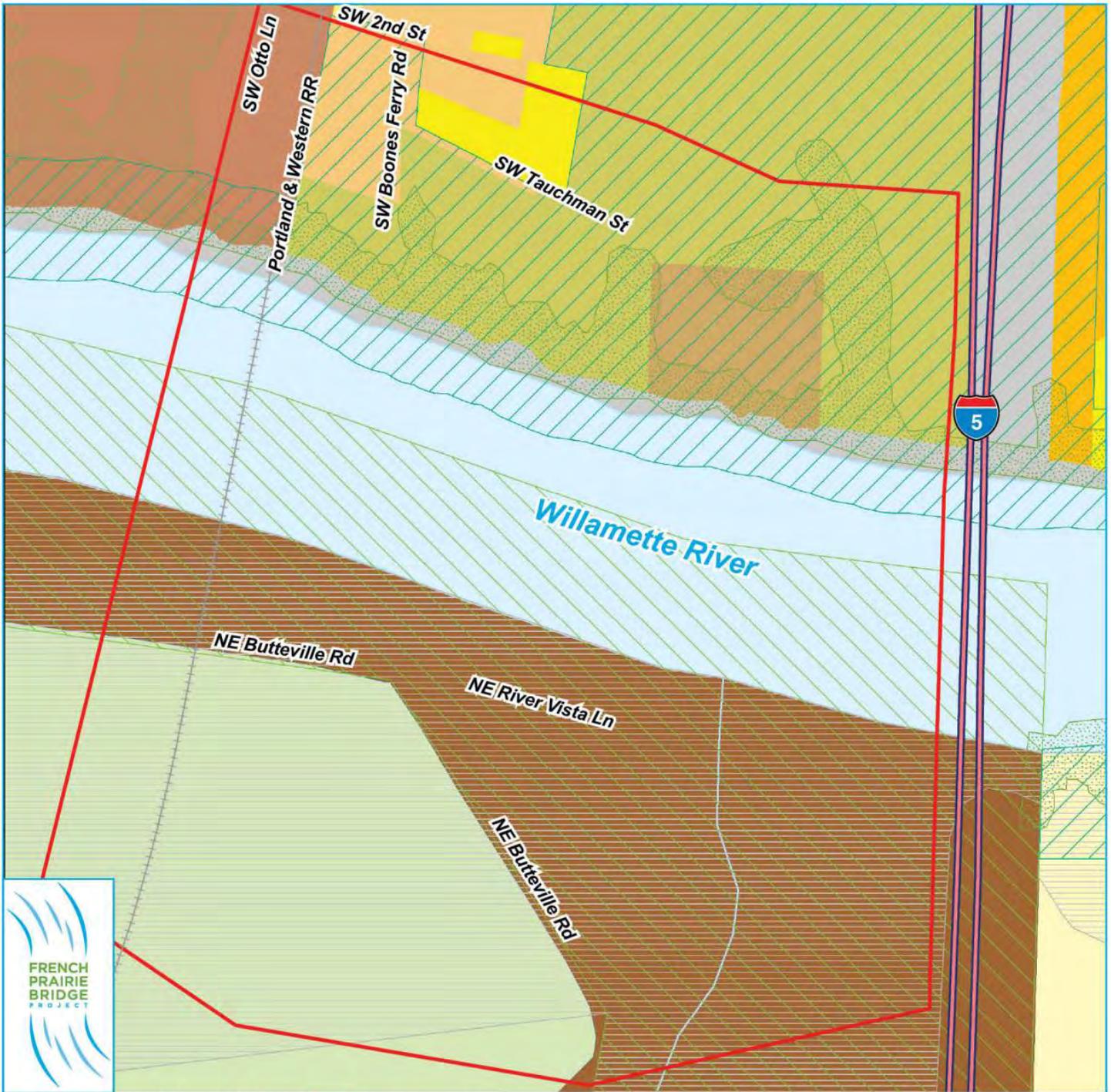


FIGURE 3: ZONING



French Prairie Bridge Area of Potential Impact

Wilsonville Zones

- PDR3: Planned Development Residential - 3
- PDR4: Planned Development Residential - 4
- PDR5: Planned Development Residential - 5
- R: Residential
- Significant Resource Overlay Zone (SROZ)
- Willamette River Greenway

- RAH: Residential Agricultural Holding
- RAHI: Residential Agricultural Holding - Industrial
- RAHP: Residential Agricultural Holding - Public
- RAHR: Residential Agricultural Holding - Residential

Clackamas County Zones

- RRFF5: Rural Residential Farm Forest - 5 Acre
- EFU: Exclusive Farm Use
- Willamette River Greenway
- Floodplain Management District
- Undesignated

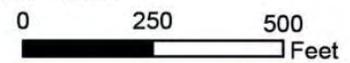


FIGURE 4: SECTION 4(f) LAND - BOONES FERRY PARK



LEGEND

-  SECTION 4(f) RESOURCE
-  BOONES FERRY PARK
-  PLANNED ADDITIONS TO BOONES FERRY PARK

Planned Park

Playground

Basketball Court

Tauchman House

Parking Lot

Planned Park

Open Lawn

Boones Ferry Park

Picnic Area

Gazebo

Restrooms

Playground

FRENCH
PRAIRIE
BRIDGE
PROJECT

FIGURE 5: SECTION 4(f) LAND - BOONES FERRY BOAT LAUNCH

LEGEND

-  SECTION 4(f) RESOURCE (BOONES FERRY BOAT LAUNCH)
-  RIVER CITY BOAT SALES AND MARINA SERVICES

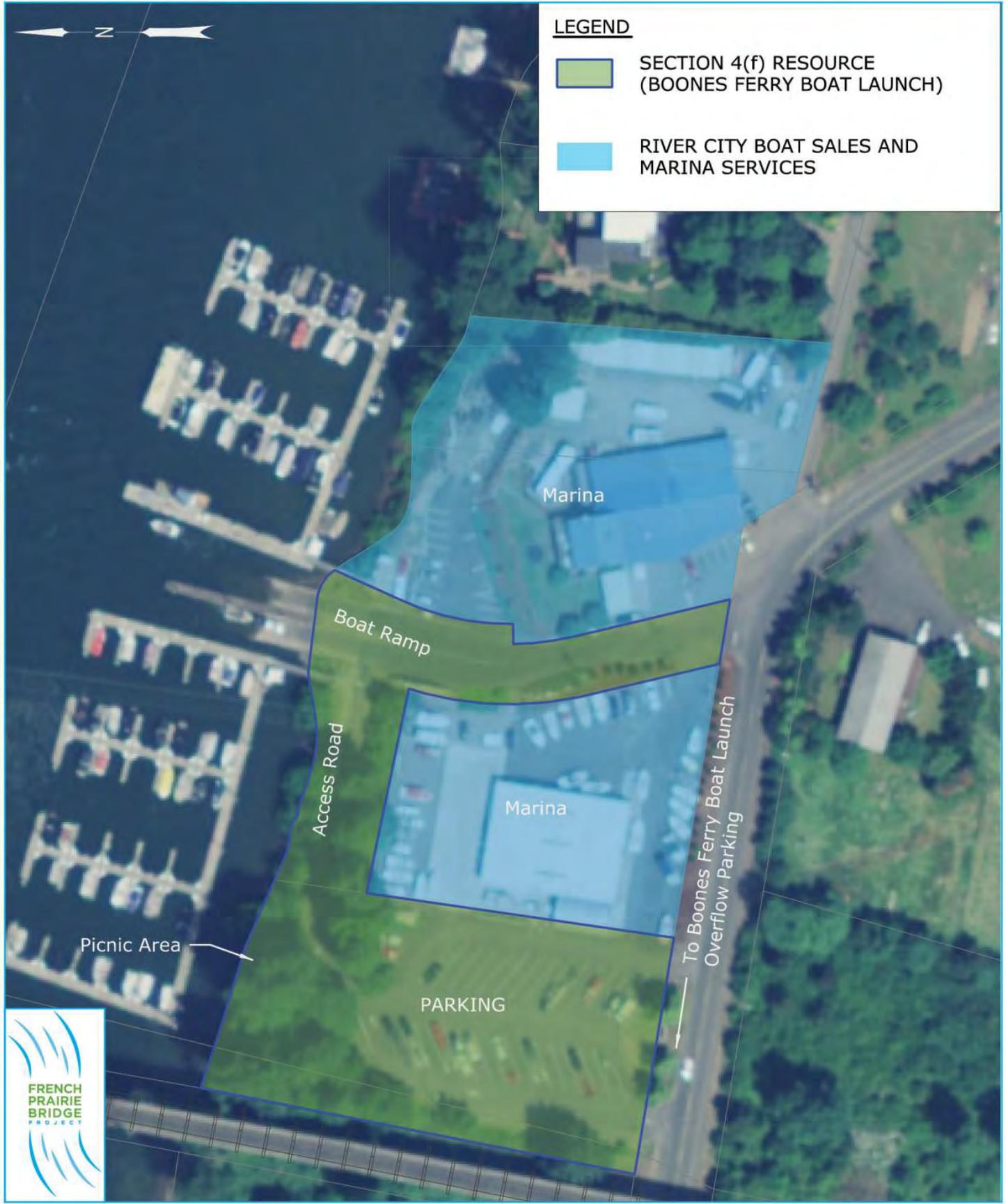


FIGURE 6: LAND SUBJECT TO SECTION 6(f)



LEGEND

	New Boundary
	Old Boundary

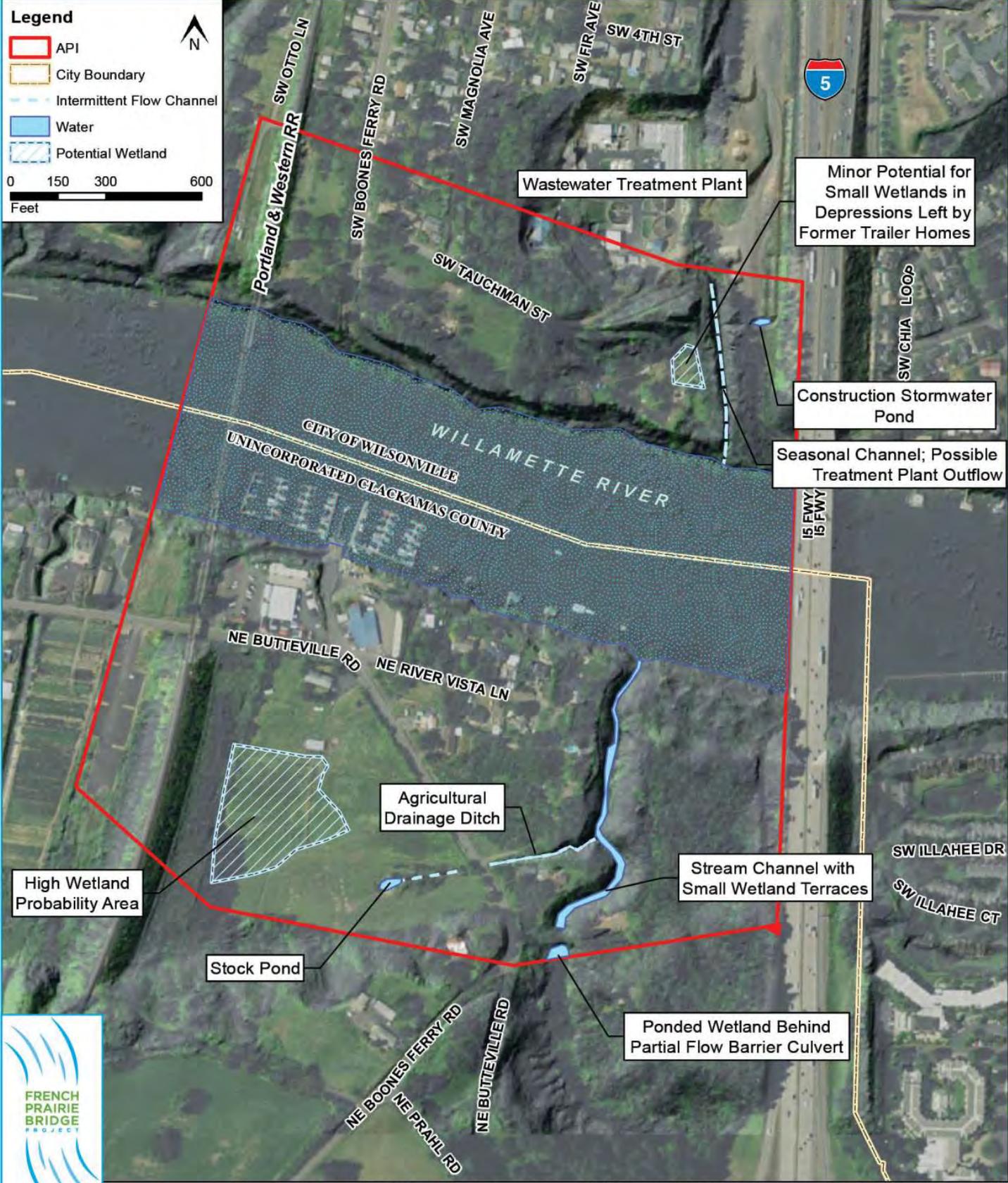


FIGURE 7: WATERS AND POTENTIAL WETLANDS

Legend

- API
- City Boundary
- Intermittent Flow Channel
- Water
- Potential Wetland

0 150 300 600
Feet



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Metro RLIS 2016

FIGURE 8: HISTORIC RESOURCES SURVEY LOCATIONS

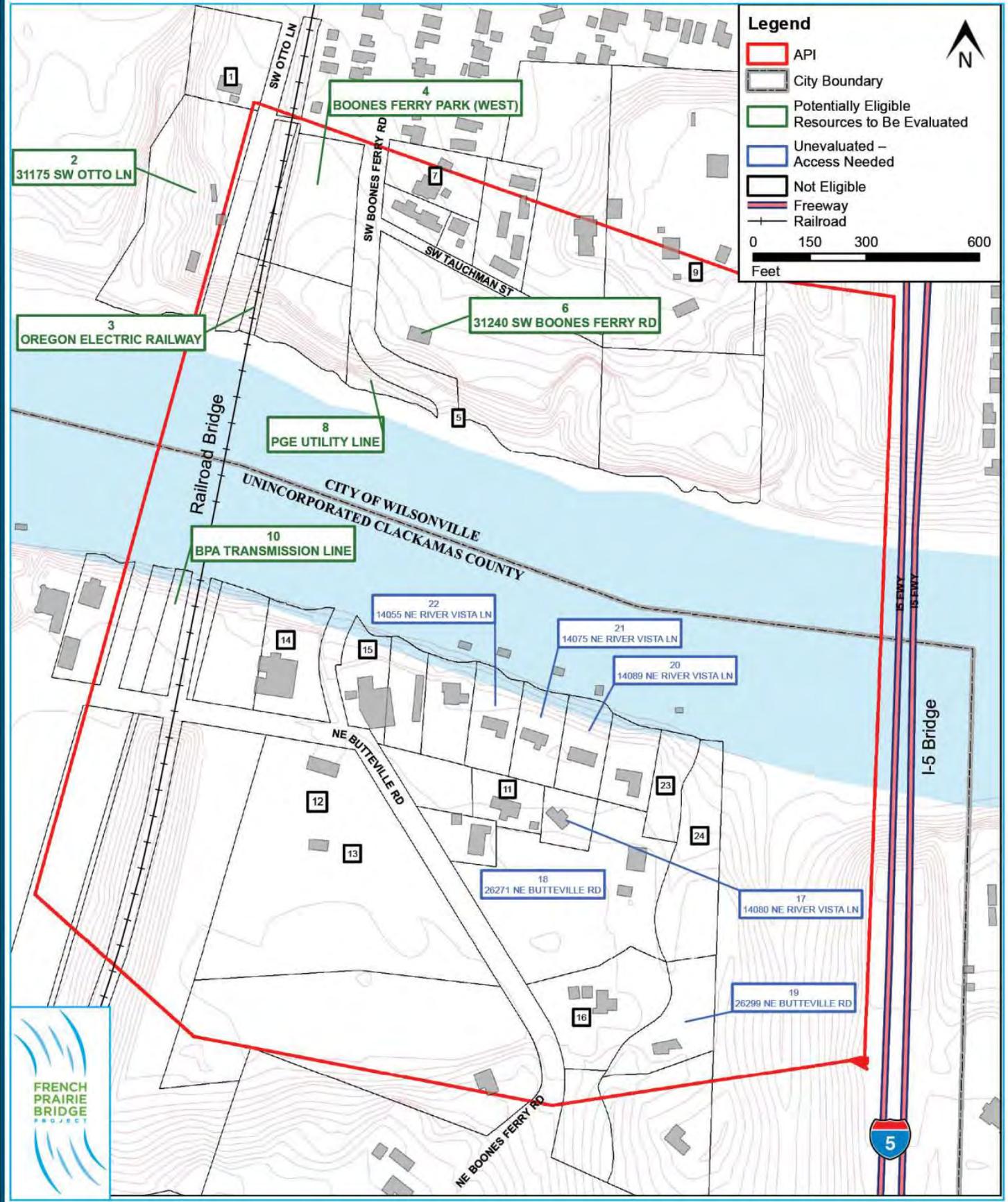




FIGURE 9: BICYCLE AND PEDESTRIAN TRANSPORTATION NETWORK

BICYCLE AND PEDESTRIAN ACCESS

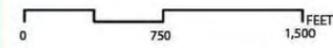
FRENCH PRAIRIE BRIDGE

Legend

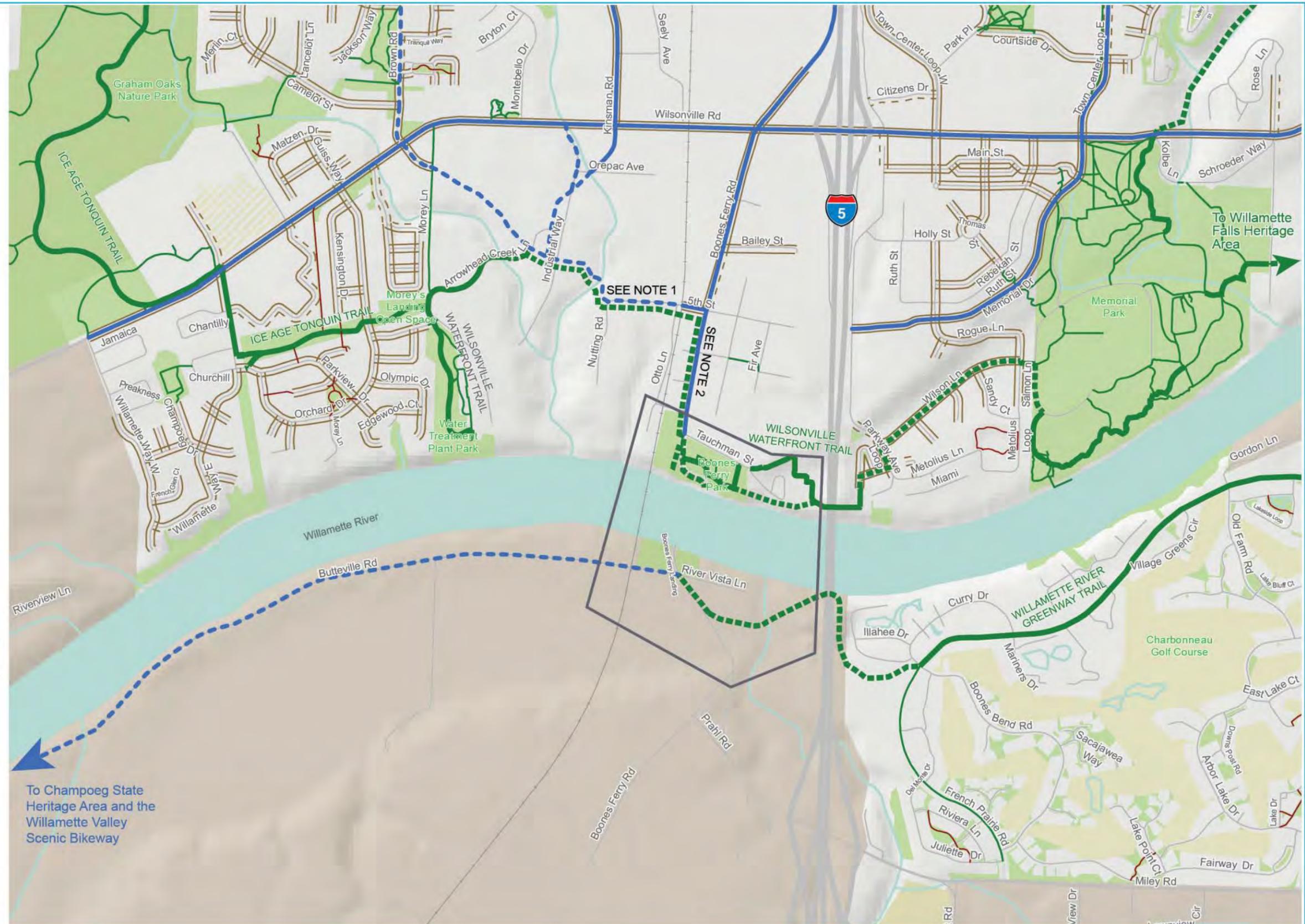
- Existing Regional Trail
- Existing Local Trail
- Existing Private Trail
- Planned Trail
- Railroad
- Existing Bike Lane
- Planned Bike Lane/Shoulder
- Existing Full Sidewalk
- Existing Partial Sidewalk
- Area of Potential Impact
- Park/Open Space
- Outside of UGB
- Golf Course
- School
- Rivers/Streams

Notes:

- 1) The Boones Ferry Road to Brown Road Connector will connect to 5th St.
- 2) Boones Ferry Rd only has bike lanes on the west side of the street south of Bailey St.

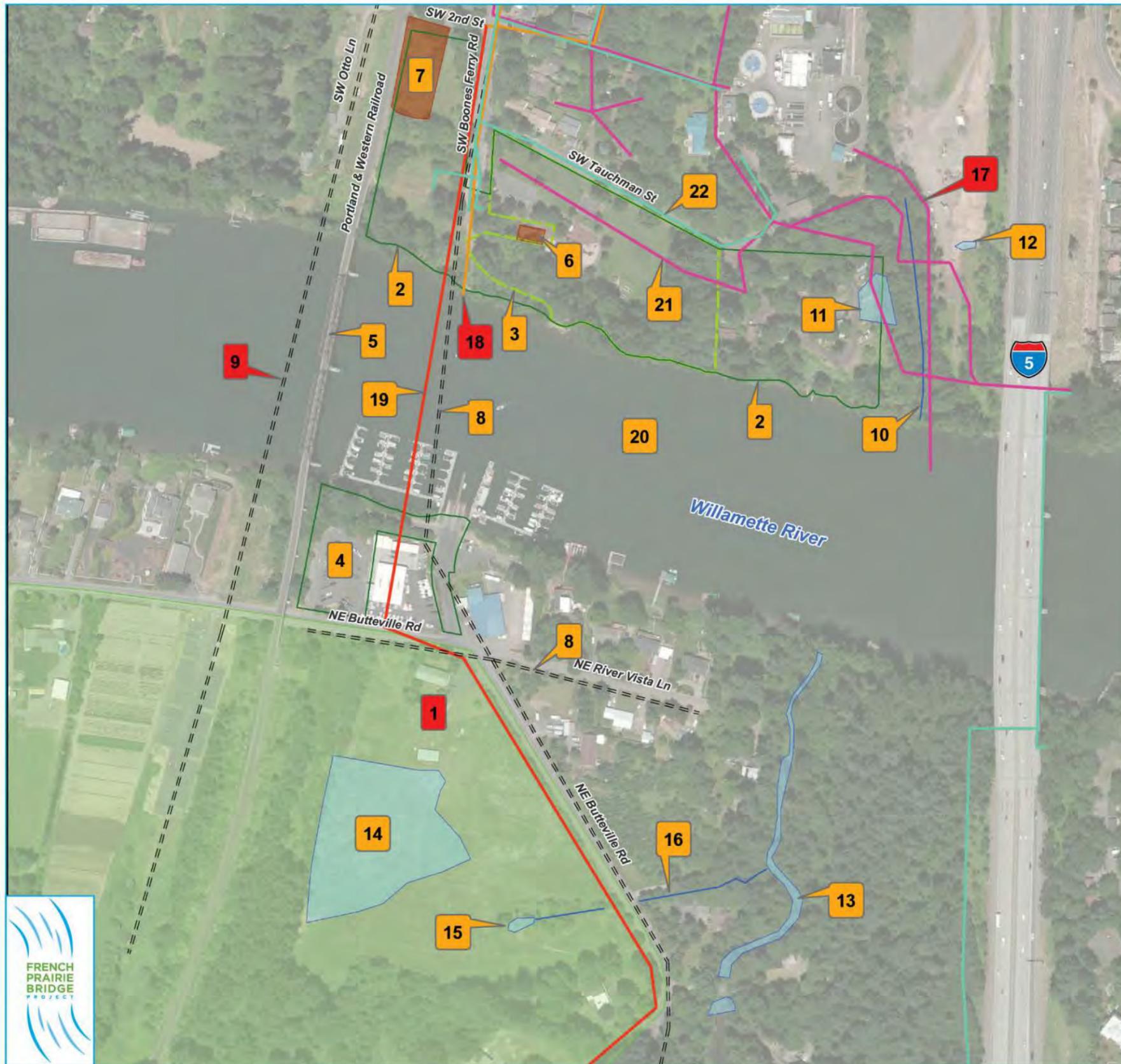


Data provided by RLIS.
Map produced October 2016.



To Champoege State
Heritage Area and the
Willamette Valley
Scenic Bikeway

FIGURE 10: CONSTRAINTS



Legend

- # Moderate risk constraint
- # High risk constraint
- == Overhead power line
- Underground water line
- Underground storm sewer
- Underground sanitary sewer
- Underground gas line
- Stream
- Water (in addition to Willamette River) and potential wetland observable from streets and public land
- Section 4(f) resource
- Section 6(f) resource
- Historic resource
- Exclusive Farm Use zone

Key

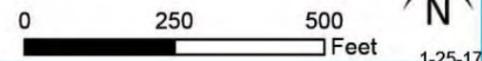
- 1. Land zoned Exclusive Farm Use
- 2. Boone's Ferry Park subject to Section 4(f)
- 3. Boone's Ferry Park subject to Section 6(f)
- 4. Boone's Ferry Boat Launch subject to Section 4(f)
- 5. Portland & Western Railroad
- 6. Tauchman House
- 7. Apple orchard in Boone's Ferry Park
- 8. PGE overhead power lines
- 9. BPA overhead transmission lines
- 10. Ephemeral drainage channel
- 11. Depression left by former mobile homes
- 12. Construction stormwater pond
- 13. Stream channel and associated wetlands
- 14. Possible wetland
- 15. Stock pond
- 16. Agricultural drainage ditch
- 17. Wastewater treatment plant discharge pipe
- 18. Main Old Town storm sewer outfall
- 19. Underground gas transmission lines
- 20. USGS Navigational Channel
- 21. Sanitary sewer lines
- 22. Domestic water mains

Constraints

- 1. State farmland protection laws could exclude bridge, depending on amount of emergency vehicle use.
- 2 and 4. The Federal Highway Administration will have to agree that any use is de minimis pursuant to Section 4(f).
- 3. The National Park Service and Oregon Parks and Recreation Department will have to approve the improvements as recreational enhancements, pursuant to Section 6(f).
- 5 through 7. Impact will require evaluation for eligibility for the NRHP and compliance with Section 106.
- 8. Impact will require evaluation for eligibility for the NRHP and compliance with Section 106 and relocation. PGE will bear relocation cost.
- 9. Impact will require evaluation for eligibility for the NRHP and compliance with Section 106 and relocation. Relocation cost will be high and project will have to pay it.
- 10 through 12, 14 through 16. Impact may require approval of the USACE and/or DSL.
- 13. Impact will require approval of the USACE and DSL.
- 17. Impacts will require replacement of main outfall of City sanitary sewer system.
- 18. Impacts will require replacement. Cost will be high and project will have to pay it.
- 19. Impacts will require relocation of line under river.
- 20. Impacts will require analysis and USACE approval.
- 21 and 22. Impacts will require relocation. Project will bear cost.

Abbreviations

- BPA Bonneville Power Administration
- DSL Oregon Division of State Lands
- NRHP National Register of Historic Places
- PGE Portland General Electric
- USACE U.S. Army Corps of Engineers
- USGS U.S. Coast Guard





**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: May 21, 2018</p>	<p>Subject: Code Updates Regarding Enforcement of Stormwater Regulations.</p> <p>Staff Member: Kerry Rappold, Natural Resources Manager; Steve Adams, Development Engineering Manager; Amanda Guile-Hinman, Assistant City Attorney</p> <p>Department: Natural Resources/Engineering/Legal</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p> <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1st Reading Date: <input type="checkbox"/> Ordinance 2nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda </p>	<p> <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable </p> <p>Comments: Consideration and review of proposed revisions to Wilsonville Code Chapter 8 - Environment.</p>	
<p>Staff Recommendation: N/A</p>		
<p>Recommended Language for Motion: N/A</p>		
<p>Project / Issue Relates To:</p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Council to review and consider revisions to Wilsonville Code (WC) Chapter 8 (Environment) to address issues regarding enforcement of stormwater provisions.

EXECUTIVE SUMMARY:

This Staff Report explains staff's proposal for restructuring Chapter 8, as well as some of the issues concerning erosion prevention and sediment control (ESC) regulation found in WC 8.534.

Chapter 8 does not delineate between enforcement of stormwater as opposed to enforcement of industrial wastewater and sanitary sewer regulations. Because of the specific federal and state laws and regulations for each and the particular permitting needed for each, enforcement should be handled in different, but complementary manners.

The revisions also handle some "housekeeping" within Chapter 8 and remove the provisions related to solid waste and recycling as those matters are addressed in the recently adopted Ordinance No. 814. Attached hereto as **Attachment A** is a redline showing the proposed changes to Chapter 8.

1. Chapter 8 "Housekeeping"

City staff worked to reorganize Chapter 8 to match enforcement provisions with the regulations they enforce. The table below explains the "housekeeping" performed by staff:

Code Section/ Ordinance	Action Taken by Staff	Reason for Action
General Provisions – WC 8.000-8.008	Update 8.006 (definitions)	Added some definitions necessary for clarifying erosion prevention and sediment control and for enforcement of stormwater regulations.
Water Conservation – WC 8.101-8.150	None	N/A
Public Sanitary Sewer Use – WC 8.200-8.214	Update	Housekeeping; minor updates to correct citations to Code provisions and grammatical errors.
Industrial Wastewater Regulations – WC 8.300-8.320	Update	Housekeeping; minor updates to correct citations to Code provisions and grammatical errors.
Solid Waste Disposal – WC 8.400-8.404	Repeal	Housekeeping; incorporated in Ordinance No. 814.
Stormwater – WC 8.500-8.534	Update	8.534 updated to provide clearer requirements for erosion prevention and sediment control and updated 8.536 to enforce stormwater regulations.
Enforcement – WC 8.602-8.606	Update and Replace 8.400-8.404	Minor changes to reflect that the enforcement measures only apply to the regulations in 8.200-8.320. Moved to follow 8.300-8.320 so it logically follows the provisions it seeks to enforce.
Business Recycling Requirements – WC 8.700-8.750	Repeal	Housekeeping, incorporated in Ordinance No. 814.

Code Section/ Ordinance	Action Taken by Staff	Reason for Action
Industrial Pretreatment Program Enforcement Response Plan	Update	Housekeeping; minor updates to correct citations to Code provisions and grammatical errors.
Ordinance 482	Repeal	Requires and regulates ESC permits, which will be incorporated into WC 8.534, so the Ordinance is no longer necessary. Ordinance is outdated.

2. Comprehensive Redrafting of Erosion Prevention and Sediment Control Regulation.

One of the initial reasons that City staff began reexamining WC Chapter 8 was the need to revise WC 8.534 – Erosion Prevention and Sediment Control. Previously, the Erosion Prevention and Sediment Control code referred to the Stormwater Management Coordinator. However, to create a more efficient inspection process, these duties have been reassigned to the Engineering Technicians. Additionally, ESC was previously regulated under Ordinance No. 482. New requirements within the Oregon Department of Environmental Quality (DEQ) Municipal Separate Storm Sewer System (MS4) Permit require the City to issue a permit for any land disturbing activities between 500 square feet and five acres in area, which makes Ordinance No. 482 obsolete.

City staff examined city codes from other jurisdictions and determined that WC 8.534 needed to be expanded to outline the ESC permit requirement, the ESC Plan that a developer must submit to the City, inspection requirements, and revisions necessary to such ESC Plans if erosion is occurring. Attached hereto as **Attachment B** is a chart comparing the City's current ESC regulations and enforcement compared to other jurisdictions.

3. Enforcement of Stormwater Regulations.

The second reason that City staff reexamined WC Chapter 8 was the lack of clarity and usefulness of the enforcement provision found in WC 8.536 to enforce the stormwater regulations found in 8.500 through 8.534. In particular, the current WC 8.536 does not allow for more substantial fines or fines per day when a stormwater violation is ongoing and significant. For example, if a business is found to be discharging contaminated water into the City's stormwater system, they are currently subject to a \$500 fine. These fines are issued by a police officer in the form of a handwritten ticket. An enforcement action last year involved a site where trash seepage and related materials were being discharged into the City's stormwater system for over 25 days. The Stormwater Management Coordinator initially worked with the business, but eventually had to contact the City Attorney and the police department. After 25 days and two visits by a police officer, the discharge was finally stopped. An enforcement procedure that could be implemented more efficiently by staff would provide the City a better mechanism to stop the flow of contaminated stormwater into the City's stormwater system.

The proposed draft of WC 8.536 provides a process for City staff to enforce the stormwater regulations in WC 8.500 through 8.534 and to impose fines that are applicable to the particular violation. In other words, if a minor violation occurs by an individual who may not be well-educated in ESC requirements, a smaller fine may be appropriate versus a sophisticated developer that chooses to disregard ESC standards.

City staff recommend a multi-factor approach to establishing the appropriate fine that can range from \$50 to \$5,000 per offense or, in the case of a continuing offense, up to \$1,000 for each day of the offense. This process is modeled after the City of Corvallis. The factors include:

- (a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
- (b) Any prior violations of statutes, rules, orders and permits;
- (c) The gravity and magnitude of the violation;
- (d) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
- (e) Cost to City;
- (f) The violator's cooperativeness and efforts to correct the violation; and
- (g) Any relevant regulation under the City Code

EXPECTED RESULTS:

Developers will have a better understanding of the City's ESC requirements and City staff will have more clarity in the enforcement of City stormwater regulations.

TIMELINE:

The WC Chapter 8 revisions are scheduled for a first reading and public hearing on June 4, 2018 and a second reading on June 18, 2018.

CURRENT YEAR BUDGET IMPACTS:

No significant budget impacts are expected. Refinement of WC Chapter 8 should not, and is not intended to, cause substantial increases in fines, but rather help encourage compliance before a fine becomes necessary.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 5/14/2018

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 5/10/2018

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Revision of WC Chapter 8 should benefit the community by encouraging compliance with the City's stormwater requirements.

ALTERNATIVES:

Retain WC Chapter 8 as is.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- 1. Attachment A – Redline version of revisions to WC Chapter 8
- 2. Attachment B – Comparison of WC 8.534 regulations to other cities' ESC regulations

WILSONVILLE CODE**CHAPTER 8 - ENVIRONMENT**GENERAL PROVISIONS

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- 8.004 Abbreviations
- 8.006 Definitions
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INDUSTRIAL WASTEWATER REGULATIONS

- 8.300 General Provisions
- 8.301 Applicability
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- 8.316 Publication of Users in Significant Noncompliance
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- 8.320 Pretreatment Charges and Fees

ENFORCEMENT

SOLID WASTE DISPOSAL

- ~~8.400 Garbage – General Regulations~~
- 8.402 ~~Contract Garbage Hauler~~ Administrative Enforcement Remedies
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- 8.406 Supplemental Enforcement Action

STORMWATER

- 8.500 General Provisions
- 8.502 Stormwater System Construction
- 8.504 Use of Public Stormwater System
- 8.506 Public Stormwater System – Property Damage Prohibited
- 8.508 Right of Entry
- 8.510 Discharge of Pollutants
- 8.512 Discharge in Violation of Permit
- 8.514 Waste Disposal Prohibitions
- 8.516 General Discharge Prohibitions
- 8.518 Compliance with Industrial NPDES Stormwater Permits
- 8.520 Compliance with Local, State, and Federal Regulations
- 8.522 Conflicts with Existing and Future Regulatory Requirements of Other Agencies
- 8.524 Accidental Spill Prevention and Control
- 8.526 Notification of Spills
- 8.528 Requirement to Eliminate Illicit Connections
- 8.530 Requirement to Remediate
- 8.532 Requirement to Monitor and Analyze
- 8.534 Erosion Prevention and Sediment Control

- ~~8.536 Stormwater – Violation~~ ENFORCEMENT
- ~~8.602 Administrative Enforcement Remedies~~
- ~~8.604 Judicial Enforcement Remedies~~
- ~~8.606 Supplemental Enforcement Action~~

BUSINESS RECYCLING REQUIREMENTS

- ~~8.700 Definitions~~
- ~~8.710 Purpose~~
- ~~8.720 Business Recycling Requirements~~
- ~~8.730 Exemption from Business Recycling Requirements~~
- ~~8.740 Compliance with Business Recycling Requirements~~
- ~~8.750~~

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INDUSTRIAL PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

Section I	Introduction
Section II	Enforcement Remedies
Section III	Assessment of Administrative Fines
Section IV	Noncompliance Defined
Section V	Range of Enforcement Responses
Section VI	Enforcement Procedures
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Section VIII	Responsibilities of Personnel
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ENVIRONMENT

GENERAL PROVISIONS

8.000 General Provisions – Environment

(1) Chapter 8 of this Code is enacted for the purpose of promoting the general public welfare by ensuring procedural due process in the administration and enforcement of the City's Comprehensive Plan, Design Review, Permitting Process, Building Code, Development Standards and Public Works Standards.

(2) This Chapter shall be known as the Environment Ordinance and includes those ordinances familiarly referred to as the Water Conservation Ordinance, Public Sanitary Sewer Use Ordinance, Industrial Wastewater Ordinance, Storm Water Ordinance, and Garbage Disposal Ordinance, and Environment Enforcement, etc.

8.002 Administration.

Except as otherwise provided herein, the Public Works Director, hereinafter referred to as “Director”, shall administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized representative.

8.004 Abbreviations. The following abbreviations shall have the designated meanings:

(1)	<u>BOD</u>	Biochemical Oxygen Demand
(2)	<u>BMP</u>	Best Management Practices
(3)	<u>BMR</u>	Baseline Monitoring Reports
(4)	<u>CFR</u>	Code of Federal Regulations
(5)	<u>CIU</u>	Categorical Industrial User
(6)	<u>COD</u>	Chemical Oxygen Demand
(7)	<u>DEQ</u>	Oregon Department of Environmental Quality
(8)	<u>US EPA</u>	U.S. Environmental Protection Agency
(9)	<u>gpd</u>	Gallons Per Day
(10)	<u>IU</u>	Industrial User
(11)	<u>mg/l</u>	Milligrams per liter
(12)	<u>NPDES</u>	National Pollutant Discharge Elimination System
(13)	<u>NSCIU</u>	Non-Significant Categorical Industrial User
(14)	<u>O&M</u>	Operation and Maintenance
(15)	<u>POTW</u>	Publicly Owned Treatment Works
(16)	<u>RCRA</u>	Resource Conservation and Recovery Act
(17)	<u>SIC</u>	Standard Industrial Classification
(18)	<u>SIU</u>	Significant Industrial User
(19)	<u>SNC</u>	Significant Non-Compliance
(20)	<u>SWDA</u>	Solid Waste Disposal Act (42 U.S.C. 6901, <u>et seq.</u>)
(21)	<u>TSS</u>	Total Suspended Solids
(22)	<u>USC</u>	United States Code

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8.006 Definitions. For the purpose of this Chapter, the following terms, words, phrases and their derivations shall have the meaning given herein, unless the context specifically indicates otherwise:

(1) Act or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

(2) Applicant. The owner of a property and/or his or her agents, contractors, or developers who applies for an Erosion Prevention and Sediment Control permit pursuant to this Chapter 8.

~~(2)~~(3) Approval Authority. The Oregon Department of Environmental Quality (DEQ).

~~(3)~~(4) Authorized or Duly Authorized Representatives of the User.

(a) If the user is a corporation, authorized representative shall mean:

1) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate or direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulation; can ensure that the necessary systems are established or action taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.

(c) If the user is a Federal, State or local government facility the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in paragraphs (3) (a)-(c) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the City.

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~~(4)~~(5) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter mg/l).

~~(6)~~ Best Management Practices or BMP's ~~means schedules~~. The schedule of activities, controls, prohibition of practices, maintenance procedures, and other management practices designed to prevent or reduce pollution.

~~(a)~~ Erosion and Sediment Control BMPs. BMPs that are intended to prevent erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, sediment fences, and sediment traps and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.

~~(5)~~(b) Pretreatment BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMP's include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP's may also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

~~(6)~~(7) Building Drain. Shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the exterior walls of the buildings and which conveys it to the building sewer, which begins five (5) feet (1.524 meters) outside of the building exterior wall.

~~(7)~~(8) Building Sewer (Sanitary). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a building drain and that receives the sewage discharge of the building drain and conveys it to a public sanitary sewer, private sanitary sewer, private sewage disposal system, or other point of disposal (aka sanitary sewer lateral)..

~~(8)~~(9) Building Sewer (Storm). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a building drain and that receives the stormwater or other approved drainage, but no sewage discharge from a building drain, and conveys it to a public stormwater system, private stormwater system or other point of disposal (aka storm sewer lateral).

~~(9)~~(10) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S. C. 1317) that applies to a specific category of users and that appears in 40 CFR Chapter I, Subchapter N, Parts 405-471, incorporated herein by reference.

~~(10)~~(11) Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

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~~(11)~~(12) Chemical Oxygen Demand (COD). A measure of oxygen required to oxidize all compounds, both inorganic and organic in water. COD is expressed as the amount of oxygen consumed from chemical oxidant in mg/l during a specific test.

~~(12)~~(13) City. The City of Wilsonville, Oregon or the City Council of Wilsonville, Oregon or a designated representative of the City of Wilsonville, Oregon.

~~(13)~~(14) City Authorized Representative for Stormwater. A Representative selected by the Community Development Director to oversee stormwater activities and enforcement.

~~(15)~~ City Manager. The City Manager for the City of Wilsonville, other designated authority charged with the administration and enforcement of this Chapter, or the City Manager's duly authorized representative.

~~(14)~~(16) Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

~~(15)~~(17) Combined Sewer. Shall mean a sewer receiving both surface runoff and sewage.

~~(16)~~(18) Commercial. Shall mean for the purposes of this Chapter, all buildings or structures of which are not designed for the purposes of these sections as residential or industrial in keeping with the City's zoning and building code provisions. Commercial when used in the context of this chapter's pretreatment standards shall mean industrial.

~~(17)~~(19) Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on either an increment of flow or time.

~~(18)~~(20) Contractor. Shall mean a person or persons, corporation, partnership or other entity who is a party to an agreement with the City.

~~(19)~~(21) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added, is heat.

~~(20)~~(22) Control Authority. The City of Wilsonville, Oregon or designated representative of the City, tasked with the administration of this Chapter.

~~(21)~~(23) Customer. Shall mean any individual, firm, company, association, society, corporation, group or owner, who receives utility services from the City such as water, sanitary sewer, stormwater and streetlights.

~~(22)~~(24) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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~~(23)~~(25) Daily Maximum Limits. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measure of the pollutant concentration derived from all the measurements taken that day.

~~(24)~~(26) Department of Environmental Quality or DEQ. The Oregon Department of Environmental Quality or where appropriate, the term may also be used any duly authorized official of the Department.

~~(25)~~(27) Director. The City of Wilsonville Public Works Director for the City of Wilsonville or designated representative of the Director.

~~(26)~~(28) Discharge. The discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d), of the Act.

~~(27)~~(29) Environmental Protection Agency or EPA. The US Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, the Regional Administrator or other duly authorized official of said agency.

(30) Erosion. The movement of soil, rocks, and other surface materials by wind, water, or mechanical means.

(31) Erosion Prevention and Sediment Control (ESC). Any temporary or permanent measures taken to reduce Erosion, control siltation and sedimentation, and ensure that Sediment-laden water does not leave a site.

(32) Erosion Prevention and Sediment Control Plan (ESC Plan). Standards found within this chapter and set forth in the Clackamas County Water Environment Services' most current version of the "Erosion Prevention and Sediment Control Planning and Design Manual" for all erosion and sediment control measures.

~~(28)~~(33) Existing Source. Any source of discharge that is not a "new source".

~~(29)~~(34) Garbage. Shall mean all refuse and solid wastes, including ashes, rubbish in cans, debris generally, dead animals, street cleaning and industrial wastes and things ordinarily and customarily dumped, solid wastes from domestic and commercial preparation, cooking and dispensing food, and from the handling, storage and sale of product, but not including source separated recyclable material purchased from or exchanged by the generator for fair market value for recycling sewage and body waste.

~~(30)~~(35) Grab Sample. A sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream over a period of time not to exceed 15 minutes.

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~~(31)~~(36) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

~~(32)~~(37) Illicit Discharge. Any discharge to the public or natural stormwater conveyance system that is not composed entirely of stormwater, except discharges governed by and in compliance with an NPDES permit.

~~(33)~~(38) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from a non-domestic source.

~~(34)~~(39) Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

~~(35)~~(40) Industrial. Shall mean in the context of building sanitary sewer permits and connections, all buildings or structures in which a product is manufactured, stored, or distributed, or any combination of the above in keeping with the ~~City's~~City's zoning and building code provisions. It shall otherwise mean in the context of this Chapter for pretreatment standards, non-domestic.

~~(36)~~(41) Industrial User. A source of indirect discharge.

~~(37)~~(42) Industrial Wastewater. Any non-domestic wastewater originating from a nonresidential source.

~~(38)~~(43) Interference. A discharge, which, alone or in conjunction with a discharge or discharges from other sources:

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes; use or disposal; and
- (b) Therefore is a cause of a violation of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or any more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

(44) Land Development. Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located or storage of equipment or materials located within the area of special flood hazard. A Land Development may encompass one or more tax lots.

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~~(39)~~(45) Local Limits. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in this Chapter.

~~(40)~~(46) Maximum Allowable Headwork's Loading. The maximum pollutant loading that can be received at the headwork's of the POTW and be fully treated to meet all disposal limits and without causing interference. This value is calculated in the derivation of Technically Based Local Limits.

~~(41)~~(47) Major Sanitary Sewer Line Extension. Shall mean the extension of a sanitary mainline that is, or will be, located within public rights-of-way or dedicated easements.

~~(42)~~(48) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

~~(43)~~(49) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during the month.

~~(44)~~(50) Monthly Average Limits. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

~~(45)~~(51) National Pretreatment Standard. National pretreatment standard is defined in 40 CFR 403.3(l) as any regulation containing pollutant discharge limits promulgated by EPA under Section 307(b) and (c) of the Clean Water Act applicable to users, including the general and specific prohibition found in 40 CFR 403.5.

~~(46)~~(52) Municipal Separate Storm Sewer System (MS4). A system of ~~convenyanees~~conveyances, including roads, ditches, catch basins, and storm drains that are owned or operated by a public entity.

~~(47)~~(53) New Source.

(a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of Proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are hereafter promulgated in accordance with that section provided that:

- 1) The building, structure, facility or installation is constructed at a site at which no other source is located; or

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2) The building, structure, facility or installation completely replaces the process of production equipment that causes the discharge of pollutants at the existing source or

3) The production of wastewater generating processes of the buildings, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a) (1), (2) of this section but otherwise alters, replaces or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1) Begun, or caused to begin as part of a continuous on-site construction program;

a) Any placement, assembly, or installation of facilities or equipment; or

b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities for equipment or

2) Entered into a binding or contractual obligation for the purchase of facilities of equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

~~(48)~~(54) Non-contact Cooling Water. Water used for cooling that does not come into contact with any raw material, intermediate product, waste product or finished product.

~~(49)~~(55) NPDES Stormwater Permit. A National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).

~~(50)~~(56) NPDES Waste Discharge Permit. A National Pollutant Discharge Elimination System permit issued pursuant to ORS 468B.050 and the Federal Clean Water Act.

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~~(51)~~(57) Official. Shall be the Building Official for the City of Wilsonville.

~~(52)~~(58) Owner. Shall mean the person(s) who may hold title to or lease the property for which water service has or will be provided.

~~(53)~~(59) Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the City's NPDES Permit (including an increase in the magnitude or duration of a violation).

~~(54)~~(60) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, state, or local governmental entities.

~~(55)~~(61) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

~~(56)~~(62) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

~~(57)~~(63) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration in the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration may be obtained by physical, chemical or biological processes, by process changes or by other means except by diluting the concentration of the pollutant unless allowed by the applicable Pretreatment Standard.

~~(58)~~(64) Pretreatment Requirement. Any substantive or procedural requirements related to the pretreatment, other than national pretreatment standards, imposed on an industrial user.

~~(59)~~(65) Pretreatment Standard or Standard. Prohibited discharge standards, categorical Pretreatment standards and Local Limits.

~~(60)~~(66) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain types or characteristics of wastewater as established by EPA, DEQ, and/or the Director.

~~(61)~~(67) Properly Shredded Garbage. Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be

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carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.

~~(62)~~(68) Public Sewer. Shall mean a sewer, either sanitary or storm, in which all the owners of abutting property have equal rights, and which is controlled by public authority.

~~(63)~~(69) Public Stormwater System. A stormwater system owned or operated by the City of Wilsonville.

~~(64)~~(70) Publicly Owned Treatment Works or POTW. A “treatment works” as defined in Section 212 of the Act, (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in collection, storage, treatment, recycling and reclamation of sewage, or industrial wastes, and any conveyances which convey wastewater to a treatment plant or other point of discharge. The term also means the municipal entity having responsibility for the operation and maintenance of the system.

~~(65)~~(71) Public Works Director. The person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Chapter or their duly authorized representative.

~~(66)~~(72) Residential. Shall mean for the purposes of this Chapter, building sewers and connections, buildings or structures, which are built to be occupied for living purposes in keeping with the City’s zoning and building code provisions.

~~(67)~~(73) Residential Users. Persons only contributing sewage wastewater to the municipal wastewater system.

~~(68)~~(74) Receiving Stream or Water of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Oregon or any portion thereof.

~~(69)~~(75) Sanitary Sewer. Shall mean a City sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

~~(76)~~ Sediment. Mineral or organic matter generated as a result of Erosion.

~~(70)~~(77) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

~~(71)~~(78) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

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~~(72)~~(79) Sewer. Shall mean a pipe or conduit for carrying sewage in the case of sanitary (wastewater) sewer lines. Shall mean a pipe or conduit for carrying stormwater runoff, surface waters or drainage in the case of storm water lines.

~~(73)~~(80) Sewer Lateral. See Building Sewer – Sanitary and Storm definitions.

~~(74)~~(81) Significant Industrial User.

(a) Except as provided in paragraph (b) of this section, the term Significant Industrial User means:

- 1) An industrial users subject to Categorical Pretreatment Standards or
- 2) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow-down wastewater); contributes a process waste stream which makes up 5 per cent of more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6).

(b) The City may determine that an Industrial User subject to the categorical Pretreatment Standards is a Non-significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met.

- 1) The Industrial User, prior to City's findings, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- 2) The Industrial User annually submits the certification statement required in Section 8.310(14) together with any additional information necessary to support the certification statement; and
- 3) The Industrial User never discharges any untreated concentrated wastewater.

(c) Upon finding that an industrial user meeting the criteria in paragraph (a)(2) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and

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in accordance with CFR 403.8(F)(6), determine that such industrial user is not a significant industrial user.

~~(75)~~(82) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration which has the potential to cause a violation of the specific discharge prohibitions of this article. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, Local Limits of Permit conditions.

~~(76)~~(83) State. State of Oregon.

~~(77)~~(84) Storm Drain. (Sometimes termed "storm sewer"). Shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling waters.

~~(78)~~(85) Stormwater. Any flow occurring during or following any form of natural precipitation and resulting there from, including snow melt.

~~(86)~~ Summary Abatement. An abatement of a violation by the City pursuant to WC 8.536(13), or a contractor employed by the City, by removal, repair, or other acts necessary to abate the violation and without notice to the Applicant, agent, or occupant of the property, except for the notice required by this Section.

~~(79)~~(87) Suspended Solids or Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid which is removable by laboratory filtering.

~~(80)~~(88) Toxic Pollutant. One of the pollutants or combination of those pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provision of Section 307 (33 U.S.C. 1317) of the Act.

~~(81)~~(89) Treatment Plant Effluent. Any discharge of pollutants from the POTW into waters of the state.

~~(82)~~(90) User or Industrial User. Any person who contributes, or causes or allows the contribution of sewage, or industrial wastewater into the POTW, including persons who contribute such wastes from mobile sources.

~~(91)~~ Visible and Measurable Erosion and Sediment.

~~(a)~~ Sloughing, mud flows, gullies, rills, Sediment-laden water, or other Erosion that has occurred or is likely to occur.

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(b) The presence of deposits or tracking of Sediment exceeding one half cubic foot in volume at any one time on public or private streets, in drainage systems, and/or on adjacent property.

(c) In streams or drainage systems, an increase in total suspended solids and/or turbidity relative to a control point immediately upstream of the discharge point of the Sediment-generating activity.

(d) Offsite airborne debris clearly visible to the eye, including but not limited to dust, as determined by City Manager or designee.

~~(83)~~(92) Wastewater. The liquid and water-carried industrial wastes, or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the municipal wastewater system.

~~(84)~~(93) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

~~(85)~~(94) Water is water from the City water supply system

~~(86)~~(95) Water Course. Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

8.008 Miscellaneous Provisions

(1) Pretreatment Charges and Fees. The City may adopt, from time to time, by Administrative Authority, in the City's Master Fee Schedule reasonable charges and fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include;

(a) Fees for permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by industrial users;

(c) Fees for reviewing and responding to accidental discharge procedures and construction;

(d) Fees for filing appeals;

(e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, system development charges, fines and penalties chargeable by the City.

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(2) Non-exclusivity. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director may take other action against any industrial user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any non-compliant industrial user.

WILSONVILLE CODE**ENVIRONMENT****WATER CONSERVATION****8.101 Declaration of Emergency**

A. When the City Water supply has become, or is about to become, depleted to such an extent as to cause a serious water shortage in the City, the Mayor shall have the authority to declare an emergency water shortage and to direct that the provision of Section 8.101, 8.102 and 8.130 of this article of the Code be enforced.

- B. In the event the Mayor is unavailable to declare an emergency, the following shall be the order of succession of authority, based upon availability:
- a. The President of the Council;
 - b. Any other council person;
 - c. The City Manager;
 - d. The Public Works Director

8.102 Notice of Declaration of Emergency

When a declaration of emergency is announced by the Mayor, the City Manager shall make the declaration public in a manner reasonably calculated to provide reasonable notice to the public. This provision shall not be construed as requiring personal delivery or service of notice or notice by mail.

8.108 Standards – Purpose.

This Section is established because during the summer months and in other times of emergency there is or may be insufficient water in the City water supply system to allow irrigation and other uses of water at all times by all parties; and the level of water supplied by the City is at certain times dangerously low; and it is imperative to the public well-being that certain uses of water not essential to health, welfare and safety of the City be restricted from time to time.

8.112 Standards – Application.

The provisions of this Section shall apply to all persons using water, both in and outside the City, regardless of whether any person using water shall have a contract for water services with the City.

8.114 Standards – Wasted Water.

(1) Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the City may discontinue the service if such conditions are not corrected after due notice by the City.

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(2) Water shall not be furnished except through a meter to any premises where there are defective or leaking pipes, faucets, closets or other fixtures, or where there are water closets or urinals without self-closing valves and, when such leakage or other defects are discovered and not corrected, the City may discontinue service after giving due notice and until repairs are made. If significant deficiencies are not corrected in a timely manner, as defined by the Public Works Director, the City may introduce enforcement action in conformance with Section 8.150 Violations.

(3) Water must not be allowed to run to waste through any faucet or fixture or kept running any time longer than actually necessary. Sprinkling of lawns, gardens, and parking strips shall be confined to what is actually needed and no running to waste on sidewalks, streets, and gutters shall be permitted. When any such waste is discovered, the water service to the premises may be discontinued.

8.116 Section Not Used

8.118 Standards – General.

(1) In all new construction and in all repair and/or replacement of fixtures or trim, only fixtures or trim not exceeding the following flow rates and/or water usage shall be installed. These rates are based on a pressure at the fixture of 40 to 50 PSI.

Water closets, tank type	–	1.6 gallons per flush.
Water closets, flush-o-meter type	-	1.6 gallons per flush
Urinals, tank type	-	1.0 gallons per flush
Shower heads	-	2.5 GPM
Lavatory, sink faucets	-	2.5 GPM
Metered faucets	-	0.25 gallons per use

(2) Faucets on lavatories located in restrooms intended for the transient public in service stations, park toilet rooms, train stations and similar facilities shall be metering or self-closing.

(3) Any water connective device or appliance requiring a continuous flow of five GPM or more and not previously listed in this section shall be equipped with an approved water recycling system.

8.120 Section Not Used

8.130 Use of Water During Emergency – Prohibited Uses of Water.

(1) When a declaration of emergency is announced and notice has been given in accordance with this Section, the use and withdrawal of water by any person may be limited and include prohibition of the following:

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- (a) Sprinkling, watering or irrigating shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers or any other vegetation.
- (b) Washing automobiles, trucks, trailers, trailer houses, railroad cars, or any other type of mobile equipment
- (c) Washing sidewalks, driveways, filling station aprons, porches and other surfaces.
- (d) Washing the outside of dwellings, washing the inside or outside of office buildings.
- (e) Washing and cleaning any business or industrial equipment and machinery.
- (f) Operating any ornamental fountain or other structure making a similar use of water.
- (g) Maintaining swimming and wading pools not employing a filter and re-circulating system.
- (h) Permitting the escape of water through defective plumbing.

8.132 Use of Water During Emergency – Exemptions.

At the discretion of the Mayor, one or more of the uses specified in Section 8.130 may be exempted from the provisions of this section. The exemption shall be made public as provided in Section 8.102 of this Chapter.

8.134 Use of Water During Emergency – Length of Restriction.

The prohibition shall remain in effect until terminated by an announcement by the Mayor in accordance with Sections 8.102.

8.136 Use of Water During Emergency – Declaration Period.

(1) The Mayor shall cause each declaration made by him pursuant to Sections 8.101 to 8.150 to be publicly announced by means of posting notice in three (3) public and conspicuous places in the City, and he may cause such declaration to be further announced in a newspaper of general circulation within the City when feasible. Each announcement shall prescribe the action taken by the Mayor, including the time it became or will become effective, and shall specify the particular use for which the use of water will be prohibited.

(2) Whenever the Mayor shall find the conditions which gave rise to the water prohibition in effect pursuant to Sections 8.101 to 8.150 no longer exist, he may declare the prohibition

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terminated in whole or in part in the manner prescribed by these sections, effectively immediately upon announcement.

(3) The Mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section, and this includes the notice of termination, both in whole or in part.

8.140 Authority of Officer.

Any police officer of the City, Clackamas County or designated employee of the City may enter the premises of any person for the purpose of shutting off or reducing the flow of water being used contrary to the provisions of Sections 8.101 to 8.150.

8.150 Penalties.

A person convicted of a violation of any provisions of Sections 8.101 to 8.140 shall be punished upon a first conviction thereof for a violation pursuant to Section 1.012, and upon a subsequent conviction thereof for a Class C Misdemeanor pursuant to Section 1.011. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

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PUBLIC SANITARY SEWER USE

8.200 Public Sanitary Sewer Use – General Provision

(1) —Purpose. Provides for the required use of public sanitary sewer facilities except as otherwise set forth, for the regulation of the building of and connection to public sanitary sewer facilities and for the uniform regulation of indirect discharge to the Publicly Owned Treatment Works (POTW) through the issuance of permits to certain non-domestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Application to Users within and outside of City limits. Provisions of this article shall apply to users within the City limits and to users outside the City limits who, by contract or agreement with the City, are included as users of the municipal wastewater system.

8.202 Use of Public Sanitary Sewer Required. Except as herein provided in this chapter:

(1) It shall be unlawful for any person to place, deposit or permit to be deposited in any manner as described herein on public or private property within the City of Wilsonville, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

(2) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(3) The owner of any house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way, in which there is now located or may in the future be located, a public sanitary sewer of the City, is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this section of the Code within ninety (90) days after the date of official notice to do so, provided that said public sanitary sewer for the residential use is within three hundred (300) feet of the property. Commercial and industrial buildings or structures shall connect no matter what the distance is from the public sanitary sewer to the property to be served.

8.204 Private Sewage Disposal.

(1) Where a public sanitary sewer is not available under the provisions of Section 8.202(4~~3~~), the building sewer shall be connected to a private sewage disposal system.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City.

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(a) The application for such permit shall be made on a form furnished by the City, and shall be supplemented by any plans, specifications and other information as are deemed necessary by the City. The appropriate Type B Construction Permit and plan check fee shall be paid by the City at the time the application is filed.

(b) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. Inspection of the work in any stage of construction shall be allowed and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the City.

(3) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations to the Oregon State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to discharge any natural outlet. If it is determined by the City that a health hazard would be created or that the soil is unable to transfer the sewage runoff through the soil as an effective means of treatment of sewage disposal, the City shall reject the septic or private sewage disposal system, and require, at the owner's expense, construction of an adequately sized sanitary sewer line as approved by the City to connect to an existing public sanitary sewer system. The owner shall construct the sanitary sewer by those requirements of the Public Works Standards of the City of Wilsonville

(4) At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in Section 8.202(43), a direct connection shall be made to the public sanitary sewer in compliance with this Code, and any septic tanks, cesspools and similar disposal facilities shall be removed or opened and filled with sand or gravel in accordance with the Oregon Plumbing Specialty Code.

(5) Where existing buildings are too low to be served by gravity by an available sanitary sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the City under Section 8.202(43), approved pumping facilities shall be installed to pump the septic tank effluent to the available sanitary sewer system.

(6) The owner shall operate and maintain private sewage disposal or pumping facilities in a sanitary manner at all times, at no expense to the City.

8.205 Conflict

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by State health officials.

WILSONVILLE CODE**8.206 Buildings Sanitary Sewers and Connections.**

(1) No unauthorized person shall uncover, make any connections to or opening into, use, alter or disturb any sanitary sewer lateral or appurtenance thereof without first obtaining a written permit from the Building Official. In each case, the owner or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the official.

(2) There shall be three (3) classes of building sanitary sewer lateral permits:

- (a) Residential, Single, and Multifamily,
- (b) Commercial; and
- (c) Industrial Service.

(3) All costs and expenses incident to the installation and connection of the building sanitary sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of the building sanitary sewer.

(4) A separate and independent building sanitary sewer shall be provided for every building; except, however, when one building stands at the rear of another on an interior lot and no private sanitary sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, then the building sanitary sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sanitary sewers may be used in connection with new buildings only when they are found, on examination or through tests, by the Official, to meet all requirements of this Code Chapter.

(6) The size, slope, alignment, construction material of a building sanitary sewer, and the methods to be used excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Oregon Structural Specialty Code and the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

(7) Whenever possible, the building sanitary sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sanitary sewer.

(8) No person shall make connection of roof down spouts, areaway drains, or other sources of stormwater runoff to a building sanitary sewer or sewer drain which, in turn, is connected directly or indirectly to the public sanitary sewer.

(9) The connection of the building sanitary sewer into the public sanitary sewer shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City. All such connections shall be made

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gas-tight and water-tight. Any deviation from prescribed procedures and materials must be approved by the Building Official before installation.

(10) The applicant for the building permits shall notify the Building Official when the building sanitary sewer is ready for inspection. The connection shall be made under the supervision of the Building Official or designated representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the applicant's or owner's expense in a manner satisfactory to the City, in accordance with adopted Public Works Standards.

(11) All excavations for building sanitary sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(12) The property owner is responsible for the maintenance, repair and replacement of the sanitary sewer lateral from the building to the sanitary sewer main. Sewer lateral maintenance work, which, as used herein, includes pipe clean-out, clog removal, root removal, foaming and any other work or protocol required to ensure proper flow. Repair and replacement work for the sewer lateral shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.

8.206 Equipment and/or Vehicle Washing Facilities

(1) Equipment and/or Vehicle wash areas shall be covered

(2) Equipment and/or Vehicle washing facilities shall be equipped with a water recycling system approved by the Public Works Director.

(3) Best available technology shall be utilized for the pretreatment system of any drainage to the sanitary sewer system.

(4) No coin operated equipment and/or vehicle washing facilities shall be installed or used until plans have been submitted to and approved by the City. The plans shall show the method of connections to an approved pretreatment system before discharging into the sanitary sewer system, disposal of rain or surface water and the protection of the potable water system. No rain or surface water shall be conveyed to or through the sanitary sewer system.

8.208 Use of Public Sanitary Sewers.

(1) No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb, any public sewer or appurtenance thereof without first obtaining a written permit from the City.

(3) When required by the City, the owner of any property serviced by a building sanitary sewer carrying industrial wastes or large quantities of discharge shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sanitary sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when

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required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

(4) All measurements, tests and analysis of the characteristics of water wastes to which reference is made in this chapter of the Code shall be determined in accordance with the current edition of the "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon testing of suitable samples taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sanitary sewer to the point at which the building sanitary sewer is connection. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. When customary measurement for BOD characteristics is impractical due to time constraints and the necessity to have immediate measurable results, mg/l of BOD may be based on forty-two percent (42%) of measured C.O.D.

(5) Grease, oil and sand interceptors shall be provided when, in the opinion of the Director or Building Official, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director or Building Official and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

(6) Separation of Domestic and Industrial Waste Streams. All new and domestic wastewaters from restrooms, showers, drinking fountains, etc., unless specifically included as part of a categorical pretreatment standard, shall be kept separate from all industrial wastewaters until the industrial wastewaters have passed through a required pretreatment system and the industrial user's monitoring facility. When directed to do so by the Director, industrial users must separate existing domestic waste streams.

(7) Hauled Wastewater. Septic tank waste (septage) or hauled septage shall not be accepted into the municipal wastewater system.

(8) Vandalism. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the municipal wastewater system. Any person found in violation of this requirement shall be subject to the sanctions set out in Section 8.604404.

8.210 Public Sanitary Sewers – Construction

(1) No person shall construct, extend or connect to any public sanitary sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing boards as required herein and the Public Works Standards for the City of Wilsonville.

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The provisions of this section requiring permits shall not be construed to apply to contractors constructing sanitary sewers and appurtenances under contracts awarded and entered into by the City.

(2) The application for a permit for public sanitary sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable sections of the Code, rules and regulations of the City prepared by a registered civil engineer in the State of Oregon showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the City Engineer or and authorized representative of the City Engineer who shall within twenty (20) days, approve them as filed or require them to be modified as he may deem necessary.

(3) All sewer works plans, specifications and construction procedure shall conform to Public Works Standards for the City of Wilsonville.

(4) Prior to issuance of a permit for public sanitary sewer construction, the applicant shall furnish to the City a performance bond, or cash deposit, in the amount of the total estimated cost of the work. Such performance bond, or cash deposit, shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one (1) year from and after the date of acceptance of the work by the City.

(5) Except as provided, the extension of the public sewage facilities to serve any parcel or tract of land shall be done by and at the expense of the owner. The size of all sanitary sewer mains and other sewage facilities shall be as required by the City Engineer to lay sewer pipe larger than that required for his own purposes, to accommodate other users, and may be reimbursed under the provisions of Section 3.116 of the Wilsonville Code for the difference in cost between the size of the line installed and that which would be required for his own use.

(6) Where special conditions exist, in the opinion of the City Engineer, relating to any reimbursement agreement pursuant to the provisions of this section, The City may, either in addition to, or in lieu of any of the provisions of the section, authorize a special reimbursement contract between the City and the person or persons constructing public sewerage facilities. Said special reimbursement agreement shall be made and entered into prior to the issuance of a permit for the work by the City.

(7) Vehicle maintenance installations shall be covered and equipped with oil/water separation and spill protection approved by the Public Works Director for any drainage to the sanitary system.

(8) Vehicle fueling installations shall be covered and equipped with oil/water separators, spill control manholes, shut off valves and spill protection approved by the Public Works Director for any drainage to the sanitary system.

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(9) Outside storage areas for grease, oil, waste products, recycling, garbage, and other sources of contaminants shall be equipped with oil/water separators, shut off valves and spill protection approved by the Public Works Director for any drainage to the sanitary sewer system. No drainage is allowed to enter the storm sewer system

8.212 Public Sanitary Sewers – Property Damage Prohibited.

No unauthorized person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage works which is a municipal public utility. Any person violating this provision and as a result thereof damages any part of the sewage works, shall be subject ~~eto~~ arrest and prosecution under the laws of the State of Oregon as set forth in OPRS 164.345 through 164.365.

8.214 Powers and Authorities of Inspectors

(1) In addition to the authority set forth in Section 8.312, the Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing, in connection with the provisions and regulations of City sewage collection and treatment system as provided for in this Chapter.

(2) While performing the necessary work on private properties referred to in Section 8.312(1) and 8.214(1) above, the owner of the premises or representative shall notify the City or duly authorized employee of the City to observe all safety rules applicable to the premises established by the owner. The premises shall be maintained in a safe condition and the owner or representative shall have a duty to notify the Director and any duly authorized representative of the City of any unsafe conditions.

(3) The City or duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a negotiated easement, of for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works which is connected to or lying within an easement. All entry and subsequent work, if any, on said easement of any connection thereto, on the sanitary system shall be done according to those regulations as stipulated in the Code of the City of Wilsonville.

WILSONVILLE CODE**ENVIRONMENT****INDUSTRIAL WASTEWATER REGULATIONS****8.300– General Provisions.**

(1) Purpose and Policy This chapter sets forth uniform requirements for Users of the (POTW) for the City of Wilsonville and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;
- (c) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the POTW;
- (e) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other Federal or State laws which the POTW is subject thereto.
- (f) This Chapter authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires User reporting.

8.301 Applicability.

This Chapter shall apply to all Users of the POTW, whether inside or outside of the City limits, by contract, permit, or agreement with the City.

8.302 General Sanitary Sewer Use Requirements**(1) Prohibited Discharge Standards**

(a) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which will cause Interference or Pass Through. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State or local pretreatment standards or requirements.

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(b) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- 1) Pollutants which create fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flash point of less than 140°F (60°C) using the test methods prescribed in 40 CFR 261.21.
- 2) Solid or viscous substances in amounts which will obstruct the flow in the POTW resulting in Interference.
- 3) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- 4) Waste streams having a pH less than 5.5 or more than 10.0, or which may otherwise cause corrosive structural damage to the POTW, City personnel or equipment. In cases where pH is continuously monitored, a violation is deemed to have occurred if the pH falls outside the 5.5 to 10.0 range more than 60 minutes in any one calendar day beginning at midnight and/or more than seven hours 26 minutes in any one calendar month, except that any discharge below 5.0 or above 11.0 is a violation.
- 5) Pollutants, including oxygen-demanding pollutants (BODs, etc) released at a flow rate and/ or pollutant concentration- which, either singly or by interaction with other pollutants, to pass through or interfere with the POTW, any wastewater treatment or sludge process, or constitute a hazard to humans or animals.
- 6) Noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sanitary sewers for maintenance and repair.
- 7) Any substance which may cause the treatment plant effluent or any other residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the system cause the City to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other State requirements applicable to the sludge use and disposal practices being used by the City.
- 8) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plants effluent thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

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9) Any wastewater having a temperature greater than 150°F(55°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F(40°C).

10) Any wastewater containing any radioactive waste or isotopes except as specifically approved by the Director in compliance with applicable State Federal regulations.

11) Any pollutants which result in the presence of toxic gases, vapor or fumes within the system in a quantity that may cause worker health and safety problems.

12) Any trucked or hauled pollutants.

13) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, deionized water, non-contacting cooling water and unpolluted industrial wastewater, unless specifically authorized by the Director.

14) Sludges, screenings, or other residues from the pretreatment of industrial wastes.

15) Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.

16) Material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfered with the POTW.

17) Material identified as hazardous waste according to 40 CFR Part 261 except as specifically authorized by the Director.

18) Wastewater causing, alone or in conjunction with other sources, the treatment plant effluent to fail toxicity test.

19) Recognizable portions of the human or animal anatomy.

20) Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

21) Any wastewater from dry cleaning machines.

22) Wastewater discharging from Dental facilities which contain mercury shall be provided with an approved amalgam separator.

23) Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the POTW.

WILSONVILLE CODE**(2) National Categorical Pretreatment Standards**

(a) Users must comply with the categorical Pretreatment Standards found in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein. The City shall recognize any variance to the Categorical Standards authorized by the DEQ under 40 CFR 403.13 for fundamentally difference factors from those considered by the EPA when developing the categorical pretreatment standard.

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403 .6(e) using the combined waste stream formula.

(c) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with Section (1) and (2) of this section.

1) Equivalent Concentration Limits: When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the City may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

2) The City may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.

When converting such limits to concentration limits, the City will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 8.302(6) of this Chapter. In addition, the City will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available.

3) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 8.302(2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

(d) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(e) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the City within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the City of such

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anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(3) State Requirements. Users must comply with State requirements and limitations and discharges to the POTW shall be met by all users which are subject to such limitations in any instance in which they are more stringent than Federal requirements and limitations or those in this ordinance.

(4) Local Limits

(a) Authority to Establish Local Limits: The City is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The Director may develop BMP's by ordinance or in individual wastewater permits to implement Local Limits and 8.032.

(b) Numerical Local Limits.

1) No nonresidential user shall discharge wastewater containing restricted substances into the POTW in excess of limitations specified in its Wastewater Discharge Permit or adopted, by resolution, by the City. The Director shall publish and revise, from time to time, standards for specific restricted substances. These standards shall be developed in accordance with 40 CFR Section 403.5 and shall implement the objectives of this Chapter. Standards published in accordance with this Section will be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act.

(a) At their discretion, the Director may impose mass limitations in addition to or in place of the concentration based limitations referenced above. The more stringent of either the categorical standards or the specific pollutant limitations for a given pollutant will be specified in the Wastewater Discharge Permit.

(b) Specific effluent limits shall not be developed and enforced without individual notices to persons or groups who have requested such notice and an opportunity to respond.

(5) City's Right to Revision. The City reserves the right to establish, by ordinance or in wastewater permit, more stringent limitations or requirements or discharges to the POTW if deemed necessary to comply with the objectives presented in this Chapter.

(6) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard, or requirement. The City may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or regulations, or in other cases when the impositions of mass limitation is appropriate.

(7) Authority to Condition or Deny Industrial Discharge. The City reserves the right to Condition or deny any, or all industrial discharges to the City Sanitary Sewer system.

WILSONVILLE CODE**8.304 Pretreatment of Wastewater****(1) Pretreatment Facilities**

(a) Users shall provide necessary wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 8.302, within the time limitations specified by the Director, EPA, or the State, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility.

(b) The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this Chapter.

(2) Additional Pretreatment Measures

(a) Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharge only into specific sanitary sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Chapter.

(b) The City may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(c) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter, even though a wastewater discharge permit is not issued.

(3) Accidental Discharge/Slug Discharge Control Plans. The City shall evaluate whether each SIU needs a discharge/Slug discharge control plan or other action to control Slug discharges. The City may require any User to develop, submit for approval and implement such a plan or take such other action that may be necessary to control Slug Discharges, Alternatively, the City may develop such plan for any User.

(a) An accidental discharge/Slug discharge plan shall address, at a minimum, the following:

- 1) Description of discharge practices; including non-routine batch discharges.
- 2) Description of stored chemicals.

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3) Procedures for immediately notifying the Director of any accidental or Slug discharge, as required by this Chapter;

(4) Procedures to prevent adverse impact from any accidental or Slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(5) Failure to comply with Spill/slug control plan conditions shall subject the permittee to enforcement action.

8.306 Wastewater Discharge Permit

(1) Authority to Require Data Disclosure. When requested by the Director, a ~~Users~~User whether operating under a wastewater discharge permit or not; and whether the User meets the criteria of a significant industrial user or not; the User must submit information on the nature and characteristics of all production processes; material storage, and their wastewater generated on site. The user must submit this data within thirty (30) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require industrial users to update this information.

(2) Wastewater Discharge Permit Requirement

(a) SIU Wastewater Discharge Permit Required. No significant industrial users shall discharge to the POTW without first obtaining an individual wastewater permit from the Director, except that a SIU that has filed a timely application pursuant to Section 8.306(3) of the chapter may continue to discharge for the period of time specified therein.

(b) Other Users May Obtain Wastewater Discharge Permit: The Director may require other users, to obtain individual wastewater permits as necessary to carry out the purposes of this chapter.

(c) Violation of Wastewater Discharge Permit. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this Chapter and subjects the wastewater discharge permittee to the sanctions set out in Sections ~~8.602402~~ through ~~8.606406~~ of this Chapter. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

(3) Permitting Existing Connections. Any user required to obtain an individual discharge permit who was discharging wastewater into the POTW prior to the effective date of this Chapter and who wishes to continue such discharges in the future, shall within ninety (90) days after said date, apply to the City for an individual wastewater permit in accordance with Section 8.306(5) below, and shall not cause or allow discharges to the POTW to continue after one hundred

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eighty (180) days of the effective date of this Chapter except in accordance with the permit issues by the Director.

(4) Permitting New Connections. Any SIU proposing to begin or recommence discharging industrial waste into the POTW must obtain a wastewater permit prior to beginning or recommending such discharge. An application for this individual wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(5) Wastewater Permit Application Contents. All users required to obtain an individual wastewater discharge permit must submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. The City may require Users to submit all or some of the following information as part of a permit application:

(a) Identifying Information. The name, mailing address and location (if different from mailing address) of the facility, including the name of the operator and owner, Contact information, descriptions of the activities, facilities, and plant production processes on the premises;

(b) Environmental Permits. A list of any environmental control permits held by or for the facility;

(c) Description of Operations. A brief description of the nature, average rate of production (including each product produced by type, amount, processes and rate of production) and Standard Industrial Classification (SIC) or North American Industry Classification System (NAIS) of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes, codes for pretreatment the industry as a whole and any processes for which categorical pretreatment standards have been promulgated;

(d) Types of waste generated and a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally discharged to the POTW;

(e) Number and type of employees, and hours of operation, and proposed or actual hours of operation;

(f) Type and amount of raw materials processed (average and maximum per day);

(g) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains and appurtenances by size, location and elevation and all points of discharge;

(h) Time and duration of the discharge;

(i) The location for monitoring all wastes covered by the permit;

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(j) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to use the combined waste stream formula in 40 CFR 403.6(e).

(k) Measurement of Pollutants.

1) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the City, of regulated pollutants in the discharge from each regulated process.

3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.310(10) of this Chapter. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard.

5) Sampling must be performed in accordance with procedures set out in Section 8.310(11) of this Chapter.

(l) Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

(6) Application Signatories and Certification.

(a) All wastewater discharge permit applications, user reports and certification statements must contain the following certification statement and be signed by an authorized representative of the user:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization

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satisfying the requirements of this Section must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

(c) A facility determined to be a Non-Significant Categorical Industrial User by the City must annually submit the signed certification statement in Section 8.310(14).

(7) Wastewater Permit Decisions. The Director will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Director will determine whether or not to issue an individual wastewater discharge permit. The City may deny any application for a wastewater discharge permit.

8.308 Wastewater Permit Issuance

(1) Permit Duration. Permits shall be issued for a specific time period not to exceed five (5) years. A permit may be issued for a period less than five (5) years at the discretion of the Director. Each permit will indicate a specific date on which it will expire.

(2) Permit Contents. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director to prevent pass through or interference and to protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facility sludge management and disposal, and protect against damage to the POTW.

(a) Wastewater Permits must contain:

1) A statement that indicates wastewater discharge permit issuance date, expiration date and effective date.

2) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the City and provisions for furnishing the new owner or operator with a copy of the existing permit;

3) Effluent limits, including Best Management Practices, based on applicable standards in Federal, State, and local law;

4) Self-monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal State and local law;

5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local laws.

6) Requirement to control Slug Discharges, if determined by the Director to be necessary. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

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(b) Wastewater Discharge Permits may contain, but need not be limited to, the following:

1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;

3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged into the POTW;

6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

7) A statement that compliance with permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the permit;

8) Other conditions as deemed appropriate by the Director to ensure compliance with this Chapter; and State and Federal laws, rules, and regulations; the term of the permit.

(3) Permit Issuance Process

(a) Permit Appeals. Any person including the industrial user, may petition the City to reconsider the terms of the permit within ten (10) days of the issuance of the final permit.

(b) Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal.

(c) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the permit.

(d) The effectiveness of the permit shall not be stayed pending the appeal.

(e) If the City fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a

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permit, or not modify a permit shall be considered final administrative action for purposes of judicial review.

(f) Aggrieved parties seeking judicial review of administrative permit decisions must do so by complaint with the Circuit Court for Clackamas County, State of Oregon within thirty (30) days of the final administrative decision.

(4) Permit Modifications. The Director may modify the permit for good cause and at any time including, but not limited to, the following:

(a) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the POTW, City personnel, or the receiving waters;

(e) Violation of the terms or conditions of the wastewater discharge permit;

(f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;

(g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 401.13;

(h) To correct typographical or other errors in the permit;

(i) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

(5) Permit Transfer.

(a) Wastewater Discharge Permits may be transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the permit transfer. Failure to provide advance notice of a transfer renders the permit void as of the date of facility transfer, and the new owner will be considered in violation of the City Codes for discharging without a permit. The notice must include a written certification to the new owner which:

1) States that the new owner has no immediate intent to change the facility's operations and processes;

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- 2) Identifies the specific date on which the transfer is to occur;
- 3) Acknowledges full responsibility for complying with the existing permit.

(6) Permit Revocation

(a) Wastewater discharge permits may be revoked for the following reasons:

- 1) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;
- 2) Failure to provide prior notification to the City of changed conditions pursuant to Section 8.310(5);
- 3) Misrepresenting or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- 4) Falsifying self-monitoring reports;
- 5) Tampering with monitoring equipment;
- 6) Refusing to allow the City timely access to the facility premises and records;
- 7) Failure to meet effluent limitations;
- 8) Failure to pay fines;
- 9) Failure to pay sewer charges;
- 10) Failure to meet compliance schedules;
- 11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- 12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- 13) Violation of any pretreatment standard or requirement or any terms of the permit or this Chapter;
- 14) Upon cessation of operations.
- 15) Upon issuance of a new wastewater discharge permit to the User.

(7) Permit Renewal. A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit renewal by submitting a complete permit application, in accordance

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with Section 8.306 of this Chapter, a minimum of ninety (90) days prior to the expiration of the User's existing wastewater discharge permit. The existing permit shall remain in effect until the renewed permit is issued, providing the User has submitted the renewal application ninety (90) days prior to the expiration of the User's existing wastewater discharge permit. If the User did not comply with the renewal application submittal criteria, the User will not be authorized to continue discharging past the expiration date of the existing permit without the written authorization of the City.

(8) Regulation of Wastewater Received From Other Jurisdictions.

(a) The City may accept wastewater from individual industrial users located in other jurisdictions, or other municipalities under the following conditions:

1) Municipalities – the municipality must develop and implement a sanitary sewer use ordinance that meets, or exceeds, the Wilsonville Industrial Wastewater Regulations, Chapter 8. The municipality must submit their request in writing and the request for Extra-Jurisdictional wastewater treatment a list of industrial users within their jurisdiction, the nature and volume of the industrial discharges, the combined discharge from the municipality that will be treated by the Wilsonville wastewater treatment plant. Municipalities will not be issued wastewater discharge permits. Municipalities must enter into an Extra-Jurisdictional Agreement between the City of Wilsonville and the requesting municipality.

2) Extra-Jurisdictional Industrial Users – the industrial user must submit a Wastewater Permit Application to the City. The Industrial User must agree to comply with the terms and conditions of the permit, including right-of-entry for purposes of inspection, and sampling, enforcement actions specified in the permit.

(b) An inter-jurisdictional agreement, as required by paragraph A, above, shall contain the following conditions:

1) A requirement for the contributing municipality to adopt a sanitary sewer use ordinance which is at least as stringent as this Chapter and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 8.302 of this Chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Wilsonville ordinance or Local Limits;

2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City;

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- 4) A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- 5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- 6) Requirements for monitoring the contributing municipality's discharge;
- 7) A provision ensuring the City access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and
- 8) A provision specifying remedies available for breach of the terms of the inter-jurisdictional agreement.
- 9) Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the inter-jurisdictional agreement should specify that Wilsonville shall have the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

8.310 Reporting Requirements

(1) Baseline Monitoring Reports.

(a) Users that become subject to new or revised categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated a Non-Significant Categorical Industrial Users

(b) Within either 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the City a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard shall be required to submit to the City a report which contains the information listed in paragraph (b) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(c) Users described above shall submit the information set forth below:

- 1) All information required in Section 8.306(2) through Section 8.306(7)
- 2) Measurement of Pollutant.

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The City may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(a) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(b) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(c) Sampling and analysis shall be performed in accordance with Section 8.310(10);

(d) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW

(e) Compliance Certification. A statement, reviewed by the User's authorized representative and certified to be a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operations and maintenance (O&M) and/or additional pretreatment is required in order to meet pretreatment standards and requirements.

(f) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest possible schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 8.310(2) of this Chapter; and

(g) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 8.310(3) and signed by an Authorized Representative.

The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(2) Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by Section 8.310(1) of this Chapter:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of

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additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The User shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the City.

(3) Reports on Compliance with Categorical Pretreatment Standard Deadline.

a) Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the City a report containing the information described in Section 8.306(5) of this Chapter. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 8.302(2), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8.310(14) of this Chapter. All sampling will be done in conformance with Section 8.310.

(4) Periodic Compliance Reports.

All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 8.310(4).

(a) Except as specified in Section 8.310(4), all Significant Industrial Users must, at a frequency determined by the City submit no less than twice per year (June and December, or on dates specified, reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User.

(b) All periodic compliance reports must be signed and certified in accordance with Section 8.310(14) of this Chapter.

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(c) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(d) If a User subject to the reporting requirement in this Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in Section 8.310(11) of this Chapter, the results of this monitoring shall be included in the report.

(5) Report of Changed Conditions. Each user must notify the Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume at least thirty (30) days before the change.

(a) The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater permit application under Section 8.306(5), if necessary.

(b) The Director may issue a wastewater permit under Section 8.308(7) or modify an existing wastewater discharge permit under Section 8.308(4) in response to changed conditions or anticipated changed conditions.

(6) Reports of Potential Problems.

(a) In the case of any discharge, including but not limited to accidental discharge non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW the user shall immediately telephone and notify the City of the incident. This notification shall include the location and discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following an accidental discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of an accidental discharge as described above. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of all the emergency notification procedures.

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(d) Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge.

(7) Reports from Un-Permitted Users. All users not required to obtain an individual wastewater permit shall provide appropriate reports to the City as the Director may require.

(8) Notice of Violation/Repeat Sampling and Reporting.

(a) If sampling performed by a User indicates a violation, the User must notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation.

(9) Notification of the Discharge of Hazardous Waste.

(a) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division City, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one-hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 8.310(5) of this Chapter. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 8.310(1), 8.310(3), and 8.310(4) of this Chapter.

(b) Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the City, the EPA Regional Waste Management Waste Division City, and State

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hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Chapter, a permit issued hereunder, or any applicable Federal or State law.

(10) Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties approved by EPA.

(11) Sample Collection.

(a) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(b) The City shall establish the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.

(c) Except as indicated in Section (d) and (e) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows:

1) For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field;

2) For volatile organics and oil and grease, the samples may be composited in the laboratory.

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3) Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(d) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(e) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 8.310(1) and 8.310(3), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by paragraphs Section 8.310(4), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(12) Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 8.302(4). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the City.

(14) Certification Statements.

(a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 8.306(6); Users submitting baseline monitoring reports under Section 8.310(1); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 8.310(3); Users submitting periodic compliance reports required by Section 8.310(4), and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 8.310(4). The following certification statement must be signed by an Authorized Representative:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

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information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(b) Annual Certification for Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant Categorical Industrial User by the City must annually submit the following certification statement signed in accordance with the signatory requirements in Section 8.310(14). This certification must accompany an alternative report required by the City:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

1) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 8.006 ~~(81)(b)-(1)-(3-)~~.

2) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

3) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

4) The Facility never discharged concentrated untreated wastewater.

8.312 Compliance Monitoring

(1) Right of Entry; Inspection and Sampling.

(a) The City, an authorized representative of the US EPA and/or authorized representative of the Oregon DEQ shall have the right to enter the premises of any user to ascertain whether the purpose of this Chapter is being met and all requirements are being complied with. Users shall allow authorized personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(b) Where a user has security measures in force that require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with its security guards, so that upon presentation of suitable identification, personnel from the City, State and US EPA will be permitted to enter, without delay, for the purposes of performing specific responsibilities.

(c) The City, State, and US EPA shall have the right to set up or require installation of, on the industrial user’s property, such devices as are necessary to conduct sampling, and/or metering of the user’s operations.

(d) The City may require the User to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and

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proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy. The location of the monitoring facilities shall provide ample room in or near the monitored facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the City's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the City to perform independent monitoring activities.

(e) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.

(f) Unreasonable delays in allowing the City access to the user's premises shall be a violation of this Chapter.

(2) Search Warrants. If the Director has been refused access to a building, structure or property or any part thereof, and if the Director has probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect as part of a routine inspection program of the City designed to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Municipal Court Judge of the City may issue a search and/or seizure warrant describing herein the specific location subject to the warrant. The warrant shall specify what, if anything, may be search and/or seized on the property described. Such warrant shall be served at reasonable hours by the Director in the company of a uniformed police officer of the City.

8.314 Confidential Information

(1) Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

WILSONVILLE CODE**8.316 Publication of Users in Significant Noncompliance**

(1) The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 8.302;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 8.302 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH.

(c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 8.302 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

WILSONVILLE CODE**8.318 Affirmative Defense**(1) Upset.

(a) For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c), below, are met.

(c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- 1) An upset occurred and the User can identify the cause(s) of the upset;
- 2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- 3) The User has submitted the following information to the City within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
 - a) A description of the indirect discharge and cause of noncompliance;
 - b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

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(2) Prohibited Discharge Standards. User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibition and the specific prohibitions in Section 8.302 of this chapter if it can prove it did not know or have reason to know that its discharge alone or in conjunction with other discharges, would cause pass through or interference and that either:

(a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with the NPDES permit, and in the case of interference, in compliance with applicable sludge use or disposal requirements.

(3) Bypass.

(a) For the purposes of this Section

1) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.

2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of (c) and (d).

(c) Bypass Notification

1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least 10 days before the date of the bypass.

2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Director within twenty-four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

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(d) Bypass is prohibited, and the Director may take enforcement action against an Industrial User for a bypass, unless;

1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintaining during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3) The Industrial User submitted notices as required under paragraph (c) of this section.

4) The Director may approve an anticipated bypass after considering its adverse ~~effects~~effects, if the Director determines that it will meet paragraph (d) 1) of this Section.

8.320 Pretreatment Charges and Fees

(1) The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

(a) Fees for wastewater discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge;

(c) Fees for reviewing monitoring reports and certification statements submitted by Users;

(d) Fees for reviewing and responding to slug discharge procedures and construction;

(e) Fees for filing appeals;

(f) Fees to recover administrative and legal costs (not included in Section 8.~~604404~~, Section 8.~~606406~~ and 8.316) associated with the enforcement activity taken by the City to address IU noncompliance; and

(g) Other fees as the City may deem necessary to carry out the requirements contained herein.

(2) These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the City.

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ENFORCEMENT

8.602402 Administrative Enforcement Remedies

(1) Enforcement. In addition to the imposition of civil penalties, the City shall have the right to enforce ~~this Chapter~~ Sections 8.200 through and including 8.320 by injunction, or other relief, and seek fines, penalties and damages in Federal or State courts. Any discharge that fails to comply with the requirements of these rules and regulations or provisions of its industrial wastewater discharge permit may be subject to enforcement actions as prescribed in Section 8.602402(2) through Section 8.602402(9) below.

(a) The City is hereby authorized to adopt, by ordinance or resolution, an Enforcement Response Plan, with procedures and schedules of fines, to implement the provisions of this Section.

(b) The type of enforcement action shall be based, but not limited by the duration and the severity of the violation; impacts on water quality, sludge disposal, interference, work health and safety; violation of the City's NPDES discharge permit. Enforcement shall, generally, be escalated in nature.

(2) Notification of Violation.—_Whenever the City finds that any User has violated or is violating ~~this Chapter~~ any provision of Sections 8.200 through and including 8.320, a wastewater permit or order issued hereunder, or any other pretreatment requirement, the Director of his agent may serve upon said user a written Notice of Violation. Within ten (10) days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of this Notice of Violation. Nothing in this section shall limit the authority of the City to take emergency action without first issuing a Notice of Violation.

(3) Consent Orders.—_The City may enter into Consent Orders, Assurance of Compliance, or other similar documents establishing an agreement with the any User responsible for the noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the document. Such documents shall have the same force and effect as administrative orders issued pursuant to Section 8.602402(4) or 8.602402(5) below and shall be judicially enforceable.

(4) Show Cause Hearing. The City may order any industrial user which causes or contributes to any violation(s) of this Chapter Sections 8.200 through and including 8.320, wastewater permits or orders issued hereunder, or any other pretreatment requirement to appear before the City and show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User.

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Whether or not the User appears as notified, immediate enforcement action may be pursued following the hearing date. This action shall not be a bar against, or establish a prerequisite for, taking any other action against the User.

(5) Compliance Orders.—_When the City finds that a User has violated, or continues to violate, any provision of ~~this ordinance~~Sections 8.200 through and including 8.320, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(6) Cease and Desist Orders.—_When the City finds that a User has violated, or continues to violate, any provision of ~~this ordinance~~Sections 8.200 through and including 8.320, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the City may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(a) Immediately comply with all requirements:

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing of threatening violation, including halting operations and/or terminating the discharge. This action shall not be a bar against, or establish a prerequisite for, taking any other action against the User.

(7) Administrative Fines.

(a) When the City finds that a User has violated, or continues to violate, any provision of ~~this ordinance~~Sections 8.200 through and including 8.320, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may fine such User in an amount not to exceed five thousand dollars (\$5,000). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

(b) Assessments may be added to the user's next scheduled sewer service charge and the City shall have such other collection remedies as may be available for other service charges and fees. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twenty percent (20%) of the unpaid

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balance, and interest shall accrue thereafter at a rate of seven percent (7%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the City may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. ~~the~~The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(8) Emergency Suspensions.— The City may immediately suspend ~~an~~a user's discharge and the industrial user's wastewater discharge permit, after informal notice to the industrial user, whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent endangerment to the health and welfare of persons. The City may also immediately suspend ~~an~~a user's discharge and the industrial user's wastewater discharge permit, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any User notified of a suspension of its discharge activity or wastewater permit shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the User to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section 8.~~602402~~(9) are initiated against the user. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(b) Any user which is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director prior to the date of any show cause or termination hearing under Section 8.~~602402~~(4) or 8.~~602402~~(9).

(9) Termination of Permit. Any User who violates the following conditions is subject to discharge termination:

(a) Violation of discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

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- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;
- (e) Violation of the pretreatment standards in Section 8.302 of this Chapter.

Such Users will be notified of proposed termination of its discharge and be offered an opportunity to show cause under Section 8.~~602402~~(4) above why the proposed action should not be taken.

Exercise of this option by the City shall not be a bar to, or establish a prerequisite for, taking any other action against the User.

(10) Appeals. Any enforcement action by the City may be appealed to the City Council by filing a petition for reconsideration. The petition must show cause why an enforcement action should not be taken.

- (a) Enforcement action appeals must be filed with the City Recorder within ten (10) working days of receipt of the enforcement action.
- (b) The petition for appeal shall indicate the nature of the interpretation that is being appealed. The matter at issue will be a determination of the appropriateness of the interpretation of the enforcement response and the requirements of the pretreatment program.
- (c) Upon appeal, the City Council shall first determine whether the appeal shall be heard on the record only, or upon an evidentiary hearing *de novo*. Where an appellant has been afforded an opportunity of an evidentiary hearing by the City, then appeal shall be limited to a review of the record and a hearing for receipt of arguments regarding the record. Where an appellant has not been afforded an evidentiary hearing, or upon finding that under prejudice should otherwise result, the City Council shall conduct an evidentiary hearing *de novo*.

(d) Unless otherwise provided by the City Council, an evidentiary hearing *de novo* on appeal shall require a record be kept of the following:

- 1) The record, if any, of the matter before the City.
- 2) A factual report prepared and presented by the City.
- 3) All exhibits, materials and memoranda submitted by any party and received or considered in reaching the decision under review.

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4) A record of testimonial evidence, if any.

(e) Upon review, the City Council may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the Council modifies or renders a decision that reverses a decision regarding and enforcement action, the Council, in its order, shall set forth its finding and state its reasons for taking the action.

8.604404 Judicial Enforcement Remedies

(1) Injunctive Relief.— Whenever the City finds that a user has violated or continues to violate the provisions of ~~this Chapter~~ Sections 8.200 through and including 8.320, permits or orders issued hereunder, or any other pretreatment requirements, the City through the City's attorney, may petition the Circuit Court of Clackamas County for issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for taking any other action against the User.

(2) Civil Penalties.— A User which has violated or continues to violate the provisions of ~~this Chapter~~ Sections 8.200 through and including 8.320, a wastewater permit, or any order issued hereunder, or any other Pretreatment Standard or Requirement may be liable to the City for a maximum civil penalty of five thousand dollars (\$5,000) per violation per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each business day during the period of this violation.

(a) The City may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(b) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm, caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factors as the justice requires.

(c) Filing a suit for civil penalties shall not be a bar to, or a prerequisite for, taking any other action against the user.

(3) Criminal Prosecution.

(a) Any User who willfully or negligently violates any provisions of ~~this Chapter~~ Sections 8.200 through and including 8.320, any orders or permits issue

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hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$5,000 per violation per day or imprisonment for not more than one year or both.

(b) Any User who knowingly makes any false statement, representations, or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to ~~this Chapter~~ Sections 8.200 through and including 8.320, or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than \$5,000 per violation per day or imprisonment for not more than one year or both.

(c) Any User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$5,000 per violation, per day, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(d) In the event of a second conviction, the user shall be punished by a fine not to exceed \$6,000 per violation per day or imprisonment for not more than three (3) years or both.

(4) Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

~~8.606~~ 8.406 Supplemental Enforcement Action

(1) Performance Bonds. The City may decline to reissue a permit to any User who has failed to comply with the provisions of ~~this Chapter~~ Sections 8.200 through and including 8.320, a previous wastewater discharge permit, or orders issued hereunder, or any other Pretreatment Standard or Requirement, -unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve a consistent compliance.

(2) Liability Insurance. The City may decline to reissue a permit to any industrial user which has failed to comply with the provisions of ~~this Chapter~~ Sections 8.200 through and including 8.320, a previous wastewater discharge permit, or orders issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has

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obtained financial assurance sufficient to restore or repair damage to the POTW caused by its discharge.

(4) Payment of Outstanding Fees and Penalties. The City may decline to issue or reissue a wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of ~~this ordinance~~ Sections 8.200 through and including 8.320, a previous wastewater discharge permit, or order issued hereunder.

(5) Water Supply Severance.—_ Whenever a User has violated or continues to violate provisions of ~~this Chapter~~ Sections 8.200 through and including 8.320, orders, or permits issued hereunder, water services to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(6) Public Nuisance.—_ Any violation of the prohibitions of effluent limitations of this Chapter, permits, or orders issued hereunder is hereby declared by a public nuisance and shall be corrected or abated as directed by the City. Any person(s) creating a public nuisance shall be subject to the provisions of Chapter 7 of the Wilsonville City Codes governing such nuisance, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

(7) Informant Rewards.—_ The City may pay up to five hundred dollars (\$500) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in an administrative fine or civil penalty levied against the industrial user, the Director is authorized to disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed ten thousand dollars (\$10,000).

(8) Contractor Listing.—_ Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contract for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by an industrial user found to be in significant violation with pretreatment standards may be terminated at the discretion of the City.

WILSONVILLE CODE**STORMWATER****8.500 General Provisions**

(1) Purpose. Provides for the building of and connection to public stormwater facilities and for the uniform regulation of discharges to the public stormwater system through the issuance of permits and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Application to Users within and outside of City limits. Provisions of this article shall apply to users within the City limits and to users outside the City limits who, by contract or agreement with the City, are included as users of the public stormwater system.

8.502 Stormwater System Construction

(1) No unauthorized person shall uncover, make any connections to or opening into the public stormwater system, use, alter or disturb any storm sewer lateral or appurtenance thereof without first obtaining a permit from the City. In each case, the owner or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City's authorized stormwater representative.

(2) All costs and expenses incidental to the installation and connection of stormwater facilities shall be borne by the owner. The owner shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of stormwater facilities or connections to the public stormwater system.

(3) The size, slope, alignment, construction materials of stormwater facilities, and the methods to be used excavating, placing of the pipe or other facilities, jointing, testing and backfilling the trench, shall all conform to the requirements of the State of Oregon Plumbing Specialty Code and other applicable rules and regulations of the City, including the City's Public Works Standards.

(4) The connection of the stormwater facilities to the public stormwater system shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City, including the City's Public Works Standards. Any deviation from prescribed procedures and materials must be approved by the City's authorized stormwater representative before installation.

(5) The applicant shall notify the City's authorized stormwater representative when the stormwater facilities are ready for inspection. The connection shall be made under the supervision of the City's authorized stormwater representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the applicant's or owner's expense in a manner satisfactory to the City, in accordance with the City's requirements.

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(6) All excavations for stormwater facility installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

8.504 Use of Public Stormwater System

(1) No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb, any public stormwater system or appurtenance thereof without first obtaining written permission from the City.

(2) Stormwater shall be discharged to storm sewers and natural outlets under the authority and regulations of the NPDES Municipal Stormwater Permit Program, administered by the Oregon Department of Environmental Quality.

(3) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the public stormwater system.

(4) It shall be unlawful to discharge in or into any natural outlet or stormwater sewer inlet (catch basin, grate, roof downspout, etc.) within the City of Wilsonville, or in any area under the jurisdiction of said City, any sewage or other polluted water.

(5) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.

8.506 Public Stormwater System – Property Damage Prohibited

(1) No unauthorized person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the public stormwater system. Any person violating this provision and as a result thereof damages any part of the public stormwater system, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in ORS 164.345 through 164.365.

8.508 Right of Entry

(1) Where it is necessary to perform inspections, measurements, sampling and/or testing, to enforce the provisions of this code, or where the City's authorized stormwater representative has reasonable cause to believe that there exists upon the premises a condition which is contrary to or in violation of this code which makes the premises unsafe, dangerous or hazardous, the City's authorized stormwater representative is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this code. Provided, however, that if such premises is occupied that credentials be presented to the occupant and entry requested. If such premises are unoccupied, the City's authorized stormwater representative shall first make a reasonable effort to locate the owner or other person having charge or control of the

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premises and request entry. If entry is refused, the City's authorized stormwater representative shall have recourse to the remedies provided by law to secure entry.

(2) The premises shall be maintained in a safe condition by the owner or a person having charge or control of the premises and upon contact by the City's authorized stormwater representative the owner or a person having charge or control of the premises shall have a duty to notify City's authorized stormwater representative of any safety rules or unsafe conditions applicable to the premises.

(3) Not with standing, Section 8.508(1) above, the City's authorized stormwater representative shall be permitted to enter all private properties through which the City holds an easement, according to the terms of the easement. Any storm water facility work within said easement shall be done according to the regulation provided in this Code and/or the Public Works Standards.

8.510 Discharge of Pollutants

(1) The commencement, conduct, or continuance of any non-stormwater discharge to the public stormwater system is prohibited and is a violation of this ordinance, except as described below.

(2) The prohibition shall not apply to any non-stormwater discharge permitted or approved under an Industrial or Municipal NPDES Stormwater permit, waiver, or discharge order issued to the discharger and administered by the DEQ, provided that the discharger is in full compliance with all requirements of the permit, waiver, or discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any discharge to the municipal separate storm wastewater system (MS4).

- (a) Except as provided in subsection (3), the prohibition shall not apply to the following non-stormwater discharges to the public stormwater system: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to the MS4, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, street wash water, and flows from firefighting.
- (e) "Street wash water" is defined for purposes of this section to be water that originates from publicly-financed street cleaning activities consistent with the City's NPDES municipal stormwater permit.
- (c) Discharge of flows to the public or private stormwater system from private washing of sidewalks, streets and parking lots are discouraged to the maximum extent practicable.

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(3) The City may require best management practices to reduce pollutants, or may prohibit a specific discharger from engaging in a specific activity identified in subsection (2) if at any time the City determines that the discharge is, was, or will be a significant source of pollution.

8.512 Discharge in Violation of Permit

Any discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Stormwater permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such discharge.

8.514 Waste Disposal Prohibitions

(1) No person may cause or contribute to pollution, including but not limited to any refuse, rubbish, garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, sediment or sediment-laden runoff from construction or landscaping activities, hazardous materials, or other discarded or abandoned objects, articles, and accumulations in or to the public stormwater system.

(2) Runoff from commercial or industrial operations or businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not discharge directly to a private or public stormwater system except as allowed under Section 8.510 of this code; this includes but is not limited to outdoor commercial, industrial or business activities that create airborne particulate matter, process by-products or wastes, hazardous materials or fluids from stored vehicles, where runoff from these activities discharges directly or indirectly to a private or public stormwater system.

8.516 General Discharge Prohibitions

(1) It is unlawful to discharge or cause to be discharged directly or indirectly into the public stormwater system any of the following:

- (a) Any discharge having a visible sheen, or containing floating solids or discoloration (including but not limited to dyes and inks);
- (b) Any discharge having a pH of less than 6.5 or greater than 8.5 or that contains toxic chemicals in toxic concentrations;
- (c) Any discharge which causes or may cause damage, interference, or hazard to the public stormwater system or the City personnel; and
- ~~(e)~~(d) Any discharge containing human sanitary waste or animal feces.

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8.518 Compliance with Industrial NPDES Stormwater Permits

Any industrial discharger, discharger associated with construction activity, or other discharger subject to any NPDES Stormwater permit issued by the Oregon DEQ, from which pollutants may enter the public or private stormwater system, shall comply with all provisions of such permits, including notification to and cooperation with local entities as required by State and Federal regulations. Proof of compliance with said permits may be required in a form acceptable to the City prior to issuance of any grading, building, occupancy permits or business license.

8.520 Compliance with Local, State, and Federal Regulations

All users of the public stormwater system and any person or entity whose actions may affect the system shall comply with all applicable local, state and federal laws. Compliance with the requirements of this chapter shall in no way substitute for or eliminate the necessity for compliance with applicable local, state and federal, state laws.

8.522 Conflicts with Existing and Future Regulatory Requirements of Other Agencies

Any provisions or limitation of this chapter and any rules adopted pursuant hereto are superseded and supplemented by any applicable local, state and federal requirements existing or adopted subsequent hereto, which are more stringent than the provisions and limitations contained herein.

8.524 Accidental Spill Prevention and Control

Accidental spills and releases by dischargers who are not required to obtain a NPDES Stormwater permit but who handle, store or use hazardous or toxic substances or discharges prohibited under Section 8.512 and there is a reportable quantity as defined in OAR 340-142-0050, on their sites shall prepare and submit to the City an Accidental Spill Prevention and Control Plan within 60 days of notification by the City. If other laws or regulations require an Accidental Spill Prevention and Control Plan, a plan that meets the requirement of those other laws and regulations will satisfy the requirement of this Section.

8.526 Notification of Spills

(1) As soon as any person in charge of a facility or responsible for emergency response for a facility becomes aware of any suspected, confirmed, or unconfirmed release of material, pollutants, or waste creating a risk of discharge to the public stormwater system, such persons shall:

- (a) Begin containment procedures;
- (b) Notify proper emergency personnel in case of an emergency;
- (c) Notify appropriate city and/or state officials regarding the nature of the spill; and

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(d) Follow-up with the city regarding compliance and modified practices to minimize future spills, as appropriate.

(2) The notification requirements of this section are in addition to any other notification requirements set forth in local state, or Federal regulations and laws. The notification requirements do not relieve the person of necessary remediation.

8.528 Requirement to Eliminate Illicit Connections

(1) The City's authorized stormwater representative may require by written notice that a person responsible for an illicit connection to the public stormwater system comply with the requirements of this chapter to eliminate the illicit connection or secure approval for the connection by a specified date.

(2) If, subsequent to eliminating a connection found to be in violation of this chapter, the responsible person can demonstrate that an illicit discharge will no longer occur, that person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

8.530 Requirement to Remediate

Whenever the City finds that a discharge of pollutants is taking place or has taken place which will result in or has resulted in pollution of stormwater or the public stormwater system, the City's authorized stormwater representative may require by written notice to the responsible person that the pollution be remediated and the affected property restored, to the requirements of this Chapter.

8.532 Requirement to Monitor and Analyze

Whenever the City's authorized stormwater representative determines that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution or illicit discharges to the public stormwater system, the City's authorized stormwater representative may, by written notice, order that such person undertake such monitoring activities and/or analyses and furnish such reports as the City's authorized stormwater representative may deem necessary to demonstrate compliance with this chapter. The written notice shall be served either in person or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required including but not limited to, that which may be undertaken by a third party independent monitor, sampler and/or tester. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order.

8.534 Erosion Prevention and Sediment Control

(1) Purpose. These regulations contained herein, together with the Clackamas County Water Environment Services' most current version of the Erosion Prevention and

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Sediment Control Planning and Design Manual, shall be known as the “City of Wilsonville Erosion Prevention and Sediment Control Standards,” may be sited as such, and will be referred to herein as “these Standards.” The purpose of these Standards is to establish uniform requirements for Land Development and construction-related activities in order to control the occurrence of erosion and to prevent the creation, migration and/or transport of erosion at the source during construction and Land Development.

(2) These Standards shall be administered and enforced by the City Manager or designee. The City Manager shall have the authority to develop and implement procedures, forms, policies, and interpretations for administering the provisions of these Standards.

(3) ESC Permit Required. An Applicant must obtain an ESC permit before commencing any ground disturbing activity affecting 500 square feet or greater, cumulatively, throughout the duration of Land Development. The Applicant must list each tax lot encompassed within the area where Land Development occurs, which tax lots will also be listed on the ESC permit. A copy of the approved ESC permit shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. An Applicant must obtain a DEQ 1200-C permit if a site requires disturbing five acres or more. A copy of the approved 1200-C shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. DEQ 1200-C permits are obtained directly from DEQ.

(4) ESC Plan Required. The Applicant shall submit an ESC Plan for projects requiring an ESC permit prior to commencing any ground disturbing activity. The City Manager or designee shall approve the ESC Plan if it demonstrates compliance with these Standards and the standards set forth in the Clackamas County Water Environment Services’ most current version of the “Erosion Prevention and Sediment Control Planning and Design Manual” for all erosion and sediment control measures.

(5) ESC Plan Implementation. An approved ESC permit shall be implemented and maintained as follows:

a. It shall be the duty of the Applicant to inspect the property in conformance with the permit issued to ensure ESC measures are effective.

b. The Applicant is responsible to ensure that no Visible and Measurable Erosion and Sediment leaves the permitted site.

c. The Applicant shall keep a record of inspections with a brief explanation as to any signs of Erosion or Sediment release and measures taken to prevent future releases as well as any measures taken to clean up the sediment that has left the site. Records must be made available to the City and DEQ upon request and must be submitted to the City upon final completion of work if so requested by the City.

d. During periods of wet weather, disturbed areas of the site and/or stockpiled soil shall be covered by the Applicant by tarps or straws at the end of each day’s operations; all disturbed, unworked areas of the site shall be protected from erosion

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e. The Applicant shall remove ESC measures, establish permanent groundcover on all exposed soils; clean and remove trash, construction waste and sediment deposits before receiving a final ESC inspection approval.

(6) Ineffective Measures and ESC Plan Amendment. If the facilities and techniques in the approved ESC Plan are not effective or sufficient to meet the purposes of this Chapter, based on an on-site inspection, the City Manager or designee may require the Applicant to revise the ESC Plan. Such requirement shall be in writing and shall explain the problem and suggested measures to remedy the problem. The written requirement shall be presented to the Applicant and any other responsible parties.

(a) The revised ESC Plan shall be submitted by the Applicant not later than three (3) business days of when written notification by the City Manager is received. Receipt of such notice shall be deemed complete three (3) days after simultaneous regular mail and certified mail is deposited in the mail or completed the same day as personal delivery.

(b) The Applicant shall implement fully the revised ESC Plan not later than three (3) business days after mailing the revised ESC Plan to the City, or within such other time frame as the City Manager may specify.

(c) In cases where significant Erosion is occurring, the City Manager or designee may require the Applicant to immediately install interim control measures before submittal of a revised ESC Plan.

(d) If there is a confirmed or imminent threat of significant off-site Erosion, the City Manager or designee shall issue a stop work order, upon issuance of which all work on the development site shall halt. The stop work order shall not be lifted until mitigation measures are implemented that comply with the City of Wilsonville's performance standards for ESC and are approved by the City Manager or designee.

8.536 Stormwater – Violation

(1) Enforcement. The City Manager (or designee is authorized and directed to enforce all the provisions of Sections 8.500 through and including 8.534 and may conduct inspections whenever it is necessary to enforce any provisions of Sections 8.500 through and including 8.534 to determine compliance or whenever the City Manager or designee has reasonable cause to believe there exists any violation of Sections 8.500 through and including 8.534.

(2) Inspection and Right of Entry. When it may be necessary to inspect to enforce the provisions of Sections 8.500 through and including 8.534, the City Manager or designee, in accordance with administrative policy, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such

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building or premises be unoccupied, the City Manager or designee shall first make a reasonable effort to locate the Applicant or other person having charge or control of the building or premises and request entry. If entry is refused, the City Manager shall have recourse to the remedies provided by Code Section 8.312(2) to secure entry.

(3) Notification. When it is determined that a violation of any provision of Sections 8.500 through and including 8.534 has occurred, the City Manager or designee shall notify the Applicant in writing of the violation observed. The notice of violation shall either be delivered to the responsible party or posted at the property site of the violation, and mailed to all responsible parties.

(4) Stop Work Orders. When it is necessary to gain compliance with Sections 8.500 through and including 8.534, the City Manager or designee may issue a written stop work order requiring that all work, except work directly related to the elimination of the violation, be immediately and completely stopped. The responsible party shall not resume work until such time as the City Manager provides specific approval in writing.

(5) Termination of Permit. If an Applicant violates the requirements of Sections 8.500 through 8.534, the City Manager or designee may revoke any or all of the Applicant's public works permits, building permits, or other permits within the Land Development area where the violation is occurring. The Applicant may appeal such determination pursuant to WC 8.536(12) herein.

(6) Civil Penalties. In addition to any other civil or criminal penalties, fines, or other enforcement measures allowed under the Wilsonville Code, Oregon law and regulations, or federal law and regulations, upon a determination by the City Manager or designee that a person has violated an provision of Sections 8.500 through and including 8.534, the City Manager or designee may impose upon the violator, and/or any other responsible person, a civil penalty. The use of a civil penalty does not prevent other authorized enforcement actions. A civil penalty shall be no less than fifty dollars (\$50) and shall not exceeding five thousand dollars (\$5,000) per offense per tax lot in which the violation(s) occurs within the Land Development area, or in the case of a continuing offense, not more than one thousand dollars (\$1,000) for each day of the offense and shall be processed in accordance with the procedures set forth in WC 8.536.

(a) Prior to imposing a civil penalty, the City Manager or designee, upon sending the Applicant an order to correct the violation(s), will pursue reasonable attempts to secure voluntary correction. Following the date or time by which the correction(s) must be completed as required by the order, the City Manager or designee shall determine whether such correction(s) has been completed. If the required correction(s) has/have not been completed by the date or time specified in the notice, the City Manager or designee may impose a civil penalty.

(b) In order to ensure that penalties correspond appropriately with the level of violation, and in consideration of this Section, for any fine above the fifty dollar (\$50) minimum fine, a formula will be used by the City Manager or designee to determine the dollar amount of the civil penalty.

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(c) The civil penalty authorized by the Section shall be in addition to:

1. Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement; and

2. Any other actions authorized by law.

(d) Notwithstanding WC 8.536(2)(a) above, the City Manager or designee may impose a civil penalty without having issued an order to correct violation or making attempts to secure voluntary correction where the City Manager or designee determines that the violation was knowing, intentional, or a repeat of a similar violation.

(7) Civil Penalties Notice. The notice of civil penalty shall be served by personal service or shall be sent by registered mail or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three (3) days after the date mailed if to an address within the state, and seven (7) days after the date mailed if to an address outside this state. A notice of civil penalties shall include:

(a) Reference to the particular code provision or rule involved;

(b) A short and plain statement of the violation;

(c) A statement of the amount of the penalty or penalties imposed;

(d) If the penalty is imposed pursuant to WC 8.536(6)(d), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and

(e) A statement of the party's right to appeal the civil penalty to the City Council.

(8) In imposing a penalty authorized by this Section 8.536, the City Manager or designee shall consider:

(a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

(b) Any prior violations of statutes, rules, orders and permits;

(c) The gravity and magnitude of the violation;

(d) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

(e) Cost to City;

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(f) The violator's cooperativeness and efforts to correct the violation; and

(g) Any relevant regulation under the City Code.

(9) Any person who has been issued a notice of civil penalty may appeal the penalty to the City Council. The provisions of WC 8.536(12) herein shall govern any requested hearing. The burden of proof shall be on the party appealing the penalty.

(10) A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the Applicant appeals the penalty to the City Council pursuant to, and within the time limit established by WC 8.536(12). If the Applicant appeals, the decision will become final, if at all, upon issuance of the City Council's decision affirming the imposition of the administrative civil penalty.

(11) Unpaid Penalties. Failure to pay a civil penalty imposed pursuant to this Section 8.536 within fourteen (14) days after the penalty becomes final shall constitute a violation of this Section 8.536. The City Manager or designee shall assess the property the full amount of the unpaid fine, notify the Applicant of such assessment, and shall enter such an assessment as a lien in the City lien docket. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.

(a) In addition to enforcement mechanisms authorized elsewhere in this Code, failure to pay an administrative civil penalty imposed pursuant to WC 8.536(6) shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

(12) Appeal Procedures.

(a) Filing deadline. A person appealing a decision of the City Manager or designee shall file a written notice of appeal with the City Recorder within ten (10) calendar days from the date of mailing of the notice sent pursuant to WC 8.536(7).

(b) Notice of appeal content. The written notice of appeal shall include:

1. The name and address of the appellant;

2. A statement of the authority or jurisdiction for the appeal including specific code sections authorizing the appeal;

3. A statement of the appellant's standing or right to be heard;

4. The nature of the decision being appealed;

5. A copy of the decision being appealed;

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6. A short and plain narrative statement including the reason(s) the original decision is alleged to be incorrect, with reference to the particular sections of the applicable code sections; and

7. The result the appellant desires on appeal.

(c) An appellant who fails to file such a statement with the information required in Subsection (12)(b) within the time permitted waives the objections, and the appeal shall be dismissed without a hearing.

(d) If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal; however, any stop work order will remain in effect. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, a notice of suspension.

(e) Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Council within thirty (30) days of the receipt of the notice of intent to appeal. At least ten (10) days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

(f) The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. The City may provide a response to the appeal for consideration by the City Council. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The City may also present testimony and oral arguments as well. If the appellant is represented by counsel, the City Attorney or designee will represent the City. The rules of evidence as used by courts of law do not apply.

(g) The City Council shall issue a written decision within ten business (10) days of the hearing date. The decision of the City Council after the hearing is final may include a determination that the appeal fee be refunded to the applicant upon a finding by the City Council that the appeal was not frivolous.

(13) Abatement of Violation.

(a) Summary Abatement Authorized. The City Manager or designee may determine that the failure or non-existence of stormwater control measures as required by this Section 8.500 through 8.534 constitute a violation presenting an immediate threat of injury to the public health, the environment, or public or private property. Such violations shall be subject to the requirements and enforcement measures stated in Sections 8.500 through and including 8.536. In cases where the City Manager or designee determines it is necessary to take immediate action in order to meet the purposes of this Section 8.500 through 8.536, Summary Abatement of such violation is authorized.

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(b) Notification Following Summary Abatement. When Summary Abatement is authorized by Sections 8.500 through and including 8.536, the decision regarding whether or not to use Summary Abatement shall be at the City Manager's or designee's discretion. In case of Summary Abatement, notice to the Applicant prior to abatement is not required. However, following Summary Abatement, the City Manager or designee shall post upon the affected site the abatement notice describing the action taken to abate the violation and shall cause a notice to be mailed to the Applicant at the Applicant's address as recorded in the county assessment and taxation records for the property in question.

(c) Financial Responsibility.

1. Whenever a violation is abated under this Subsection 8.536(13), the City Manager or designee shall keep an accurate account of all expenses incurred.

2. The City Manager or designee shall file a statement of such costs with the City Finance Department. Upon receipt of the statement, the Finance Director or designee shall mail a notice to the Applicant, stating the City's intent to assess the property in question the amount due plus charges to cover the costs of processing.

3. Lien. In the event that amount due set forth in the notice is not paid in full within thirty (30) days of the date of notice, the City Finance Director shall enter the amount of the unpaid balance, plus charges to cover administrative costs in the Docket of City liens which shall therefore constitute a lien against the property.

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BUSINESS RECYCLING REQUIREMENTS

8.700. Definitions:

~~For the purposes of this Chapter, the following terms shall mean:~~

~~(1). Business. Any person or persons, or any entity, corporate or otherwise, engaged in commercial, professional, charitable, political, industrial, educational or other activity that is non-residential in nature, including public bodies. The terms shall not apply to businesses whose primary office is located in a residence, conducted as a home occupation. A residence is the place where a person lives.~~

~~(2). Source separate. To separate recyclable material from other solid waste.~~

8.710. Purpose:

~~The purpose of sections 8.700 through 8.750 is to comply with Business Recycling Requirements set forth in Metro Code chapter 5.10. A significant increase in business recycling will assist the Metro region in achieving waste reduction goals, conserving natural resources and reducing greenhouse gas emissions.~~

8.720. Business Recycling Requirements:

- ~~1. Businesses shall source separate from other solid waste all recyclable paper, cardboard, glass and plastic bottles and jars, and aluminum and tin cans for reuse or recycling.~~
- ~~2. Businesses shall ensure the provision of recycling containers for internal maintenance or work areas where recyclable materials may be collected, stored, or both.~~
- ~~3. Businesses shall post accurate signs where recyclable materials are collected, stored or both that identify the materials that the business must source separate for reuse or recycling and that provide recycling instructions.~~
- ~~4. Persons and entities that own, manage or operate premises with Business tenants, and that provide garbage collection service to those Business tenants, shall provide recycling collection systems adequate to enable the Business tenants to comply with the requirement of this section.~~

8.730. Exemption from Business Recycling Requirements:

~~A business may seek exemption from the business recycling requirement by providing access to a recycling specialist for a site visit and establishing that it cannot comply with the business recycling requirement for reasons that include, without limitation, space constraints and extenuating circumstances.~~

8.740. Compliance with Business Recycling Requirements:

~~A business or business recycling service customer that does not, in the determination of the City or the City's agent, comply with the business recycling requirement may receive a written notice of noncompliance. The notice of noncompliance shall describe the~~

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~~violation, provide the business or business recycling service customer an opportunity to cure the violation within the time specified in the notice and offer assistance with compliance.~~

~~A business or business recycling service customer that does not, in the determination of the City or the City's agent, cure a violation within the time specified in the notice of noncompliance may receive a written citation. The citation shall provide an additional opportunity to cure the violation within the time specified in the citation and shall notify the business or business recycling service customer that it may be subject to a fine.~~

8.750—Violations.

~~A business or business recycling service customer that does not cure a violation within the time specified in the citation may be subject to a fine provision pursuant to City Code Chapter 1.012, of up to \$250.00 for the first violation and up to \$500.00 for subsequent violations in a calendar year.~~

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CITY OF WILSONVILLE, OREGON

**Industrial Pretreatment Program
Enforcement Response Plan**

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SECTION I. INTRODUCTION

The General pretreatment Regulations, 40 CFR 403.8(f)(1)(vi)(A) require POTW's with approved pretreatment programs to obtain remedies for noncompliance by any Industrial User. Specifically, 40 CFR 403.8(f)(5) requires the POTW to develop and implement an enforcement response plan.

EPA states that a violation occurs when any of the following conditions apply:

- Any requirement of the City's rules and regulations has not been met.
- A written request is not met within the specified time.
- A condition of a permit issued under the authority of rules and regulations is not met within the specified time.
- Effluent limitations are exceeded, regardless of intent or accident.
- False information has been provided by the discharge.

Each day a violation occurs is considered a separate violation. Each parameter that is in violation is considered to be a separate violation.

Actions that can be taken by the City, in response to violations, are described in this Enforcement Response Plan.—

This Enforcement Response Plan is intended to provide guidance to the City Staff for the uniform and consistent enforcement of the City Sewer Use Ordinance to all Users of the system. The Enforcement Response Plan should be considered a guide for making decisions on the appropriate actions to be taken to return the User to full compliance in the shortest possible time while not being excessive. For additional information see the City of Wilsonville Code, Chapter 8.

SECTION II. ENFORCEMENT REMEDIES

A. Preliminary Enforcement Contacts

It is of mutual interest to the City and the IU to resolve compliance problems with a minimum of formal coercion. As an aid to the communication process surrounding a formal enforcement action, the City will use the following informal responses:

1. Phone Calls

A phone call maybe the initial informal action taken by the City for missed deadlines and other minor incidents of noncompliance as detected by sampling, inspection and/or as

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soon as a compliance deadline is missed or noncompliance is detected. The City is not required to take this action prior to taking other enforcement options.

A written record of the phone conversation is kept and will contain the following information:

- name of company (IU);
- wastewater discharge permit number;
- name and title of person contacted;
- date and time; nature of violation;
- items discussed;
- results of conversation;
- initials or signature of City personnel initiating the phone call.

2. Informal Compliance Meeting

An informal compliance meeting may be held to discuss violations which have recurred, violations which remain uncorrected, or violations of a magnitude which warrant more communication between the City and the Industry. The compliance meeting is held specifically to include an authorized representative of the IU (e.g., vice president, general partner, or their duly authorized representative to ensure that he/she is aware that the industry is in noncompliance.

If possible, the compliance meeting should be held before significant noncompliance (SNC) is reached by the industrial user. The industrial user should already be aware of the criteria for SNC, and the compliance meeting will reinforce that the result of SNC includes enforcement measures mandated by federal regulations. The industry may in turn communicate any progress or measures it has taken to regain compliance.

B. Administrative Enforcement Remedies

Administrative Enforcement Remedies are actions that may be initiated at the City Staff level and are intended to be used as an escalation of enforcement. These enforcement actions are considered “formal” and are to be in a written format.

1. Notice of Violation

The Notice of Violation (NOV) is an appropriate initial response to any violations and may often be the first response. An informal enforcement action is not required prior to issuing a Notice of Violation. . The purpose of a NOV is to notify the industrial user of the detected violation. It may be the only response necessary in cases of infrequent and generally minor violations. As a general rule, the NOV will be issued not later than 5 business days after discovery of the violation. .

The NOV may be issued by the Pretreatment Coordinator.

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The NOV will require the IU to submit a written explanation of the violation and a plan for its satisfactory correction within 10 days of receipt of the NOV. If the user does not return to compliance or submit a plan of correction, the City will escalate to more stringent enforcement responses.

2. Administrative Order

An Administrative Order (AO) are enforcement actions requiring the IU to take a specific action within a specific time period, and may require the IU to seek outside assistance or to modify their production process to eliminate continued non-compliance. An Administrative Order is considered an escalation of the enforcement beyond an informal enforcement action and a Notice of Violation. The City is not required to take informal or less severe enforcement actions prior to issuing an Administrative Order. It is recommended that in most cases a Notice of Violation be issued prior to issuing an Administrative Order to assure the IU management are aware of the problem before ordering an action that may impact the productivity of the IU. The terms of an AO may or may not be negotiated with IUs.

a. Cease and Desist Order

A Cease and Desist Order directs a user in significant noncompliance (SNC) to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether. A Cease and Desist Order should be used in situations where the discharge could cause interference of a pass through, or otherwise create an emergency situation. The Order may be issued immediately upon discovery of the problem or following a hearing. In an emergency, the Cease and Desist Order may be given initially by telephone, with follow-up (within 5 days) by formal written notice.

b. Consent Order

The Consent Order combines the force of an AO with the flexibility of a negotiated settlement. The Consent Order is an agreement between the City and the IU normally containing three elements:

- compliance schedules;
- stipulated fines or remedial actions; and
- signatures of the City and industry representatives.

Consent Orders are intended to provide a scheduled plan of action to be taken by the IU (sometimes actions to be taken by the City) to return to compliance. The compliance schedule should identify all significant actions in a step wise order and when each step should be completed. Routine written reports should be required of the IU providing written documentation of the status of the Consent Order at the time of the report. Typically Consent Orders should not exceed six months in overall time, and not specific step to exceed a 90 day period. In some cases the completion of one consent order leads to the issuance of a second or third

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consent order dependent on the outcome of the previous consent order. Consent orders are effective providing the IU discharge is not contributing to pass through or interference of the POTW. The City may establish interim permit limits or special discharge requirements while a Consent Order runs its course.

No informal or less severe enforcement action is required to be taken prior to issue of a Consent Order. Before issuing a Consent Order the City should consider the impact the IU's discharge is having on the POTW (pass through or interference) and the evidence that is used to determine the need for the order. The milestone dates established for completion of steps within the Consent Order become enforceable at the same level of a discharge limit of the permit or a requirement of the City ordinance.

3. Show Cause Order

An order to show cause directs the user to appear before the City, and explain its noncompliance, and who cause why more severe enforcement actions against the user should not go forward. The order to show cause is typically issued after information contacts, NOVs, Consent Orders or Compliance Orders have failed to resolve the noncompliance. However, the Show Case Order/hearing can also be used to investigate violations or previous orders.

The Show Cause Order will either be hand-delivered or mailed with return receipt required. The Order will indicate the nature of the violations and the proposed enforcement response. At the Show Cause meeting, the Public Works Director will present a factual report prepared as the basis for the proposed enforcement action. The IU will present exhibits, material and memoranda. A record of testimonial evidence will be kept by the City.

Within thirty (30) days following the Show Cause meeting, the PW Director will render a decision regarding an enforcement action to be taken, setting forth findings and stating reasons for taking the action. Affirmative defenses to discharge violations (WC, Section 8.318) will be taken into consideration of the Director's decision.

Within ten (10) working days of receiving notice of the enforcement action to be taken, the IU may appeal the Director's decision to the City Council, pursuant to WC, ~~Section 8.602-402~~(10).

4. Compliance Order

Compliance Orders are similar to Consent Orders, in that, specific actions are mandated and milestone dates are established for the completion of each mandatory action. The primary difference is that a Compliance Order is not negotiated with the IU. The City establishes the mandatory actions and milestone

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dates without consideration of the IU with the primary focus on protection of the POTW. Compliance Orders may include the acquisition of professional assistance, engineering design, additional or replacement pretreatment equipment, development of best management practices, action plans, increased or special testing and/or self-monitoring requirements, and other activities that the City may deem necessary to returning the IU to full compliance. Compliance Orders may establish interim limits and requirements while the IU is operating under the compliance order. The compliance order should require routine reporting during the course of the compliance order.

No previous enforcement action is required prior to issuance of a compliance order

5. Administrative Fines

Administrative Fine are a monetary penalties assessed by the City's Public Works Director for violations of pretreatment standards and requirements, violations of the terms and conditions of the discharge permit and/or violations of compliance schedules. Administrative fines are punitive in nature and not related to a specific cost borne by the City. Instead, such fines are intended to recapture the full or partial economic benefit of noncompliance, and to deter future violations. The maximum amount of the fine is \$5,000 for each day that each violation continues.

Administrative Fines are recommended as an escalated enforcement response, particularly when NOVs or administrative orders have not prompted a return to compliance. Whether administrative fines are an appropriate responses to noncompliance also depend greatly on the circumstances surrounding the violation. The City will consider the factors as set forth in Section III of this plan when determining the amount of the fine.

6. Emergency Suspension Order

The Public Works Director may suspend an industrial user's discharge and the industrial user's discharge permit, without informal notice or previous enforcement action, in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent endangerment to the health or welfare of persons, or an endangerment to the environment. Any industrial user notified of an emergency suspension must immediately stop or eliminate its discharge to the POTW. In the event of the industrial user's failure to immediately comply voluntarily with the suspension order, the City may sever sewer connection prior to the date of any show cause or termination hearing. The industrial user must submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrences before discharge to the POTW can be restored.

7. Termination of Permit

Termination of service is the revocation of an industrial user's privilege to discharge industrial wastewater into the City's sewer system. Termination may be accomplished by physical

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severance of the industry's connection to the collection system, by issuance of a suspension order which compels the user to terminate its discharge, or by court ruling. Termination of service is an appropriate response to industries which have not responded adequately to previous enforcement responses. Unlike civil and criminal proceedings, termination of service is an administrative response which can be implemented directly by the City. However, the decision to terminate service requires careful consideration of legal and procedural consequences.

Any industrial user who violates the Wilsonville Code of Ordinances, discharge permit or compliance orders is subject to discharge permit termination as an enforcement remedy. Non-compliant industrial users will be notified in writing of the proposed termination of their discharge permit and will be offered an opportunity to show cause why the action should not be taken. The Public Works Director is authorized to terminate an IU's discharge if it presents or may present an endangerment to the environment or if it threatens to interfere with the operation of the POTW

In contrast to the Emergency Suspension Order, the Notice of Termination of the Discharge Permit is to be used when significant changes in the industrial user's operations have occurred without authorization resulting in new pollutant contributions or volume of wastewater discharged. Furthermore, through the course of administering, monitoring and compliance activity, the City may acquire new information which was not available at the time the discharge permit was issued. Until corrections have been made, and continuing discharge compliance can be assured, the City may terminate the IU's permitted right to discharge into the City's POTW.

C. Judicial Enforcement Remedies

There are four judicial enforcement remedies which are available to the City, as outlined in Wilsonville Codes – Injunctive Relief, Civil Penalties, Criminal Penalties, and Remedies Non-Exclusive.

1. Injunctive Relief

Injunctive relief is the formal process of petitioning the Circuit Court of Clackamas County for the issuance of either a temporary or permanent injunction which restrains or compels the specific performance of the discharge permit, order or other required imposed on the activities of the industrial user. Injunctive relief is carried out by the City Attorney in conjunction with the City ~~manager~~Manager, Public Works Director and the Mayor.

2. Civil Penalties

Civil litigation is the formal process of filing lawsuits against industrial users to secure court ordered action to correct violations and to secure penalties for violations including the recovery of costs to the POTW of the noncompliance. It is normally pursued when the corrective action required is costly and complex, the penalty to be assessed exceeds that which the City can assess administratively, or when the industrial user is considered to be recalcitrant and unwilling to cooperate. Civil litigation also includes enforcement measures which require involvement or

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approval by the courts, such as injunctive relief and settlement agreements. Civil litigation is pursued by the City Attorney and only initiated as authorized by the City Council.

3. Criminal Prosecution

Criminal prosecution is the formal process of charging individuals and/or organizations with violations of ordinance provisions that are punishable, upon conviction, by fines and/or imprisonment. The purposes of criminal prosecution are to punish noncompliance established through court proceedings, and to deter future noncompliance. Criminal prosecutions are up to the discretion of the City Attorney and may be filed in municipal court.

4. Remedies Nonexclusive (§8.312)

The remedies provided for in the ordinance are not exclusive. The Public Works Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

D. Supplemental Enforcement Remedies

Supplemental or innovative enforcement remedies are used to complement the more traditional enforcement responses already described. Normally, supplemental responses are used in conjunction with more traditional approaches. The following are provided for in the City Code:

- Performance Bonds
- Liability Insurance
- Payment of Outstanding Fees and Penalties
- Water Supply Severance
- Public Nuisance
- Informant Rewards
- Contractor Listing

SECTION III – ASSESSMENT OF ADMINISTRATIVE FINES

A. Base-Penalty Matrix

The following matrix provides a sample of suggested base-penalty (BP) for administrative fines based on the magnitude of the violations. The City should keep in mind that the following suggested fines are not mandatory and should be applied based on the various factors discussed in this section.

Class of Violation	Major	Moderate	Minor
Class I	\$5,000	\$2,500	\$1,000
Class II	\$2,000	\$1,000	\$500
Class III	\$500	\$250	\$100

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B. Class of Violations

Class I:

- * Un-permitted discharge or failure to halt discharge which cause harm to the POTW and/or the environment.
- * Failure to comply with notification requirements of a spill or slug load or upset condition.
- * Violation of an Administrative Order or compliance schedule.
- * Failure to provide access to premises or records.
- * Any violation related to water quality which causes a major harm or poses a major risk of harm to public health or the environment.
- * Significant Noncompliance (40 CFR 403.8(f)(2)(vii)(A-H).
- * Process waste stream dilution as a substitute for pretreatment.

Class II:

- ** Operation of a pretreatment facility without first obtaining a Discharge Permit. (No harm to POTW or the environment).
- ** Any violation related to water quality which is not otherwise classified.
- ** Recurring violations of local discharge permit limits or Federal Standard.

Class III

- *** Un-permitted discharge which causes no harm to POTW.
- *** Failure to operate and maintain a pretreatment facility.
- *** Monitoring, record keeping, and reporting violations.
- *** First-time violation of a local permit limit or Federal Standard regulating the discharge of pollutants.

C. Magnitude of Violations

Major:

- pH value less than 5.0 or more than 11.0,.
- More than 2.0 times the maximum allowable limit established for regulated pollutants, other than pH.
- Anything directly attributable to an upset condition or damage of the POTW.
- Recurring failure to meet the terms of a compliance order or recurring failure to correct a known violation.
- Missed compliance milestone or report submittal deadline by more than 30 days without good cause.
- Any other violation meeting the definition of significant noncompliance (See Sections II and III, as well as the Enforcement Response Matrix).

Moderate:

- From 1.2 to 2.0 times the maximum allowable limit established for regulated pollutants, other than pH.
- Third Notice of Violations of a Discharge Permit condition or compliance order in a 12 month period.

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Minor:

- pH value of 5.0 to 5.5 and 10.0 to 11.0 to 1.2 times the maximum allowable limit for regulated pollutants, other than pH.
- Second Notice of Violation for the same Discharge Permit condition or compliance order in a 12 month period.
- Missed compliance milestone or report submittal deadline without good cause by up to 30 days.
- Violations detected during site visits which do not results in harm to the POTW or the environment.

D. Maximum/Minimum Fines

No administrative fine, civil or criminal penalty pursuant to this matrix shall be less than \$100. The maximum fine/penalty may not exceed \$5,000 per each day per violation.

E. Assessment of Fines/Penalties

1. Assessment Protocol

When determining the amount of an administrative fine or civil penalty to be assessed for any violation, the Public Works Director shall apply the following procedures:

- Determine the class and the magnitude of each violation.
- Choose the appropriate base penalty (BP) from the BP Matrix in paragraph A of this section.
- Starting with the base-penalty (BP), determine the total amount of penalty through application of the formula:

$$\mathbf{BP + [(0.1 \times BP) (P+H+O+R+C)] + EB}$$

Where:

BP = Base-Penalty

P = prior significant action taken against the IU. (Significant actions refers to any violation established either with or without admission by payment of a penalty.)

H = compliance history

O = violation repetitive or continuous

R = whether the violation resulted from an unavoidable accident, or a negligent, intentional or flagrant act

C = Cooperation and effort put forth to correct the violation

EB = Approximated dollar sum of the economic benefit that the IU gained through noncompliance.

2. Values for (P) shall be as follows:

- (i) 0 if no prior significant actions or there is insufficient information on which to base a finding.

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- (ii) 1 if the prior significant action is one Class Two or two Class Threes;
- (iii) 2 if the prior significant action(s) is one Class One or equivalent;
- (iv) 3 if the prior significant actions are two Class One or equivalents;
- (v) 4 if the prior significant actions are three Class Ones or equivalents;
- (vi) 5 if the prior significant actions are four Class Ones or equivalents;
- (vii) 6 if the prior significant actions are five Class Ones or equivalents;
- (viii) 7 if the prior significant actions are six Class Ones or equivalents;
- (ix) 8 if the prior significant actions are seven Class Ones or equivalents;
- (x) 9 if the prior significant actions are eight Class Ones or equivalents;
- (xi) 10 if the prior significant actions are nine Class Ones or equivalents, of it any of the prior significant actions were issued for any violation of WC, Chapter 8.
- (xii) In determining the appropriate value for prior significant actions as listed above, the Director shall reduce the appropriate factor by:
 - (1) A value of two (2) if all prior significant actions are greater than three years but less than five years old;
 - (2) A value of four (4) if all the prior significant actions are greater than five years old;
 - (3) In making the above restrictions, no finding shall be less than 0.
- (xiii) Any prior significant action which is greater than ten years old shall not be included in the above determination.

3. Values for (H) shall be as follows:

(H) = Past history of the IU to take steps to correct violations cited in prior significant actions. In no case shall the combination of (P) and (H) be a value of less than zero.

- (i) -2 if IU took all feasible steps to correct each violation contained in any prior significant action;
- (ii) 0 if there is not prior history or if there is insufficient information on which to base a finding:

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4. Values for (O) shall be as follows:

Where (O) = whether the violation was repeated or continuous

- (i) 0 if the violation existed for one day or less and did not recur on the same day;
- (ii) 2 if the violation existed for more than one day or if the violation recurred on the same day.

5. Values for (R) shall be as follows:

Where: (R) = whether the violation resulted from an unavoidable accident, or a negligent, intentional or flagrant act.

- (i) 0 if an unavoidable accident, or if there is insufficient information to make a finding.
- (ii) 2 if negligent
- (iii) 6 if intentional; or
- (iv) 10 if flagrant

6. Values for (C) shall be as follows:

Where: (C) is the Cooperation and effort put forth by the IU to correct the violation.

- (i) 2 if IU was cooperative and took reasonable efforts to correct the violation or minimize the effects of the violation;
- (ii) 0 if there is insufficient information to make a finding, or if the violation or the effects of the violation could not be corrected.
- (iii) 2 if IU was uncooperative and did not take reasonable efforts to correct the violation or minimize the effects of the violation.

7. Values for (EB) shall be as follows:

Where: (EB) = Approximated dollar sum of the economic benefit that the IU gained through noncompliance. The penalty may be increased by the value assigned to (EB), provided that the sum penalty does not exceed the maximum allowed. In order to ensure that no IU may be able to pollute as a cost of doing business, the PW Director is empowered to take more than one enforcement action against any noncompliance IU (WC, Section 8.140(2)).

- (i) Add to the formula the approximate dollar sum of the economic benefit gained through noncompliance, as calculated by determining both avoided costs and the benefits obtained through any delayed costs, where applicable;

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- (ii) The PW Director need not calculate nor address the economic benefit component of the civil penalty when the benefit obtained is de minimis;

SECTION IV. NON COMPLIANCE DEFINED

A. Noncompliance

Noncompliance is any violation of one or more of the, Wilsonville Code, Chapter 8, any of the conditions or limits specified in the IU's Wastewater Discharge Permit or any compliance order issued by the City. Enforcement action must be initiated for the following instances of noncompliance:

1. Industry failure to submit a permit application form;
2. Industry failure to properly conduct self-monitoring;
3. Industry failure to submit appropriate reports;
4. Industry failure to comply with appropriate pretreatment standards by the compliance deadline date;
5. Industry failure to comply with pretreatment limits as determined from review of self-monitoring reports or City sampling;
6. Industry falsification of information;
7. Sewer use violation of the municipal code

B. Significant Noncompliance:

Significant Noncompliance shall be applicable to all Significant users or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section and shall mean:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameters during a six month period exceeded (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits. .

2. Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) of more of wastewater measurements taken for each pollutant parameter taken during a six-month period equal or exceeded by the product of a numeric Pretreatment Standard or Requirement, including Instantaneous Limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

3. Any other violation of a Pretreatment Standard or Requirement (daily maximum or longer- term average, Instantaneous Limits or narrative standard) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel of the general public);

4. Any discharge of pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.

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5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

6. Failure to provide within forty five (45) days after the due date, required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, , periodic self-monitoring reports, and reports on compliance with compliance schedules.

7. Failure to accurately report noncompliance; or

8. Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the pretreatment program.

SECTION V. RANGE OF ENFORCEMENT REPOSSES

When the City is presented with the need for enforcement response, it will select the most appropriate response to the violation. The City will consider the following criteria when determining a proper response:

- . Magnitude of violation;
- . Duration of the violation;
- . Effect of the violation on the receiving water;
- . Effect of the violation on the POTW;
- . Compliance history of the industrial user; and
- . Good faith of the industrial user.

These six criteria are discussed in detail below:

1. Magnitude of the Violation

Generally, an isolated instance on noncompliance can be met with an informal response and a Notice of Violation or Consent Order. However, certain violations or patterns of violations are significant and must be identified as such. Significant Noncompliance (SNC) may be on an individual or long-term basis of occurrence. Categorization of an IU as being in SNC provides the City with priorities for enforcement action and provides a means for reporting on the IU performance history. SNC is a violation which meets one or more of the -criteria set forth in Section IV B.

2. Duration of Violation

Violations, regardless of severity, which continue over long periods of time will subject the industrial user to escalated enforcement actions. For example, an effluent violation which occurs in two out of three samples over a six-month period or a report which is more than

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45 days overdue is considered SNC, while a report which is two days late would not be deemed significant.

The City's response to these situations must prevent extended periods of noncompliance from recurring. The City may issue an administrative order for chronic violations. If the industrial user fails to comply with the administrative order, the City will assess administrative penalties or initiate judicial action. If the prolonged violation results in serious harm to the POTW, the City will also consider terminating services or obtaining a court order to halt further violations as well as to recover the costs of repairing the damage.

3. Effect on the Receiving Water

One of the primary objectives of the national pretreatment program is to prevent pollutants from "passing through" the POTW and entering the receiving stream. Consequently any violation which results in environmental harm will be met with a SNC categorization and corresponding enforcement action. Environmental harm will be presumed whenever an industry discharges a pollutant into the sewerage system which:

- a. Passes through the POTW and causes a violation of the POTW's NPDES permit (including water quality standards); or
- b. Has a toxic effect on the receiving waters (i.e. fish kill).

The enforcement response should ensure the recovery from the noncompliance user of any NPDES fines and penalties paid by the City to any party whether governmental or otherwise. If a user's discharge causes repeated harmful effects, the City will seriously consider terminating service to the user.

4. Effect on the POTW

Some of the violations may have negative impacts on the POTW itself. For example, they may result in significant increases in treatment costs, interfere or harm POTW personnel, equipment, process, operations, or cause sludge contamination resulting in increased disposal costs. These violations will be categorized as SNC. For example, when the industrial user's discharge upsets the treatment plant, damages the collection system through pipe corrosion, causes an obstruction or explosion, or causes additional expenses (e.g. to trace a spill back to its source), the POTW's response will include cost recovery, civil penalties, and a requirement to correct the condition causing the violation.

5. Compliance History of the User

A pattern of recurring violations (even if different program requirements) may indicate whether that the user's treatment system is inadequate or that the user has taken a casual approach to operating and maintaining its treatment system. Accordingly, users exhibiting recurring compliance problems will be categorized as SNC. Compliance history is an important factor for deciding which of the two or three designated appropriate remedies to apply to a particular violator. For example, if the violator has a good compliance history, the City may decide to use the less severe option.

6. Good Faith of the User

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The user's "good faith" in correcting its noncompliance is a factor in determining which enforcement response to invoke. Good faith is defined as the user's honest intention to remedy its noncompliance coupled with actions which give support to this intention. Generally, a user's demonstrated willingness to comply will predispose the City to select less stringent enforcement responses. However, good faith does not eliminate the necessity of an enforcement action. For example, if the City's POTW experiences a treatment upset, the City will recover its costs regardless of prior good faith. Good faith is typically demonstrated by cooperation and completion of corrective measures in a timely manner (although compliance with previous enforcement orders is not necessarily good faith).

SECTION VI. ENFORCEMENT PROCEDURES

The City must document procedures to evaluate industry self-monitoring data, reports and notices to accurately determine the compliance status of each significant user. These procedures must identify all violations, including non-discharge or reporting violations.

This Enforcement Response Plan designates responsibilities for this evaluation task. The task is assigned to the Pretreatment Coordinator since he/ she is familiar with the IU's and the City's pretreatment program rules and regulations. The Pretreatment Coordinator is responsible to identify the noncompliance and alert the Public Works Director (PWD) of the possible need for enforcement action.

The City will examine all monitoring data and reports within five (5) days of receipt. In order to review reports, the Pretreatment Coordinator will apply the following procedures:

- The Pretreatment Coordinator has established schedules in the Industrial Wastewater Discharge Permits to designate when self-monitoring reports are due. Each self-monitoring report will be checked to see that it is submitted by its due date, and is appropriately signed and certified. Likewise, the Pretreatment Coordinator will check notifications and report requirements.
- All analytical data will be screened by comparing it to categorical or local limits or to any additional discharge standards which may apply.
- All violations will be identified and a record made of the response. At a minimum, this will be accomplished by circling the violation, using a red ink marker.
- The Pretreatment Coordinator, Responsible for screening data, must alert the PWD to the noncompliance. This allows the City to determine its enforcement response in a timely manner.

Industrial waste discharges violations are usually detected by the following six ways:

- (1) An industrial user reports a violation.

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- (2) The City's collection system monitoring and field surveillance detects a possible violation.
- (3) The treatment plant process is upset.
- (4) An unauthorized waste disposal procedure is identified during a facility inspection.
- (5) Investigation of a Citizen Concern Action Report.
- (6) Emergency crews (i.e. police, fire, rescue) report a hazardous material incident.

Industrial source investigations will be initiated for each of the examples presented above, and ensuing enforcement actions will be of an escalating nature (see Enforcement Response Matrix). Enforcement will begin with administration remedies (e.g. Notice of Violation, Consent Orders, Compliance Orders). If necessary, civil/criminal penalties will be sought and/or emergency suspension of sewer service will be ordered. Appropriate fines and penalties (civil/criminal) will be sought, as provided in WC Chapter 8.

The enforcement plan uses a three-level approach to enforcement action toward any noncompliance event.

LEVEL I: Responses represent the enforcement efforts utilized by the City to bring the IUU into compliance before a state of significant noncompliance (SNC) is reached. The following enforcement actions are utilized at this level of response.

<u>Response</u>	<u>City Personnel</u>
1. (Informal) Phone Call	Pretreatment Coordinator
2. (Informal) Compliance Meeting	Pretreatment Coordinator
3. Notice of Violation (WC, Section 8.602402(2))	Pretreatment Coordinator
4. Consent Order (WC, Section 8.602402(3))	Pretreatment Coordinator

LEVEL II: Responses are taken when an IUU has reached significant noncompliance. Level II enforcement action must include the issuance of an Administrative Order, as described below:

<u>Response</u>	<u>City Personnel</u>
1. Compliance Order (WC, Section 8.602402(5))	Public Works Director
2. Cease and Desist Order (WC, Section 8.602402 (6))	Public Works Director City Attorney
3. Emergency Suspension (WC, Section 8.602402 (8))	Public Works Director City Attorney

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- | | |
|--|--|
| 4. Termination of Permit
(WC, Section 8. 602402 (9)) | Public Works Director
City Attorney |
|--|--|

When an IU is in SNC, the Pretreatment Coordinator will do the following:

1. Report such information to DEQ as a component of the City's annual pretreatment program report.
2. Include the IU in the annual published list of industries which were significantly violating applicable
 - pretreatment standards and requirements during the previous 12 months. The procedures the ESM will
 - follow for compiling the list of IU's, includes:
 - a. Prepare a compliance history from the City's pretreatment records for each SIU.
 - b. Review the history of each SIU for either a pattern of noncompliance, or if the SIU has been or continues to be in SNC.
 - c. To the extent that an SIU meets the criteria in (b), above, the SIU will be placed on the list for publication in the largest daily newspaper within the City of Wilsonville.
 - d. The published list of IU's in SNC will include the following information:
 - I. Duration of violation.
 - ii. Parameters and/or reporting requirements violated.
 - iii. Compliance actions taken by the City.
 - iv. Whether or not the IU is currently in compliance or on a compliance schedule.

LEVEL III: This level of enforcement is reserved for the extreme occasion when the IU is in SNC and does not respond to an Administrative Order, does not adhere to compliance schedules, and where fines have not been effective in bringing the IU into compliance with pretreatment regulations. Level III enforcement may also be used for willful discharge of wastewater in amounts which cause pass through or interference, and cases of falsification. The timeframe for initiating Level III enforcement actions will range from immediate (e.g. reasonable potential to cause harm to the public, the POTW, or the environment, or a court ordered injunction for gaining access to an IU's facility) to not more than sixty (60) days. This level of enforcement requires the consultation of the City Attorney to determine the appropriateness and legal basis for the action to be implemented.

Response

City Personnel

- | | |
|--|-------------------------------|
| 1. Injunctive Relief
(WC, Section 8. 604404 (1)) | City Attorney
City Council |
| 2. Civil Penalties
(WC, Section 8. 604404 (2)) | City Attorney
City Council |
| 3. Criminal Prosecution | City Attorney |

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City Council

4. Supplemental Enforcement

Public Works Director, City Attorney,

(WC, Section 8.~~606406~~)

City Council

SECTION VII. TIME FRAMES FOR ENFORCEMENT ACTION AND FOLLOW-UP

The City will provide timely response to violations. In Section I and Section IV it has been established that the Pretreatment Coordinator will review industrial user reports within five (5) days of receipt. Similarly, violations observed in the field or upon receipt of compliance information will be responded to within five (5) days. Complex or larger violations may require a longer response time, and communications will be made with the industrial user (IU) regarding the time of the City's response. All formal enforcement notices will either be hand-delivered or mailed with return receipt required.

After its initial enforcement response, the City will closely track IU's progress toward compliance. This may be done by inspection, as well as timely receipt of required progress reports. The frequency of user self-monitoring may be increased. When follow-up activities indicate that the violation persists or that satisfactory progress is not being made, the City will escalate its enforcement response, using the steps of the enforcement matrix as a guide.

The Pretreatment Coordinator will establish a manual log to record the receipt of required reports. This log will contain 12 sections. Each section will be titled with the name of the month, January through December. The pages in each monthly section will list all of the industrial users who are required to report. Under each listed industry will be listed the type of report due and its due date. Following the due date will be a place to write the date the report is actually received. Next to each listed industry, also on the same line which identifies required reports and due dates, will be an area to note a summary of compliance status, including enforcement actions, calculations of administrative fines and/or SNC, and enforcement action timelines.

At the end of the month, the material in the report log will be transferred to a computer file created for each industrial user for ongoing storage and retrieval. The written records will be placed in a loose-leaf notebook developed to hold all pretreatment information pertinent to the particular industry.

In summary, the tracking of noncompliance, including SNC will be accomplished as follows:

1. Monitoring reports, inspection reports and compliance reports will be reviewed by the Pretreatment Coordinator within 5 days of receipt. Likewise, all pretreatment program violations will be identified and documented and the initial (Level 1) enforcement response (e.g. phone call or compliance meeting **and** an NOV or Consent Order) will occur within 5 days of receipt of reports.

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2. Violations classified by the Pretreatment Coordinator as SMC will be followed with an enforceable Level II order to be issued by the Public Works Director within 3 days of receipt or detection of noncompliance.
3. Assisted by the City Attorney, the Pretreatment Coordinator will respond to persistent or recurring violations with an escalated enforcement response (Level III) within 60 days after the initial enforcement action. Violations which threaten health, property or the environment will be treated as an emergency and an immediate enforcement response (e.g. Termination of Permit, Suspension Order, Injunctive Relief) will be initiated.

SECTION VIII. RESPONSIBILITIES OF PERSONNEL

A. POTW Supervisor

The wastewater treatment plant Supervisor is responsible for the overall operation and maintenance of the POTW, including employee safety, and protection of the treatment plant. The Supervisor is also responsible for compliance with the NPDES permit for wastewater discharge. The Supervisor has the authority to recommend to discontinue sewer service in emergency situations where there reasonably appears to present an imminent endangerment or substantial endangerment to the health or welfare of persons. The Supervisor will work under the direction of the Public Works Director.

B. Pretreatment Coordinator (PC)

The City will have a Pretreatment Coordinator who will be an individual thoroughly familiar with the program requirements and responsible for ensuring implementation of the City's pre-treatment program requirements. The Pretreatment Coordinator is also responsible for the administration and implementation of the pretreatment program. The Pretreatment Coordinator will screen monitoring data, do inspections, and detect noncompliance. The Pretreatment Coordinator will be the person typically working with industrial users. The Pretreatment Coordinator is responsible for recommending to the Public Works Director any enforcement action and publishing the annual list of significant noncompliance violators. The Pretreatment Coordinator will also review industrial user reports and make reports of violations. The Pretreatment Coordinator is also responsible to track all actions of enforcement, by establishing time lines and all necessary follow-up and make recommendations to the Public Works Director, City Attorney and City Council for enforcement action. The PC- will work under direction of the Public Works Director.

C. Public Works Director (PWD)

As provided by WC, Section 8.006(58), the Public Works Director is the person designated to supervise and assume responsibility for the overall operations of the City's public works infrastructure, including the POTW, NPDES, permit compliance and the industrial pretreatment program. The PWD is primarily involved in the escalation of enforcement responses and determining administrative fines. The Public Works Director works under the direction of the City Manager and supervises the Pretreatment Coordinator.

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D. City Attorney

The City Attorney will be responsible for advising staff and City Council on pretreatment enforcement matters. The Attorney works under the direction of the City Council. The City Attorney will also be responsible for preparation and implementation of judicial proceedings.

E. City Council

The City Council for the City of Wilsonville will be responsible for authorizing any Level III enforcement action taken, except in an emergency. As defined by City Charter, the City Council will be ultimately responsible for effluent quality, sludge use and disposal, NPDES compliance, the issuance of administrative orders, fines and assessments, and any judicial action followed by the sewer use ordinance.

SECTION IX. ENFORCEMENT RESPONSE MATRIX

A. Definitions

AF	Administrative Fee
CA	City Attorney
CC	City Council of the City of Wilsonville
CDO	Cease and Desist Order. Unilateral order to require immediate IU compliance
CM	Compliance Meeting
CO-1	Consent Order. Voluntary compliance agreement, including specified timeframe
CO-2	Compliance Order. Unilateral order to require IU compliance within specified timeframe
ES	Emergency suspension of IU discharge and discharge permit
ESM	Environmental Services Manager
IU	Industrial User
Level III	When IU does not comply with CO-1 and CO-2, and AF has not been effective in bringing the IU into compliance, this level of enforcement requires the consultation of the CA to determine appropriate legal action which may include; injunctive relief, civil penalties, criminal prosecution
NOV	Notice of Violation
PC	Pretreatment Coordinator
PWD	Public Works Director
SNC	Significant Noncompliance
SCO	Show Cause Order requiring IU to appear and demonstrate why the City should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
TP	Termination of Permit

B. Applying the Enforcement Matrix

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The matrix specifies enforcement actions for each type (or pattern) of noncompliance. The Pretreatment Coordinator will select an appropriate response from the list of enforcement actions indicated by the matrix. There are a number of factors to consider when selecting a response from among these actions. Several of the factors are identical to those used in originally establishing the guide:

1. Good faith of the user.
2. Compliance history of the user.
3. Previous success of enforcement actions taken against the particular user.
4. Violation's effect on the receiving waters.
5. Violation's effect on the POTW.

Since the remedies designed in the matrix are all considered appropriate, the city staff and city council must weigh each of the factors outlined above before deciding whether to use a more or less stringent response. City personnel shall consistently follow the enforcement response matrix. To do otherwise sends a signal to industrial users and the public that the City is not acting in a predictable manner and may subject the City to charges of arbitrary enforcement decision making, thereby jeopardizing future enforcement. The enforcement response matrix is to be used as follows.

1. Locate the type of noncompliance in the first column and identify the most accurate description of the violation in column 2.
2. Assess the appropriateness of the recommended response(s) in column 3. First offenders or users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response.
3. From column 3, apply the enforcement response to the industrial user. Specify correction action or other responses required of the industrial user, if any. Column 4 indicates personnel responsible for initiating each response.
4. Follow-up with escalated enforcement action if the industrial user's response is not received or the violation continues.

WILSONVILLE CODE**SECTION IX. ENFORCEMENT RESPONSE MATRIX****ENFORCEMENT RESPONSE MATRIX**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
I. Unauthorized Discharge (No Discharge Permit)				
A. Discharge without a Permit	IU unaware of requirement, no harm to POTW or Environment	I	Phone Call & NOV with Permit Application Form	PC
	IU unaware of requirement, Harm to POTW or Environment	II	CO-2 with AF	PWD
	Recurring Un-permitted Discharge	III	SCO	CA, CC
B. Discharge without a Permit Failure to Renew Existing Permit	IU did not submit permit renewal application within 90 days of permit expiration date	I	Phone Call & NOV with Permit Application Form	PC
	IU did not submit permit renewal application follow NOV and permit application, exceeded 45 days beyond submittal due date.	II	CO-2 with AF	PWD
	IU did not submit permit renewal application follow NOV and permit application, exceeded 60 days beyond submittal due date.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
II. Discharge Limit Violation				
A. Reported Limit Violation	Sample results exceed numerical permit limit but does not exceed Technical Review Criteria for severity.	I	Phone Call &/or NOV	PC
	Four (4) violations for same pollutant with three (3) consecutive months	II	CM and CO-1	PWD
	Sample results exceed numerical permit limit (chronic violation) and exceeds the Technical Review Criteria (TRC)	II	CO-2 and AF pending severity of violation with adverse impact to POTW	PC, PWD,
	Recurring Violations resulting in SNC (Significant Noncompliance)	II	CDO with AF	PWD CA,
	Discharge limit violation which causes POTW interference, pass-through or health hazard.	II	CDO with AF	PWD, CA,
	Any discharge causing endangerment to the public or the environment	III	ES and SCO	PWD, CA, CC
B. pH Limit Violations – Grab Sampling	Any excursion detected during a 24-hour period.	I	Phone call & NOV,	PC
	Four (4) violations within 3 consecutive months	I	CM & CO-1	PC
	pH violations resulting in Significant Noncompliance	II	CO with possible AF	PWD, CA,CM
C. pH Limit Violation – continuous	Excursion exceeding 60 min. in 24 hour period (level 1) except that per 40 CFR 403.5(b)(2) any discharge below 5.0 is a violation. Excursions above 11.0 is also a violation.	I	Phone & NOV. ** 4 excursions in one quarter: CM & C)-1	PC
	Excursions exceeding 7 hours and 26 min. during a calendar month> (Level I)	I	Phone call & NOV. **4 excursions in one quarter: CM & CO-1	PC

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	Daily or monthly violations occurring during 66% or more of a 6 month period. (Level II)	II	CO-2 with AF	PWD
D. pH Limit Violation – resulting in harm to POTW or environment	pH violations resulting harm to POTW or environment are considered significant non compliance	II	If reported IU, CO-2 with possible AF. If not reported by IU, CDO with AF	PWD, CA

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
II. Discharge Limit Violation (continued)				
E. Spill or Slug Discharge resulting in mass loading violations	Reported by IU: No damage to POTW, Isolated Occurrence.	I	Phone call & NOV.	PC
	Second occurrence within 6 month period.	I	CO-1	PC
	Reported by IU. Resulting in pass-through interference, or damage to POTW. Isolated occurrence.	II	CO-2 with possible AF	PWD
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC
	Not Reported by IU. No damage to POTW	I	CM and CO-1	PC
	Second occurrence within 6 month period.	II	CO-1 with possible AF	PWD, CA, CM
	Not Reported by IU. Resulting in interference, pass-through or damage	II	CDO with AF	PWD, CA
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC
III Monitoring and Reporting Violations				
A. Reporting Violations	Report is improperly signed or certified.	I	Phone call & NOV	PC
	Second occurrence within 6 month period	II	CM and CO-1	PC
	Scheduled reports late, 45 days or less, isolated incident	I	Phone call & NOV	PC
	Scheduled reports late more than 45 days.	II	CO-2 with AF	PWD

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	Failure to Submit Reports; or reports are always late.	II	CDO with possible AF	PWD, CA, PC
	Incomplete Reports	I	Phone Call &/or NOV second incident CM and CO-1	
	Failure to Accurately Report noncompliance	II	CO-2 with AF	PWD, CA
	Scheduled reports late more than 60 days	III	SCO	PWD, CA, CC

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
III Monitoring and Reporting Violations (continued)				
A. Reporting Violations (continued)	Report Falsification	III	Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
B. Monitoring Violations	Failure to monitor all pollutants as specified by discharge permit	I	Phone Call &/or NOV	PC
	Second occurrence within 6 month period	II	CO-1with a possible AF	PWD, PC
	Improper sampling with evidence of intent	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
	Failure to install monitoring equipment. Delay of 30 days or less, with good cause	I	Phone Call &/or CO-1	PC
	Failure to install monitoring equipment. Delay of more than 30 days.	II	CM andCO-1 with possible AF	PWD
	Pretreatment Equipment and Monitoring Equipment no maintained or out of service, evidence of neglect.	II	CO-2 with possible AF	PWD

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
III Monitoring and Reporting Violations (continued)				
C. Compliance Schedule in Discharge Permit	Milestone Date missed by 30 days or less	I	Phone Call &/or NOV	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (good cause of delay)	I	CM & CO-1	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (without good cause for delay).	II	CO-2 with possible AF	PWD
	Violation of Compliance Schedules issued to enforcement discharge permit compliance schedule.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
IV. Other Violations				
A. Waste Streams are Diluted in lieu of Pretreatment	Initial Violation	II	CDO with possible AF	PWD, CA
	Recurring Violations	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
B. Failure to meet compliance date for starting construction or attaining final compliance.	No Harm to POTW or environment. Delay, with good cause, less than 90 days.	I	CM and CO-1	PC
	Delay exceeds 90 days	II	CO-2 with possible AF	PWD
C. Failure to Properly Operate and Maintain a Pretreatment Facility	Evidence of neglect of intent	II	CO-2 with possible AF	PWD

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
V. Violations Detected During Site Visit				
A. Entry Denied by the IU	Entry consent or copies of records denied.	II	Obtain warrant and return to IU for site visit. Follow-up with SCO for TP	PC PWD, CA, CC
B. Illegal Discharge	No Harm to POTW or environment	I	CM and CO-1	PC,
	Discharge causes harm or there is evidence of willful intent or neglect.	II	CDO with possible AF	PWD
	Recurring with evidence of willful intent or neglect.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
C. Improper Sampling	Unintentional sampling at incorrect location	I	Phone Call &/or NOV	PC
	ReOccurring unintentional sampling and incorrect location	II	Phone call &/or NOV	PC
	Reoccurring unintentional using incorrect techniques	II	Phone Call &/or NOV	PC
	Unintentionally using incorrect sample collection techniques	I	Phone Call &/or NOV	PC
D. Inadequate Record Keeping	Inspection finds records incomplete or missing	I	NOV possible CO-1	PC
	Recurrence of records incomplete or missing.	II	CO-2 with possible AF	PWD
E. Failure to report additional monitoring	Inspection finds additional monitoring data	I	NOV with possible CO-1	PC
	Recurrence of failure to report additional monitoring data.	II	CO-2 with possible AF	PWD

WILSONVILLE CODE**SUMMARY OF
TIME FRAMES FOR RESPONSES**

1. Compliance Reports – reviewed within 5 days of receipt.
2. All violations will be identified and documented within 5 days of receiving compliance information.
3. **Level I** Enforcement Response (NOV, CO-1) – within 5 days of violation detection.
4. **Level II** Enforcement Response (CO-2, CDO, EX, TP, SCO) – within 30 days of violation detection.
5. **Level III** Enforcement Response (judicial and supplemental enforcement actions) time frame is subject to case-by-case legal review by the City Attorney, but in no case will the initiation of a Level III action exceed 60 days.
6. Recurring Violations – follow-up enforcement within 60 days.
7. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

**Entire Chapter 8 of the Code repealed and replaced by Ordinance No. 654 adopted on August 18, 2008.
Section 8.700-8.750 Added by Ordinance No. 664, adopted 6/1/09
Amended by Ordinance No. 689, adopted January 20, 2011 (correct scrivener errors)
Entire Chapter 8 Amended by Ordinance No. 753, adopted October 24, 2014**

Attachment B**ESC Comparison Chart**

The comparison charts below were created using the rules/regulations of the following cities: Wilsonville, Lake Oswego, Oregon City, West Linn, Gladstone, Corvallis, Happy Valley, and Milwaukie. The purpose of the comparison charts is to help capture each cities rules/regulation similarities and differences.

Rules/Regulations	Cities that have rule/regulation
Enforcement Officers: (1) City Manager (2) Building Official (3) Engineering Director	Wilsonville, Lake Oswego, Oregon City, West Linn, Gladstone, Corvallis Happy Valley Milwaukie *Enforcement may be appointed to a designee
Applicant can amend an approved erosion control plan if the techniques approved are not effective or sufficient to prevent erosion.	Wilsonville, Oregon City New plan submitted within 3 business day. Happy Valley No specific submission date, but must be implemented in a timely manner. Milwaukie New plan submitted within 3 working days. Lake Oswego New plan submitted within 1 business day. Corvallis No specific submission date, but must be implemented in a timely manner.
City Manager may conduct inspections during and after the building project is completed. *All cities have this regulation	West Linn City has the right to enter under emergency situations to prevent erosion that presents a danger to the public. Lake Oswego If a public nuisance is found and the person responsible refuses to remove the nuisance with no appeal, City has the right to enter and remove the nuisance. Corvallis City Manager may seek a search warrant if entry is denied.
Applicant must inspect the property daily to ensure erosion control measures are effective.	Lake Oswego, West Linn, Gladstone, Corvallis
Maintenance of property must continue after the project has been completed until soil is stabilized as determined by the City Manager.	Lake Oswego, Corvallis
Person holding a City business licenses who violates the erosion and control chapter, is subject to proceedings to consider license revocation.	Lake Oswego, Oregon City, West Linn, Gladstone
City Manager may deny occupancy on the property until the erosion measures have been installed and maintained.	Lake Oswego, Milwaukie, Happy Valley
City Manager may issue a written stop work order for any violation. [E.g. pending approval of an amended control plan.]	Happy Valley, Milwaukie, Lake Oswego, Oregon City, West Linn, Gladstone, Corvallis
The applicant shall maintain written records of all site inspections of erosion control measures and shall provide them to the City Manager upon request.	Lake Oswego, Gladstone

Erosion Prevention and Sediment Control Enforcement

Penalty	City
Maximum \$300	Oregon City, Milwaukie
Maximum \$500	Wilsonville, Happy Valley
Class A Infraction: Maximum \$720	Gladstone
Maximum \$1,000	West Linn, Lake Oswego
Minimum \$100 and Maximum \$5,000	Corvallis
<p data-bbox="175 737 545 764">Nuisance Abatement/Abatement</p> <p data-bbox="175 800 646 957">*The City shall abate any violation when such violation results, or may result, as an imminent threat to person or property, or any person refused or neglecting to correct the violation.</p>	<p data-bbox="685 737 1192 764">Lake Oswego, Gladstone, Corvallis, Oregon City</p> <p data-bbox="685 800 1403 863">West Linn [Classified as a Class A violation-- Intentional or knowing violation shall be a fine of maximum \$1,000]</p>



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: May 21, 2018	Subject: ERP Software Replacement Update.	
	Staff Member: Andy Stone, IT Manager	
	Department: Information Systems	
Action Required	Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	Comments:
Staff Recommendation: Receive update on upgrading the City's Enterprise Resource Planning Software.		
Recommended Language for Motion: N/A		
Project / Issue Relates To:		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Council will receive an update on the City's plans to upgrade the City's Enterprise Resource Planning software that serves as the foundation for many of the City's departments.

EXECUTIVE SUMMARY:

In 2001 the City of Wilsonville started the implementation of its first Enterprise Resource Planning (ERP) software, known as Eden, and substantial completion occurred in 2004. The software is used throughout the City for financial, permitting and administrative functions.

Eden was purchased in 2003 by Tyler Technologies, a company founded in 1966 that has evolved into a leading provider of municipal focused software. Tyler continues to support Eden but has acknowledged that other products in their portfolio will be the focus of future development.

In November of 2017 the City contracted with the L. Yeo Consulting, LLC group to perform a Needs and Solutions Assessment focusing on identifying the City's needs and analyzing the software that is available to municipal governments of Wilsonville's size. They have worked in close contact with an ERP Steering committee formed from Directors and Managers that are directly impacted by the success of a new ERP.

L. Yeo Consulting worked with over 40 staff members to identify needs and document system requirements for a new ERP. Research into municipal government ERP's were performed and systems used by cities of similar size in the Pacific Northwest were examined. The City asked L. Yeo Consulting to look for three vendors that are active in the region that fit the criteria that was identified in the needs assessment. That process is nearing completion and is expected to finish in June.

Research into each company is being performed by L. Yeo Consulting and compiled into a solutions report for the City. Each company has been providing municipal software for over 20 years. There has been a lot of acquisition and restructuring in this field over the last ten years and each company is at a slightly different phase of development.

In addition to the products that are available, the City has been looking at multiple implementation options such as "On Premise" or "SaaS" (Software as a Service). Each approach has its advantages and disadvantages. On-premise allows full control of the City's data, can reduce latency or delay of data retrieval and database processes when compared to SaaS, especially for those modules with multiple, simultaneous users. On-premise also allows the most customization to accommodate the City's work flow.

SaaS stores all the data in the "cloud", which maximizes connection flexibility, especially remotely, but would be an issue if internet connections became unreliable. SaaS solutions for multiple, frequent users of financial software for a city of Wilsonville's size are still emerging, and currently there a multitude of variables to consider, such as data security, proximity of data centers and the number of internet connections. Additionally, a host's security and reliability would need to be fully vetted before going with a SaaS product.

Both options would require technological infrastructure improvements, ranging from increased server capacity to enhanced data security and firewall protections. These options will be examined before selecting a new ERP.

L. Yeo Consulting has noted in the reference calls that other jurisdictions report a significant amount of staff effort is needed to implement a new ERP system. For many months, staff have to simultaneously run their existing system while developing the new system. The research is showing that it is highly recommended that provisions are put in place during the implementation to help support staff to minimize disruptions to citizens.

Research shows that implementation time varies greatly depending on the number of modules that are being setup. Wilsonville's will be a large implementation since financials, permitting, utility billing and integrations into existing systems will be required. Based on reference calls to other municipalities that have gone through this, it is estimated that the process will take approximately three years to complete. This estimate takes into account that the City was cautioned to take its time during the implementation since rushing to meet a deadline caused significant issues in other jurisdictions.

As the City moves forward with this project, the internal steering committee will consider the needs as assessed by the consultant, how they match up with research on solutions and references provided by other jurisdictions. The steering committee will also consider solutions that are on premise versus SaaS, the operational and staffing impacts of implementation, and recommend an implementation path.

EXPECTED RESULTS:

The ERP replacement project may be referenced at the budget committee meetings. This information is to give context to the discussion.

TIMELINE:

A formal selection of the new ERP is expected in July, 2018. The contracting portion could take up to six months. Implementation would start after resources were assigned by the company. Full implementation is estimated to take three years.

CURRENT YEAR BUDGET IMPACTS:

This project has \$1 million set aside in the FY 2017-18 budget, split between the General Fund and the Building Fund, with \$350,000 appropriated in the current year in project #8126. The full amount is not expected to be spent this year, and project appropriations will be adjusted accordingly within the \$1 million in subsequent budget cycles.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 5/10/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 5/15/2018

COMMUNITY INVOLVEMENT PROCESS:

NA

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

NA

ALTERNATIVES:

NA

CITY MANAGER COMMENT:

NA

ATTACHMENTS:

None.

Oregon Roads Scholar Program

Local governments in Oregon maintain over 33,000 miles of roads and streets, 60% of the total public road mileage in the state.

The Oregon Roads Scholar Program provides local agencies with the latest information on road maintenance procedures and technologies, helping local government personnel to enhance their maintenance skills and knowledge.

Roads Scholar classes are offered on a regular basis throughout Oregon. Courses are taught by training specialists well versed in the latest developments and technologies. In most instances, this training is provided free of charge to local government agencies.



The Oregon Roads Scholar program is designed to acknowledge local agency maintenance personnel who are committed to learning new skills and expanding their knowledge of road maintenance technology.

The Oregon Roads Scholar program consists of a Level 1 and a Level 2 component. To receive a Level 1 certificate, participants must complete 10 classes within five years. A Level 2 certificate requires completion of eight more classes within a five year period.

Upon completion of each level, graduates receive a Roads Scholar certificate to document the continuing education and professional development. Sponsoring agencies receive a plaque listing their employees who have successfully completed the programs.

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2018

Items known as of 05/16/18

May

DATE	DAY	TIME	EVENT	LOCATION
5/23	Wednesday	6:30 p.m.	Library Board Meeting	Library
5/24	Thursday	4:30 p.m.	Parks and Recreation Advisory Board Meeting	Parks and Recreation Administration Building
5/30	Wednesday	6:00 p.m.	Budget Committee	Council Chambers
5/31	Thursday	6:30 p.m.	DRB Panel B	Council Chambers

June

DATE	DAY	TIME	EVENT	LOCATION
6/4	Monday	7:00 p.m.	City Council Meeting	Council Chambers
6/6	Wednesday	6:00 p.m.	Budget Committee	Council Chambers
6/7	Wednesday	6:00 p.m.	Budget Committee - TENTATIVE	Council Chambers
6/13	Wednesday	1:00 p.m.	Wilsonville Community Seniors, Inc. Advisory Board	Wilsonville Community Center
6/13	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
6/11	Monday	6:30 p.m.	DRB Panel A	Council Chambers
6/18	Monday	7:00 p.m.	Wilsonville Citizens Academy	City Hall
6/18	Monday	7:00 p.m.	City Council Meeting	Council Chambers
6/25	Thursday	6:30 p.m.	DRB Panel B	Council Chambers
6/27	Wednesday	6:30 p.m.	Library Board Meeting	Library

Community Events:

- 5/23** Spring Walk at Lunch, noon - 1:00 p.m., at Sofia Park in Villebois
- 5/29** History Pub, 6:30 p.m. - 8:00 p.m. at Wilsonville McMenamins' Old Church
- 5/28** City Offices Closed in Observance of Memorial Day
- 5/28** Oregon Korean War Memorial Day Ceremony, 11:00 a.m. - 12:00 p.m., at Town Center Park
- 5/30** 1st day Prospective Petition Election forms are accepted for filing with the City Recorder's office
- 6/2** Wilsonville Festival of Arts, 10:00 a.m. - 6:00 p.m., at Town Center Park
- 6/3** Wilsonville Festival of Arts, 10:00 a.m. - 5:00 p.m., at Town Center Park

6/16 Korean War Remembrance Ceremony, 10:30 a.m. - 11:30 a.m., at Town Center Park

6/26 Signage & Wayfinding Open House, 5:30 p.m.- 7:30 p.m. at Wilsonville City Hall

6/26 History Pub, 6:30 p.m. - 8:00 p.m. at Wilsonville McMenamins' Old Church

All dates and times are tentative; check the City's online calendar for schedule changes at www.ci.wilsonville.or.us.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: May 21, 2018		Subject: Ordinance No. 814 - 2nd Reading Solid Waste Management and Collection Franchise Agreement	
		Staff Member: Amanda Guile-Hinman, Assistant City Attorney Mark Ottenad, Public/Government Affairs Director	
		Department: Legal/Administration	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: May 7, 2018 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: May 7, 2018 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: May 21, 2018 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable	
		Comments: Adoption of new Solid Waste Management and Collection Franchise Agreement.	
Staff Recommendation: Staff recommends that Council adopt Ordinance No. 814.			
Recommended Language for Motion: I move to approve Ordinance No. 814 on second reading.			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities Update Solid Waste Franchise Agreement		<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Council to consider adoption of a proposed Solid Waste Management and Collection Franchise Agreement (“Proposed Franchise Agreement”) with Republic Services attached hereto as **Attachment A**, along with the following attachments to the Proposed Franchise Agreement: Attachment 1 (Administrative Rules), Attachment 2 (Rate Schedule), and Attachment 3 (Franchisee Acknowledgement). Updating the Solid Waste Franchise Agreement is a 2017-19 Administrative Initiative.

EXECUTIVE SUMMARY:

This Staff Report reviews the outstanding issues City staff and Republic Services worked to resolve since the last Council work session.

1. Indexing

City staff and Republic Services representatives previously agreed to use an index to adjust service rates rather than undertake a complicated rate review every two years. City staff and Republic Services also agreed to use the index that is replacing the Portland-Salem Consumer Price Index, which is the All Urban Consumers for West-Size Class A Consumer Price Index (“CPI”). City staff drafted the Proposed Franchise Agreement to provide a sliding scale for applying the CPI and Republic Services is supportive of the sliding scale approach.

The following sliding scale is reflected in Article VIII of the proposed Franchise Agreement:

Operating Margin	Percent of CPI Increase, If Any
12% or greater	No adjustment
10% up to, but not including, 12%	75% of CPI increase
8% up to, but not including, 10%	100% of CPI increase
Less than 8%	125% of CPI increase

2. Recycling Surcharge

Due to the increased costs of recycling, several local governments, including Clackamas County, Washington County, Portland, Lake Oswego, and Tualatin, are considering or already have adopted a recycling surcharge to be added to customer bills or a service rate increase.

City staff and Republic Services negotiated to follow Clackamas County’s adopted fee increase as follows:

- \$2.50 flat fee per month for residential customers.
- \$1.50 per yard based on size of recycling container. Commercial customers that use 35, 60, or 90 gallon recycling carts will be charged the same \$1.50 fee as the one-yard rate.

A question arose at the April 16, 2018 Council work session whether a recycling surcharge would motivate customers to throw more recycling away in their solid waste containers. Residential customers pay the same flat rate regardless of the size of their solid waste containers and cannot choose only solid waste service (exclusive of recycling service), so they cannot avoid the recycling surcharge. Moreover, if residential customers opt for a larger solid waste container, the rate for a larger solid waste container is more than the \$2.50 recycling surcharge.

Although commercial customers are billed according to the size of their recycling containers, the fee is not as significant as the cost of increasing the size of the solid waste container and may require more days of solid waste service, which is also an increased cost.

For example, a commercial customer could have a 2 yard *solid waste* container, but an 8 yard *recycling* container. The commercial customer would be charged a \$12 recycling surcharge (8 x \$1.50 = \$12.00). The cost of increasing from a 2 yard *solid waste* container to a 3 yard *solid waste* container is \$69.68 (\$250.59 - \$180.91). Also, that scenario assumes only one service day each week for solid waste. If the commercial customer retained the 2 yard *solid waste* container, but had to increase to two (2) service days each week, the increased cost is \$176.47 (\$357.38 - \$180.91). Even though a commercial customer's recycling container may be larger than its solid waste container, the cost of throwing away recyclables is much greater than simply paying the recycling surcharge.

3. Timing of Service Rates and Franchise Fee Adjustments

The Proposed Franchise Agreement has the following structure for implementing service rate adjustments and franchise fee increases as follows:

- July 1, 2018 – Recycling surcharge implemented
- July 1, 2018 – Service Rate increase by 3.25%
- October 1, 2018 – Service Rate increase by 3.25%
- July 1, 2019 – Service Rate “true-up” to achieve 10% operating margin
- January 1, 2020 – City Franchise fee increase to 5%

This approach to the increase in service rate, new recycling surcharge, and franchise fee adjustment over the next 18 months seeks to address the immediate need for a rate increase and the recycling market issues first and then incorporating the franchise fee increase.

The recycling surcharge is to address a specific issue that has largely risen since January 2018 and does not alleviate the standard expenses that Republic Services pays. In other words, the recycling surcharge addresses a unique issue that is not otherwise reflected in typical rate increase requests. City staff recommend treating the recycling issue separately as a surcharge that may be removed if or when better recycling conditions occur.

Typically, Republic Services requests a rate increase every two years (right around this time) under the current, existing Franchise Agreement. But for this Proposed Franchise Agreement being negotiated between the City and Republic Services, Republic Services would have requested a six-and-one-half percent (6.5%) service rate increase from the Council under the current, existing Franchise Agreement. In examining the CPI proposed to be used in the Proposed Franchise Agreement, there has been a 3.14% increase and a 3.53% increase for March 2016-March 2017 and March 2017-March 2018, respectively. Therefore, based on the percentage increase in the CPI and also based on information provided by Republic Services (which will be available for the Council at the May 7 City Council meeting), City staff and Republic Services recommend a phased-in 6.5% rate increase of 3.25% effective July 1, 2018 and another 3.25% increase effective October 1, 2018. This phased-in rate increase will help ensure that the “true-up” performed by July 1, 2019 does not lead to a large increase in rates for customers, while also not causing one larger rate increase on July 1, 2018 if the entire 6.5% increase was applied at that time.

The franchise fee is incorporated as part of the allowable expenses when calculating the operating margin so it will not necessarily trigger a rate increase unless the operating margin calls for a rate increase and the CPI reflects an increase as well. In other words, if the CPI decreases, the service rates will not be adjusted even though the franchise fee increased. Similarly, if the operating margin is at or above 12%, the increased franchise fee will not cause the service rates to increase.

4. Billing Due Date

On April 16, 2018, Councilor Akervall raised a question about a regulation in the Administrative Rules regarding the due date of customer invoices from Republic Services. City staff added a provision in the Administrative Rules (Subsection 3.6.2) to address customer billing due dates.

EXPECTED RESULTS:

Council adoption of the Proposed Franchise Agreement (Ordinance No. 814) and related attachments upon first reading set for May 7, 2018. Staff anticipate that changes to Wilsonville Code Chapter 1 regarding penalties for certain violations will be required as a result of redrafting the Franchise Agreement. Such revisions are anticipated to be before Council in Summer or Fall 2018.

TIMELINE:

First reading of the Franchise Agreement Ordinance is set for May 7, 2018 with a second reading scheduled for May 21, 2018.

CURRENT YEAR BUDGET IMPACTS:

There are no budgetary impacts of renegotiating the Franchise Agreement. If the franchise fee is increased to 5%, the General Fund may realize approximately \$120,000 per fiscal year based on current population and service.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 5/2/2018

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 4/28/2018

COMMUNITY INVOLVEMENT PROCESS:

Material about new rate structure and increases will be included with the customer's bill. Information regarding this Ordinance was included in the May 2018 Boones Ferry Messenger and released to the media, with a potential article to appear in the May 2, 2018 edition of the Wilsonville Spokesman.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Updating the Franchise Agreement will provide clearer standards and solid waste, recycling, yard debris, and food scraps service for the Wilsonville community. If Council decides to increase the franchise fee, that fee will be passed on to the customers because it is part of the allowable expenses that Republic Services calculates to determine if a rate increase is applicable.

ALTERNATIVES:

Minor updates to critical sections of the current Franchise Agreement to bring it into compliance with current law and to provide reasonable insurance requirements. Adoption of a recycling surcharge in conformance with surrounding jurisdictions.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Attachment A: Ordinance No. 814

ORDINANCE NO. 814

AN ORDINANCE OF THE CITY OF WILSONVILLE CREATING A FRANCHISE AGREEMENT FOR SOLID WASTE MANAGEMENT AND COLLECTION WITHIN THE CITY AND REPEALING ORDINANCE NOS. 204, 281, 424, AND 443 AND RESOLUTIONS NOS. 1077 AND 2566.

WHEREAS, Oregon Revised Statutes (ORS) Chapter 459 grants the City of Wilsonville (“City”) the authority to regulate solid waste collection and mandates the development of a recycling program; and

WHEREAS, the City desires to ensure efficient and comprehensive solid waste management and collection services are available to all residents, businesses, and organizations within the City; and

WHEREAS, the City Council has determined that public health, safety, and well-being require an exclusive franchise be awarded to a qualified company for the collection, transportation, processing, and disposal of solid waste, recyclables, yard debris, and food scraps, as more particularly described below; and

WHEREAS, the City Council declares its intention of maintaining reasonable rates and quality service related to the collection, transportation, processing, and disposal of solid waste, recyclables, yard debris, and food scraps;

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

ARTICLE I

Title

This Ordinance will be known as the “Solid Waste Management Ordinance,” and may be so cited and pleaded, and will be referred to herein as the “Ordinance.”

ARTICLE II

Purpose

It is the policy and purpose of the City to protect the health, safety, and welfare of the citizens and the physical environment of Wilsonville through the regulation of solid waste management. This regulation will:

1. Ensure safe, economical, and comprehensive solid waste services, as further defined in this Ordinance;

2. Ensure rates that are just, reasonable, and adequate to provide necessary public services;
3. Prohibit rate preferences and any other practices that might be discriminatory;
4. Provide for technologically and economically feasible recycling and resource recovery, by and through the franchisee;
5. Meet or exceed all applicable ORS Chapter 459 regulations relating to solid waste management prescribed to local jurisdictions and their authorized franchisees; and
6. Ensure consistent and responsive service and communication with citizens regarding solid waste management operations, education, and requirements.

ARTICLE III

Scope

Services defined, regulated, and authorized in this Ordinance are applicable only within the City limits of the City of Wilsonville and all future annexations during the term of this Ordinance.

ARTICLE IV

Definitions

1. Administrative Rules or Solid Waste Management and Collection Administrative Rules. All standards and rules adopted by the City Council upon adoption of this Ordinance defining specific operating rules and procedures that support and ensure compliance with this Ordinance, and which may be amended from time to time by the City Manager or designee upon review with Franchisee as provided in the Solid Waste Management and Collection Administrative Rules attached hereto and incorporated herein as **Attachment 1**.
2. Allowable Expenses. Those expenses incurred by Franchisee in the performance of this Franchise that are allowed by the City as reimbursable by the Customer, as enumerated below. Allowable Expenses are allowable only to the extent that such expenses are known and measurable, calculated according to Generally Accepted Accounting Principles (GAAP) on an accrual basis, and comply with the Cost Allocation methodology contained within this Ordinance for the Franchisee's operations within the City, do not exceed the fair market value of comparable goods or services, and are commercially reasonable and prudently incurred by the

Franchisee solely in the course of performing its obligations under the Franchise. *See* the definition for “Cost Allocation” regarding how certain overall costs are to be proportionately allocated. Allowable Expenses include the following:

- a. Costs of complying with all laws, regulations, or orders applicable to the obligations of Franchisees under federal, state, or local law, including this Ordinance, as well as costs for financial reporting, accounting, and regulatory processes associated with or required by this Franchise or under law, as now or hereafter amended;
- b. Costs of collection, transportation, transfer, and disposal, including tipping fees, excise taxes, Metro Regional System Fees and Excise Tax, and DEQ-imposed fees and taxes;
- c. Labor costs, including operational and supervisory labor, payroll taxes, workers’ compensation, and benefits, as well as third-party transportation costs;
- d. Vehicle registration fees, motor fuel, oil, tires, repairs, and maintenance;
- e. New vehicle and equipment purchases, amortized according to applicable historical trends and Franchisee’s fixed asset policy, excluding vehicles or equipment that involve new or emerging technology or that are part of a pilot project or are prototypes of potential new fleet vehicles, such as electric Solid Waste trucks;
- f. Expenses of maintaining other capital assets, including rental charges and/or operating lease payments and repair and maintenance, including container maintenance and repair costs;
- g. Performance bonds and insurance in at least the amounts and coverages required by the City;
- h. All administrative and management costs and expenses reasonably allocated for the Services required under this Franchise, including, but not limited to, compensation, management fees, and benefits for officers and employees, payroll taxes, data processing, billing, equipment or facility rental or lease costs, supplies, finance and accounting, administration, human resource and labor management, rate analysis, and regulatory compliance;
- i. Utilities;

- j. Training, worker safety, and employee development expenses;
- k. Promotion and public education costs;
- l. Depreciation and amortization of capital assets, including any necessary stand-by or back-up equipment used on a regular and ongoing basis in the provision of Services under this Franchise over standardized economic useful lives of the various assets;
- m. Outside professional fees and costs, limited to two percentage points of revenue, unless an extraordinary circumstance exists;
- n. Interest expense, other than interest paid with respect to route or Franchise acquisitions, that is not in excess of market rates ordinarily charged for the various types of financing required for purchases or leases;
- o. Direct write-off charges for bad debts; and
- p. Franchise Fees assessed by the City.

Allowable Expenses, as defined above, shall be reasonable if they are comparable with the expenses incurred by similarly situated solid waste and recycling collection companies in Clackamas and Washington Counties of the State of Oregon. If there is any disagreement or discrepancy regarding what is considered an “Allowable Expense” or “Unallowable Expense,” or the amount of an “Allowable Expense,” Franchisee and the City will work together to resolve the discrepancy. If no resolution is reached, the parties will agree to mediate the discrepancy, in addition to any other legal or equitable remedies that may be available to the parties.

- 3. Annual Franchise Report. The report submitted by Franchisee to the City at the end of each Fiscal Year, as more particularly described in Article XI, Section 3 herein.
- 4. Bi-Annual Informational Report. The report submitted by Franchisee to the City at the end of each quarter, as more particularly described in Article XI, Section 2.
- 5. City. The City of Wilsonville.
- 6. Commercial. Stores, offices, including manufacturing and industry offices, restaurants, warehouses, schools, colleges, universities, hospitals, manufacturing and industrial buildings and complexes. “Commercial” does not include business, manufacturing, or processing activities that occur in Residential dwellings.

7. Cost Allocation. The following allocation methodology will be used to determine certain Allowable Expenses attributable to Service rendered for the City:
 - a. Operational cost: The Franchisee will perform an annual survey or report to calculate the time spent in each jurisdiction Franchisee services by Residential, Multi-Family, and Commercial route. The annual total hours and total cost will be used to proportionately allocate Franchisee's overall operational costs, such as labor and benefits, fuel, oil, maintenance, vehicle and container leases, vehicle licenses, capital assets, utilities, and training, for Residential, Multi-Family, and Commercial Service within the City (e.g., labor costs as an Allowable Expense should represent a proportionate share of Service within the City compared to Franchisee's services utilized by other cities and counties).
 - b. Direct cost: The entire cost of Franchise Fees and other expenses directly related to Service within the City and that are not attributable to Franchisee's services performed in other jurisdictions will be used to determine the Allowable Expenses attributable to Service rendered in the City.
8. Council. The City Council of the City of Wilsonville.
9. CPI. The March to March All Urban Consumers for West-Size Class A Consumer Price Index as defined by the United States Bureau of Labor Statistics rounded to the nearest hundredth percent, or other index that replaces this index.
10. Cure Period. The thirty (30) day period Franchisee has from date of Written Notice to correct any default pursuant to Article XIV. In the case of default by Franchisee, if Franchisee notifies the City that it cannot, in good faith, cure the default within the thirty (30) day Cure Period, then the City may elect to extend the cure period to an agreed upon time period.
11. Customer(s). Individuals, groups, businesses, corporations, or other recognized entities receiving Solid Waste management services from the Franchisee within the City.
12. DEQ. State of Oregon Department of Environmental Quality.
13. EPA. United States Environmental Protection Agency.
14. Extraordinary Rate Increases. Service Rate charged by Franchisee to its Customers sought to be increased by Franchisee under Article VIII of this Ordinance.

15. Fiscal Year. July 1 to June 30 of any year.
16. Franchise. A contract with the City allowing the use of public right-of-way to collect, transport, process, and dispose of Solid Waste, Recyclable Materials, Yard Debris, and food scraps and to perform other responsibilities as defined in this Ordinance.
17. Franchise Fee. Franchise Fee is defined in Article VII of this Ordinance.
18. Franchisee. The Person granted the Franchise by this Ordinance. The particular Franchisee referred to in this Ordinance is Keller Drop Box, Inc. dba Republic Services of Clackamas and Washington Counties.
19. Gross Revenue. For any period of time:
 - a. Gross accrual-based billings by the Franchisee to Customers for Services provided under this Franchise;
 - b. The allocated gain on the sale of fixed assets, the depreciation or amortization from which was an Allowable Expense under the terms of this Ordinance, and refunds, sales proceeds, or other reimbursements for any other expense that was an Allowable Expense under this Ordinance; and
20. Hazardous Waste. Hazardous Waste includes:
 - a. Discarded, useless or unwanted materials or residues resulting from any substance or combination of substances intended for the purpose of defoliating plants or for the preventing, destroying, repelling or mitigating of insects, fungi, weeds, rodents or predatory animals, including but not limited to defoliants, desiccants, fungicides, herbicides, insecticides, nematocides and rodenticides.
 - b. Residues resulting from any process of industry, manufacturing, trade or business or government or from the development or recovery of any natural resources, if such residues are classified as hazardous by order of the Oregon Environmental Quality Commission, after notice and public hearing. For purposes of classification, the Oregon Environmental Quality Commission must find that the residue, because of its quantity, concentration, or physical, chemical or infectious characteristics may:
 - i. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

- ii. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or Disposed of, or otherwise managed.
 - c. Discarded, useless or unwanted containers and receptacles used in the transportation, storage, use or application of the substances described in (a) and (b) of this subsection.
- 21. Multi-Family. Any multi-dwelling building or group of buildings that contains three or more dwellings on a single tax lot.
- 22. Operating Margin. Gross Revenues minus Allowable Expenses within the Fiscal Year.
- 23. Organic Materials. Materials which can be biologically synthesized by plants or animals from simpler substances, are no longer suited for their intended purpose, and are readily broken down by biological processes into soil constituents. “Organic Materials” includes, but is not limited to, food waste, Yard Debris, paper, and putrescible materials which are generally a source of food for bacteria.
- 24. Other Materials. Materials that the City and Franchisee agree Franchisee will collect, transport, treat, utilize, process, or otherwise haul from its Customers pursuant to the Solid Waste Management and Collection Administrative Rules as further identified in Article XV herein.
- 25. Person. An individual, partnership, association, corporation, trust, firm, estate, or other legal private entity.
- 26. Quarterly Franchise Fee Report. The report submitted by Franchisee to the City at the end of each quarter, as more particularly described in Article XI, Section 1 herein.
- 27. Recyclable Materials. Any material or group of materials that can be collected and sold for Recycling at a net cost equal to or less than the cost of collection and disposal of the same material, or other materials as may be designated by the City.
- 28. Recycling. Any process by which Solid Waste materials are reused or transformed into new products in a manner that the original products may lose their identity.
- 29. Residential. A single-family dwelling or duplex (i.e., an attached two-dwelling unit) on a single tax lot.

30. Resource Recovery. The process of obtaining useful material or energy resources from Solid Waste, including energy recovery, materials recovery, Recycling, or reuse of Solid Waste.
31. Service. Collection, transportation, transfer, disposal, or Resource Recovery of Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, and Other Materials.
32. Service Rate. The cost Customers pay for Service provided by Franchisee as stated in **Attachment 2** to this Ordinance and as adjusted pursuant to Article VIII of this Ordinance.
33. Solid Waste. All useless or discarded putrescible and non-putrescible materials including, but not limited to, garbage; rubbish; refuse; ashes; useless or discarded commercial, industrial, demolition, and construction materials; discarded home and industrial appliances; manure; vegetable or animal solid or semisolid waste; dead animals; and infectious wastes. “Solid Waste” does not include:
 - a. Unacceptable Waste;
 - b. Sewer sludge, septic tank and cesspool pumping, or chemical toilet waste;
 - c. Reusable beverage containers;
 - d. Cardboard generated by a Person and transported to a Resource Recovery facility. Such Person will be deemed to have transported cardboard when it is hauled by a vehicle used in regular deliveries of merchandise to the cardboard generator’s business;
 - e. Material used for fertilizer or other productive purposes in agricultural operations;
 - f. Discarded or abandoned vehicles; or
 - g. Recyclable Materials that are Source Separated and set out for Recycling.
 - h. Material that is not acceptable for disposal at the transfer station and/or disposal facility utilized by Franchisee or not acceptable for recycling at the recycling facility utilized by Franchisee, as provided in the Administrative Rules attached hereto and incorporated herein as **Attachment 1**.
34. Solid Waste Management and Collection. The prevention or reduction of Solid Waste generation; management of the storage, collection, transportation, treatment,

utilization, processing, and final disposition of Solid Waste; Resource Recovery from Solid Waste; Recycling, reuse, and material or energy recovery from Solid Waste; and facilities necessary and convenient to such activities.

35. Source Separated Materials. Sorting of different material comprising a waste (such as glass, metals, paper, plastics) at its point of generation, for a simpler and more efficient Recycling or final disposal.
36. Unacceptable Waste. Unacceptable Waste means: (1) oils, fats, other liquids, and semi-solid wastes; (2) Hazardous Waste; (3) any radioactive, volatile, corrosive, flammable, explosive, biomedical, infectious, biohazardous, or toxic waste as defined by applicable law or any otherwise regulated waste.
37. Unallowable Expenses. Includes the following:
 - a. All charitable and political contributions;
 - b. Fines and penalties incurred by Franchisee, including, without limitation, judgments for violation of applicable laws.
 - c. Payments for services provided by individuals related by blood or marriage or by affiliated companies to Franchisee to the extent that such payments exceed the reasonable cost that would be charged by an independent third party to provide the substantially equivalent service;
 - d. Accruals for future unknown regulatory changes;
 - e. Costs associated with purchase of other companies, including, but not limited to, employee stock ownership plan payments, goodwill, amortization of goodwill, and premiums on key-person life insurance policies;
 - f. Principal or interest payments on the acquisition of any new Service routes;
 - g. The purchase of equipment and/or facilities to the extent of the portion of the price that reflects goodwill or a premium in excess of fair market value at the time of acquisition;
 - h. State and federal income taxes, and any federal, state, local or other taxes or fees not expressly listed as an Allowable Expense;
 - i. Fees paid to a Franchisee's Board of Directors;
 - j. Attorney's fees and related expenses resulting from:

- i. Any judicial proceeding in which the City and Franchisee are adverse parties;
- ii. Any judicial proceeding in which Franchisee is ruled to be liable due to willful misconduct, gross negligence, or in violation of law or regulation;
- k. Operation of community access recycling depot not physically located or operated in conjunction with Franchisee's transfer station;
- l. Recycling operations expenses already calculated and incorporated into Franchisee's tipping fees;
- m. Costs or expenses incurred for providing Service to another jurisdiction, or, when such costs or expenses are incurred for providing Service to multiple jurisdictions, any costs or expenses above the proportional share attributable to Service within the City;
- n. Donated Services, including the "Wilsonville Clean-Up Days" and the "Fall Leaf Clean-Up" events identified in the Administrative Rules attached hereto as **Attachment 1**, except for Disposal costs associated with these Services;
- o. Any other expenses defined as "unallowable" and approved by mutual consent of Franchisee and the City.

If there is any disagreement or discrepancy regarding what is considered an "Allowable Expense" or "Unallowable Expense," Franchisee and the City will work together to resolve the discrepancy. If no resolution is reached, the parties will agree to mediate the discrepancy, in addition to any other legal or equitable remedies which may be available to the parties.

- 38. Written Notice. Any notice provided in writing pursuant to this Ordinance. Any applicable time period begins to run the next day after personal delivery of the Written Notice or three (3) days after mailing the Written Notice.
- 39. Yard Debris. Grass clippings, leaves, hedge trimmings, and similar vegetative waste generated from landscaping activities or from Residential property. "Yard Debris" does not include stumps, rocks, or bulky wood materials.

ARTICLE V

Franchise Award

1. Exclusive Franchise. The City hereby grants to Franchisee, as of the effective date of this Ordinance, the exclusive right, privilege, and Franchise to provide Service within the City limits in the manner described in the Solid Waste Management and Collection Administrative Rules (Article XV herein), and in any area that may be hereafter annexed to the City. In particular, Franchisee will provide Solid Waste, Recycling, and Yard Debris Service to the City's Residential, Multi-Family, and Commercial Customers and will provide the option for Commercial Customers to have Organic Materials Service provided by Franchisee. Except as allowed in this Ordinance, no other Person may provide Service within the City or over the public roadways within the City limits.
2. Exceptions. Nothing in this Ordinance will:
 - a. Prohibit any Person from engaging in the collection of Source Separated Materials for Resource Recovery for the purpose of raising funds for a charitable, civic, or benevolent activity, or an educational project of a full time elementary or high school class, after notice to the Franchisee and permission from the Franchisee or the Council;
 - b. Prohibit any Person who is employed as a gardener, landscaper, groundskeeper, or remodeler for a property owner or tenant in the City, who produces ten (10) yards or less of Solid Waste or Yard Debris as a result of the Person's work for a property owner or tenant in the City, from transporting Solid Waste or Yard Debris in the Person's own equipment where the Solid Waste or Yard Debris produced is incidental to the particular job the Person is performing for a property owner or tenant in the City;
 - c. Prohibit any Person from transporting Solid Waste the Person generates to an authorized disposal site or Resource Recovery facility. The Solid Waste generated by a tenant, licensee, occupant, or Person other than the owner of the premises is generated by such Person, and not by the property owner (e.g., a tenant may dispose of the tenant's own Solid Waste, but an owner cannot

dispose of the tenant's Solid Waste by any means other than the Franchisee's Service);

- d. Prohibit any Person from contracting with a state or federal agency to provide Service to such agency under a written contract with such agency.
- e. Prohibit any Person from selling any Source Separated Material to the Franchisee, or making other arrangements mutually acceptable to the Franchisee and Customer, providing the Franchisee transports the material to the market or utilization facility for such Source Separated Material. The Franchisee is entitled to a reasonable charge for taking the material to market. The Person who is the immediate source of the material will receive credit for the sum received for the Resource Recovered material as against that Person's bill for Service from the Franchisee during the Franchisee's billing period. Any excess of the sum received for the material at the utilization or market facility over the Franchisee's bill for Service and transporting the Source Separated Material will be reimbursed to the Customer at the end of the billing period.

3. Solid Waste Removal. No Person, except the immediate generator of Solid Waste, may remove any product placed in a cart, container, drop box, or other receptacle, except to the extent allowed by applicable law. Nor may any Person other than the immediate generator remove or take possession of any Solid Waste, whether bundled, tied, or loose, placed by the source of the product for collection by the Franchisee. This provision does not:

- a. Apply to a government employee acting to remove Solid Waste or waste because of a present or imminent danger;
- b. Prohibit any Person transporting Solid Waste through the City that is not collected within the City;
- c. Require Franchisee to store, collect, transport, dispose of, or Resource Recover any Unacceptable Waste; provided, however, that Franchisee may engage in a separate business of handling such wastes separate and apart from this Franchise and Chapter; or
- d. Prevent the City from conducting an annual clean-up campaign for the collection of Yard Debris, other Recyclable Materials, Organic Materials, Solid

Waste, or Other Materials from the residences in the City, or in any other way providing for the beauty of the City and the safety and convenience of its citizens.

4. Unauthorized Use. No Person is permitted to place any material in a container, drop box, or other receptacle not provided for such Person's use without the permission of the Person receiving the Service from the Franchisee.
5. Title. Title to Solid Waste shall pass to Franchisee when loaded into Franchisee's collection vehicle or otherwise received by Franchisee. Title to and liability for any Unacceptable Waste shall at no time pass to Franchisee. Franchisee shall have the right to revoke acceptance of any Solid Waste at any time such Solid Waste is discovered to be or contain Unacceptable Waste.
6. Rejection of Unacceptable Waste. If Unacceptable Waste is discovered before it is collected by Franchisee, Franchisee may refuse to Service the entire Solid Waste, Recyclable Material, Yard Debris, or Organic Material container that contains the Unacceptable Waste.
 - a. In such situations, Franchisee will contact the Customer and the Customer must undertake appropriate action prior to the next scheduled Service day to ensure that such Unacceptable Waste is removed and properly disposed.
 - b. In the event Unacceptable Waste is present but not discovered until after Service by Franchisee, Franchisee may, in its sole discretion, remove, transport, and dispose of such Unacceptable Waste at a facility authorized to accept such Unacceptable Waste in accordance with applicable law and charge the Customer or generator of such Unacceptable Waste for all direct and indirect costs incurred due to the removal, remediation, handling, transportation, delivery, and disposal of such Unacceptable Waste. To the extent practicable, the City will assist Franchisee to determine the identity of the Customer or generator of the Unacceptable Waste.

ARTICLE VI

Franchise Term

The rights, privileges, and Franchise herein granted will continue for the Franchisee for a period of ten (10) years, commencing July 1, 2018, unless sooner terminated in accordance with

the provisions herein. If mutually agreed upon, in writing, by the Franchisee and the City, the parties have the option to renew this Franchise for up to two (2) additional five (5) year periods.

ARTICLE VII

Franchise Fee

1. Initial Franchise Fee. In consideration of the Franchise by this Ordinance, for the first year of this Franchise, the Franchisee shall pay to the City three percent (3%) of the Gross Revenue collected by the Franchisee for Service within the corporate limits of the City for the rights, privileges, and Franchise granted by this Ordinance.
2. Franchise Fee Increase. Beginning January 1, 2020, the initial Franchise Fee will increase to five percent (5%) of the Gross Revenue. The Franchise Fee increase may be passed on to the Customers. The Franchise Fee is an Allowable Expense and, as such, will be included in determining Franchisee's Operating Margin.
3. Franchise Fee Payment. The Franchisee shall submit payments not later than forty-five (45) days after the end of each quarter (i.e., not later than forty-five (45) days after September 30, December 31, March 31, and June 30 of each year). Each quarterly payment will be accompanied by a complete statement setting forth the Gross Revenue collected for the quarter. There will be a reconciliation of final Gross Revenue on the quarterly report ending June 30 of each year for the prior Fiscal Year.
4. Late Payments; Interest. Should Franchisee fail or neglect to make the quarterly payment on the payment date stated in Section 3 of this Article, the City will provide Written Notice of failure of payment to Franchisee, either by personal delivery or certified mail. Franchisee will have ten (10) calendar days from the Written Notice to remit payment to the City. If Franchisee fails to pay within the ten (10) calendar days, the City may charge interest retroactive to the payment due date, at a rate of twelve percent (12%) per annum, and may, at its option, either continue the Franchise in force and proceed by suit or action to collect the payment, or declare a forfeiture of the Franchise because of the failure to make payment, but without waiving its right to collect earned Franchise payments and interest.

ARTICLE VIII

Establishment and Modification of Service Rates

1. Initial Service Rate. The initial Service Rate Franchisee charges to Customers for its Service is set forth in **Attachment 2** to this Ordinance, which is incorporated by reference herein.
2. First Service Rate Adjustment. On October 1, 2018, the initial Service Rate will be increased by three-and-one-quarter percent (3.25%).
3. Second Service Rate Adjustment. Prior to July 1, 2019, the City will undertake a review of Franchisee’s books, records, and accounts to adjust the Service Rate to set a new Service Rate that achieves an Operating Margin equal to ten percent (10%) of Gross Revenues. The Service Rate may be adjusted higher or lower in order to achieve the Operating Margin equal to ten percent (10%) of Gross Revenues. The initial Service Rate will be charged to Customers from July 1, 2018 through and including September 30, 2018. The first Service Rate adjustment will be charged to Customers from October 1, 2018 through and including June 30, 2019. The second Service Rate adjustment will be charged to Customers from July 1, 2019 through and including June 30, 2020. The annual Service Rate adjustment provided in Section 4 of this Article does not apply to the first or second Service Rate adjustments. For clarity, the table below illustrates the timing and adjustment of each of the Service Rates discussed in Sections 1 through 3 of this Article:

Title	Time	Service Rate
Initial Service Rate	July 1, 2018-September 30, 2018	Listed in Attachment 2
First Service Rate Adjustment	October 1, 2018-June 30, 2019	Service Rate increased by 3.25%
Second Service Rate Adjustment	July 1, 2019-June 30, 2020	Service Rate adjusted to achieve 10% Operating Margin

4. Annual Service Rate Adjustment. It is the goal of this Franchise to provide Franchisee with a target Operating Margin of ten percent (10%) of Gross Revenues, but no less than eight percent (8%) and no greater than twelve percent (12%). Except as provided in Sections 2, 3, or 5 of this Article, the Service Rate will be adjusted annually under the following circumstances:

- a. Service Rates will not change in the next Fiscal Year if the expected Operating Margin in the next Fiscal Year is equal to or greater than twelve percent (12%) of Gross Revenues.
- b. If the expected Operating Margin in the next Fiscal Year is equal to or greater than ten percent (10%) but less than twelve percent (12%) of Gross Revenues, Service Rates will be adjusted to reflect seventy-five percent (75%) of the percentage increase, if any, in the CPI.
- c. If the expected Operating Margin in the next Fiscal Year is equal to or greater than eight percent (8%) but less than ten percent (10%) of Gross Revenues, Service Rates will be adjusted to reflect seventy-five percent (100%) of the percentage increase, if any, in the CPI.
- d. If the expected Operating Margin in the next Fiscal Year is less than eight percent (8%) of Gross Revenues and Franchisee is not entitled to an Extraordinary Rate Increase provided in Section 5 below, Service Rates will be adjusted to reflect one hundred twenty-five percent (125%) of the percentage increase, if any, in the CPI. For clarity, the table below illustrates the percent of the CPI increase, if any, that will be applied to the Service Rates depending on the projected Operating Margin:

Operating Margin	Percent of CPI Increase, If Any
12% or greater	No adjustment
10% up to, but not including, 12%	75% of CPI increase
8% up to, but not including, 10%	100% of CPI increase
Less than 8%	125% of CPI increase

- e. The percentage increase of the Service Rate based on the CPI is capped at seven-and-one-half percent (7.5%) in any given year. If the CPI results in a negative percentage change or no change in any given year, then no Service Rate adjustment will occur for that Fiscal Year.
- f. Franchisee will provide, in writing, its calculation of its expected Operating Margin for the next Fiscal Year, together with supporting documentation, to the City Manager or designee no later than May 1. The City Manager or designee will certify the CPI and Service Rate adjustment, if any, in writing, to Franchisee by June 1. Any Service Rate adjustment allowed under this

Section 4 will take effect at the beginning of the next Fiscal Year commencing on July 1. Attachment 2 to this Franchise Agreement will be amended by the City Manager or designee to reflect the current Service Rates.

- g. The City has the authority to commission reviews or analysis of Franchisee's Annual Franchise Reports and other documents supporting a Service Rate adjustment to validate submissions. The City has further authority to review Franchisee's books, records, and accounts to verify the accuracy of Franchise Fees paid to the City, Franchisee's Operating Margin, and/or any Extraordinary Rate Increases as provided in Article XI herein.
5. Extraordinary Rate Increase. In the event an extraordinary or unanticipated event, including a change in law, a change in disposal site, an adjustment to the disposal rate by Metro, or a mandate from a government entity to provide a new type of Service, causes an increase greater than two percent (2%) in Franchisee's annual cost for Allowable Expenses, and is projected to decrease Franchisee's Operating Margin below eight percent (8%) of Gross Revenues, then Franchisee may submit a written request to the City Manager or designee for an Extraordinary Rate Increase. The written request must include Franchisee's calculations, and supporting documentation, of the impact of the change. Any requested Extraordinary Rate Increase must be approved by City Council through a resolution. Franchisee's request for approval of an Extraordinary Rate Increase shall not be unreasonably withheld or delayed so long as Franchisee's request meets the requirements of this Section 5. This Section is not to be construed as to require the City to accept that Franchisee's calculations are correct or to allow an Extraordinary Rate Increase if the City finds that Franchisee's request does not meet the requirements of this Section. The City may undertake any review of Franchisee's books, records, and accounts necessary to evaluate the validity of Franchisee's request for an Extraordinary Rate Increase.
6. Surcharges. The Franchisee may assess a surcharge on Customers to compensate for previously unforeseen, but likely temporary, additional costs to the Franchisee. Franchisee must submit a written request for a specific surcharge, with supporting documents, to the City Manager or designee. The City Manager or designee will

perform a review of Franchisee's request and may seek additional documents or clarification from Franchisee. The City Manager or designee will present Franchisee's written request to Council not later than forty-five (45) days after receipt of the written request. Any such surcharges, other than the surcharge identified in subsection (a) herein, must be approved through a resolution adopted by Council prior to Franchisee assessing Customers. The resolution adopting a surcharge will set a date for Council to review whether to continue the surcharge to a later review date, modify the surcharge, or terminate the surcharge.

- a. Recycling Surcharge. This Ordinance adopts a surcharge for recycling costs, which surcharge is stated in **Attachment 2** to this Ordinance. The recycling surcharge will be reviewed by Council on or before January 1, 2019, at which time Council will adopt a resolution to continue the surcharge to a later review date, modify the surcharge, or terminate the surcharge. Approval of a continuing or modified surcharge shall not be unreasonably withheld by the Council.

ARTICLE IX

Franchisee Responsibility

1. The Franchisee must collect the Solid Waste at the various residences, business establishments, and other places within the corporate limits of the City where such Service is required or requested and haul such Solid Waste from the City authorized by the most recent rate schedule approved by the City Council. In particular, Franchisee will provide Solid Waste, Recycling, and Yard Debris Service for Residential, Multi-Family, and Commercial Customers and will provide Commercial Customers the option of Organic Materials Service.
2. The Franchisee shall:
 - a. Dispose of Solid Waste collected at a site approved by the local government unit having jurisdiction, or recover resources from the Solid Waste, in compliance with Oregon Law.
 - b. Provide sufficient collection vehicles, containers, facilities, personnel, and finances to provide all types of necessary Service. When necessary, the

Franchisee may subcontract with others to provide certain types of specialized service, in accordance with the provisions of this Ordinance.

- c. Equip trucks with a leak-proof, compactor-type metal body. If the Franchisee uses a specially-designed motorized local collection vehicle for transporting Solid Waste short distances from Residential, Multi-Family, or Commercial stops to waiting trucks, the Franchisee must equip the container portion of the vehicle with a cover adequate to prevent scattering of the load. If any pickup truck or open-bed truck is used by the Franchisee, the Franchisee must equip the truck with an adequate cover to prevent scattering of the load. The Franchisee must operate all vehicles in conformity with all City ordinances.
 - d. Give reasonable attention to the needs of physically handicapped Customers so that they may avail themselves of the Service offered without any additional charge.
 - e. Deposit a minimum of three (3), thirty (30) yard drop boxes at locations designated by the City, to be hauled away and replaced as many times as may be necessary for the one (1) week period during which the “Wilsonville Clean-Up Days” event takes place.
3. The Franchisee shall not:
- a. Be obligated to provide Service to non-owners of Residential property where the landlord does not request and pay the bill, unless payment for Service has been guaranteed in advance by the property owner or a satisfactory cash deposit or advance payment has been made by such non-owner requesting Service. The reference to residential property in this Section does not include trailer parks and apartment buildings.
 - b. Give any rate preference to any Person, locality, or type of Solid Waste stored, collected, transported, disposed of, or resources recovered. This paragraph does not prohibit uniform classes of rates based upon length of haul, time of haul, type or quantity of waste handled, and location of Customers, so long as such rates are reasonably based upon costs of the particular Service and are approved by the City Council in the same manner as other rates.

- c. Transfer or assign this Franchise, except upon approval by the Council as a result of a resolution passed by the Council. The Council will approve the assignment or transfer if the new Franchisee meets all applicable requirements met by the original Franchisee. A pledge of this Franchise as security will not be considered a transfer or assignment for the purpose of this Section.
4. Supervision. Service provided under this Franchise is subject to the supervision of the City Manager or such person designated by the City Manager or by the Council.
5. Access for Inspection and Delivery of Notices. Franchisee must make all of Franchisee's premises, facilities, equipment, and records related to its Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, and Other Materials collection services (including, but not limited to, offices, storage areas, financial records, non-financial records, records pertaining to the origin of any Solid Waste collected by Franchisee, receipts for sale or delivery of collected Recyclable Materials, Customer lists, and all records relating to vehicle maintenance and safety that are required under Oregon Department of Transportation motor carrier requirements and regulations and Oregon Revised Statutes Chapter 767) available for inspection by the City Manager or designee within forty-eight (48) hours of Written Notice by certified mail or personal delivery. Such inspections are only for purposes of enforcing this Ordinance and are restricted to normal business hours. During normal business hours, Franchisee must make all company premises and facilities accessible to the City for delivery of any Written Notices. Where receptacles are stored in the public right-of-way, or when the City is inspecting a situation where the Franchisee is allegedly commingling Recyclable Materials, Yard Debris, Organic Materials, or Other Materials with Solid Waste, the need for 48-hour prior Written Notice does not apply to inspection of receptacles or vehicles.
6. Service Interruption or Termination. The Franchisee shall not terminate Service to any or all of its Customers served under this Franchise except in accordance with the provisions of this Ordinance. Service may be interrupted or terminated when:
 - a. The street or road access is unavoidably blocked through no fault of the Franchisee and there is no reasonable alternate route to serve all or a portion

of its Customers. In either event, the City will not be liable for any such blocked access; or

- b. Adverse weather conditions render providing Service unduly hazardous to persons or equipment providing such Service or if such interruption or termination is caused by an act of God or a public enemy.
7. Subcontracts. The Franchisee may subcontract with others to provide specialized service or temporary service under this Ordinance only upon prior written consent of the City, which written consent will not be unreasonably withheld. Such subcontract will not relieve the Franchisee of total responsibility for compliance with this Ordinance.

ARTICLE X

Insurance and Bonds

- 1. Insurance. The Franchisee shall obtain, at Franchisee's expense, and keep in effect during the term of this Franchise:
 - a. Comprehensive Commercial General Liability Insurance. Commercial general liability insurance must cover bodily injury and property damage, written on an "occurrence" form policy. This coverage should be in the following minimum insurance coverage amounts: The coverage shall be in the amount of \$5,000,000 for each occurrence and \$10,000,000 general aggregate, and shall include Products-Completed Operations Aggregate in the minimum amount of \$2,000,000 per occurrence, Fire Damage (any one fire) in the minimum amount of \$50,000, and Medical Expense (any one person) in the minimum amount of \$10,000. All of the foregoing coverage must be carried and maintained at all times during this Franchise.
 - b. Workers Compensation Insurance. Franchisee and all employers providing work, labor, or materials under this Franchise that are subject employers under the Oregon Workers Compensation Law shall comply with ORS 656.017, which requires them to provide workers compensation coverage that satisfies Oregon law for all their subject workers under ORS 656.126. Out-of-state employers must provide Oregon workers compensation coverage for their workers who work at a single location within Oregon for more than thirty (30)

days in a calendar year. This shall include Employer's Liability Insurance with coverage limits of not less than \$1,000,000 for each accident.

- c. Pollution Liability Coverage. Franchisee shall carry sudden and accidental and gradual release pollution liability coverage that will cover, among other things, any spillage of paints, fuels, oils, lubricants, de-icing, anti-freeze, or other hazardous materials, or disturbance of any hazardous materials, in accordance with DEQ and EPA clean-up requirements. The coverage shall be in the amount of \$2,000,000 for each occurrence and \$6,000,000 general aggregate.
 - d. Business Automobile Liability Insurance. Franchisee shall provide the City a certificate indicating Franchisee has business automobile liability coverage for all owner, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than \$5,000,000.
 - e. Insurance Carrier Rating. Coverages provided by Contractor must be underwritten by an insurance company deemed acceptable by the City, with an AM Best Rating of A or better. The City reserves the right to reject any or all insurance carrier(s) with a financial rating that is unacceptable to the City.
 - f. Certificates of Insurance. As evidence of the insurance coverage required by this Franchise, Franchisee shall furnish a Certificate of Insurance to the City. This Franchise shall not be effective, and Services shall not be performed hereunder, until the required certificates have been received and approved by the City. Franchisee agrees that it will not terminate or change its coverage during the term of this Franchise without giving the City at least thirty (30) days' prior advance notice, and Franchisee will obtain an endorsement from its insurance carrier, in favor of the City, requiring the carrier to notify the City of any termination or change in insurance coverage, as provided above.
2. Bonds. The Franchisee shall furnish a bond to the City that is acceptable to the City to ensure the faithful performance by the Franchisee of the Service the Franchisee is required to provide under this Ordinance. The bond will provide for liquidated damages as provided in Article XIV, Section 3.

ARTICLE XI

Review of Records

1. Quarterly Franchise Fee Reports. Franchisee must complete and remit to the City Manager or designee a Quarterly Franchise Fee Report no later than the date the quarterly Franchise Fee payment is due. The Quarterly Franchise Fee Report must include a statement of Gross Revenue for that quarter covered by the tendered Franchise Fee. Such statements are public records. Franchisee must maintain books and records disclosing the receipts derived from Service conducted within the City, which must be open at reasonable times for review by the City Manager or designee within forty-eight (48) hours of Written Notice by certified mail or by personal delivery. Intentional misrepresentation of Gross Revenue constitutes a material breach of the Franchise and this Ordinance and is cause to initiate the process to terminate the Franchise, in addition to any other legal or equitable remedies available to the City.
2. Bi-Annual Informational Reports. Franchisee must complete and remit to the City Manager or designee a Bi-Annual Informational Report no later than forty-five (45) days after each June 30 for the period of the immediately preceding January 1 to and including June 30 and no later than forty five (45) days after December 31 for the period of the immediately preceding July 1 to and including December 31. The Bi-Annual Informational Report must include the following information:
 - a. The quantities of Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, and Other Materials by Customer classification collected within the City during the reporting period, the locations to which these materials were delivered, the number of Customer accounts, and other information requested by the City Manager or designee and mutually agreed upon by Franchisee;
 - b. A summary of communication, marketing, and educational outreach conducted by Franchisee during the reporting period; and
 - c. The number of Customer complaints and a summary of the type of complaints received, along with a summary of Franchisee's response to Customer complaints.

3. Annual Franchise Reports. Franchisee must complete and remit to the City Manager or designee an Annual Franchise Report, no later than forty-five (45) days after the last calendar day of the current Fiscal Year (each June 30), with the following information:
 - a. Franchisee must report its Gross Revenues and Allowable and Unallowable Expenses in an income statement format and provide information about Customer counts, Services provided, disposal volumes, and Recycling activities for all Customer classifications and for all programs identified in this Ordinance. Franchisee must report totals for all operations necessary to adequately verify compliance with the Service Rate allocation methodology as defined in this Ordinance. Resources allocated from regional or national corporate offices or affiliates must be distributed to appropriate expense line items, and must also be disclosed in a schedule describing total allocations and their distribution to individual expense line items.
 - b. The Annual Franchise Report will also include a synopsis of the operations of the current Fiscal Year, a description of the measures the Franchisee has taken to make its operations more efficient, a listing of efficiency measures which it intends to take in the next Fiscal Year, a composite table showing the type and number of customer service complaints and a description of the measures that the Franchisee has taken or is planning to take to correct the cause of commonly reported complaints, and such other information as requested by the City Manager or designee.
 - c. The Annual Franchise Report will also describe and quantify communication, outreach, and educational activities performed by Franchisee.
4. Franchisee may identify specific information submitted to the City in Quarterly Franchise Fee Reports, Annual Franchise Report, and any other documents or information provided to the City as “CONFIDENTIAL,” and it will not be subject to public disclosure except as required by applicable federal or state law. If the City receives a request for disclosure of information marked as “CONFIDENTIAL” pursuant to this Ordinance, the City Manager or designee will notify Franchisee within seven (7) calendar days after receiving the request to allow

Franchisee an opportunity to defend against the requested disclosure through appropriate legal action. The City is not obligated to defend against the disclosure of any information marked “CONFIDENTIAL” by Franchisee.

5. No later than forty-eight (48) hours after Written Notice, Franchisee must make available for inspection, copying, and review by the City Manager or designee, at any time during normal business hours, all records in Franchisee’s possession that the City Manager or designee deems relevant to verifying the accuracy of Franchise Fees paid to the City, regulating Service Rates, or carrying out any responsibility that Franchisee or the City has under this Ordinance.
6. No more often than once during any Fiscal Year, the City may perform a review of the books, records, and accounts of Franchisee for the prior year through a certified public accountant, or such other professional chosen by the City, to verify the accuracy of Franchise Fees paid to the City, Franchisee’s Operating Margin, and/or any Extraordinary Rate Increases.
 - a. In the event such review discloses any difference in payment due to either the City or Franchisee, the review will be submitted to the Council. The Council may accept, reject, or modify the findings in the review. If the Council orders, by resolution, payment to the City or Franchisee, such payment owed is due and payable within thirty (30) calendar days of the date of the resolution.
 - b. If the review discloses a discrepancy in Franchisee’s actual Allowable Expenses upon which an Extraordinary Rate Increase is approved by the City Council through resolution was based, Service Rates may be adjusted to reflect the Service Rates authorized under Article VIII, through resolution of the Council, within forty-five (45) calendar days of the date of the resolution.
 - c. If Franchisee owes the City a payment of the Franchise Fee under (6)(a) of this Article, and the payment is more than one percent (1%) of the annual Franchise Fee, Franchisee will reimburse the City all its actual costs for the review and the City may request an additional review during the next Fiscal Year, with all actual costs of such additional review paid by Franchisee. The City may also charge interest retroactive to the payment due date, at a rate of twelve percent (12%) per annum.

- d. City and Franchisee are not required to make payments to the other for years that previously have been, or could have been, reviewed by the City. Prior review years may not be reopened based on findings made in connection with the review of a subsequent year unless the City finds evidence implicating intentional misrepresentation by Franchisee.

ARTICLE XII

City Responsibility

1. Emergency Service. In the event the Council finds an immediate and serious danger to the public creating a hazard or serious public nuisance, the City Council may, after a minimum of twenty-four (24) hours' actual notice to the Franchisee, and a public hearing if Franchisee requests it, authorize another Person to temporarily provide Service under this Ordinance, or the City may provide such Service. Franchisee will make all reasonable efforts to assist the City in such emergency situations. In the event the power under this Section is exercised, the usual charges for Service will prevail, and the Franchisee is entitled to collect such usual charges but shall reimburse the City for its actual cost, as determined by the City.
2. City Collection. Nothing herein contained is to be construed in any way as to prevent the City from conducting a semi-annual clean-up campaign for the collection of brush, cleaning out of garages or basements, or any other facility or location in the City so as to prevent public nuisances and so as to provide for the beauty of the City and the safety of its citizens.
3. City Enforcement. The City, through its appropriate officers, shall take all appropriate steps to protect the exclusive right of Franchisee hereby granted to the Franchisee.
 - a. The City has the authority to enforce this Ordinance, the Administrative Rules attached hereto and incorporated herein as **Attachment 1**, and any other rules and regulations adopted pursuant thereto. The City Manager or designee may entitle appropriate city employees, including police officers, and others to enter premises to ascertain compliance with this Ordinance and the Administrative Rules. No premises shall be entered without first attempting to obtain the

consent of either the owner or person in control thereof, if different. If consent cannot be obtained, the City representative shall secure a search warrant from the appropriate court before attempting to gain entry and shall have recourse to every other remedy provided by law to secure such entry.

- b. City shall seek to enforce the rights the City has granted to Franchisee hereunder, however the City shall not be obligated to instigate litigation to protect the rights of Franchisee. Franchisee may independently enforce its rights under this Solid Waste Management Ordinance and the Administrative Rules against third party violators, including but not limited to seeking injunctive relief, and the City shall use good faith efforts to cooperate in such enforcement actions brought by Franchisee without obligating the City to join any such litigation. Notwithstanding the foregoing, the City shall enforce its municipal ordinances in the ordinary course against third parties providing authorized Service and shall, if necessary, pass such additional ordinances as may be required to maintain the exclusiveness of the Franchise.
 - c. Damages and Penalties. The City may prosecute in the Wilsonville Municipal Court any Person's violation of or non-compliance with this Ordinance or the Administrative Rules in accordance with Wilsonville Code Chapter 1. Any Person who provides Services in violation of the Franchise or this Solid Waste Management Ordinance shall also be liable to Franchisee and the City, as applicable, for each of their damages, including without limitation, the following:
 - i. Lost customer revenue due Franchisee;
 - ii. Franchise fees owed the City;
 - iii. Other appropriate legal or equitable remedy available to Franchisee and/or the City; and
 - iv. Reasonable Attorney's fees, expenses and costs incurred by Franchisee in enforcing the Franchise and Solid Waste Collection Ordinance, including any attorney fees incurred at trial or on appeal.
4. Annexation. Immediately upon the annexation to the City of additional territory, the City shall take such steps as may be necessary to give the Franchisee the

exclusive right to collect Solid Waste within the annexed area. The City shall notify any other Solid Waste collector to cease collection on or before ninety (90) days from the date of such notice. Franchisee shall endeavor to arrive at a mutually satisfactory agreement with any other Solid Waste collector who has been serving any such newly annexed area concerning appropriate compensation for the cessation of its Solid Waste collection Services. In the event the Franchisee and other Solid Waste collector cannot reach an agreement, the matter may be submitted to an arbitration board. The arbitration board will consist of one arbitrator selected by the Franchisee, one selected by the City, and one selected by the Solid Waste collector in the newly annexed area. The decision of the arbitration board will be binding on all parties to the arbitration, and the award of the arbitrators will be final. In the event of arbitration, it is contemplated that the award will include payment of money by the Franchisee to the Solid Waste collector in the newly annexed area.

ARTICLE XIII

Dispute Resolution

1. **Dispute Resolution with Customers.** Upon receipt of any notice of dispute from a Customer about any bill, charge, Service, or customer service issue, Franchisee will thoroughly investigate the matter and promptly report the results of its investigation to the Customer. Except in the event a Customer has attempted to improperly dispose of Hazardous Waste in violation of federal, state, or local laws or regulations, Franchisee will not refuse Service to any Customer during a time of dispute. If Franchisee is not able to resolve a dispute with the Customer, the Customer may contact the City Manager or designee, who will act as an informal arbitrator in an attempt to resolve the matter. Should the dispute remain unresolved, Franchisee or Customer may then pursue the matter through any legal means available to the party.
2. **Dispute Resolution with the City.** During all disputes arising under this Franchise, including those subject to Article XIV, the City and Franchisee will continue to perform their respective obligations under this Franchise unless and until the Franchise is terminated. Notwithstanding Article XIV, Franchisee and the City will

make good faith efforts to resolve any disputes, including, upon mutual agreement, undergoing mediation.

ARTICLE XIV

Suspension, Modification, or Revocation of Franchise

1. Default. Franchisee is in default of the Franchise upon failure to comply with Written Notice from the City to provide necessary Service or to otherwise fail to comply with the provisions of this Ordinance, state law and regulations, or federal law and regulations after Written Notice and reasonable opportunity to comply.
2. Timing after Notice. No later than the end of the Cure Period, the Franchisee shall comply with the Written Notice and this Franchise or else request a public hearing before the City Council. In the event of a public hearing, the Franchisee and other interested persons will have an opportunity to present information and oral or written testimony. If the Franchisee fails to comply within the specified time or fails to comply with the order of the City Council entered upon the basis of findings at the public hearing, the City Council, in its sole and absolute discretion, may suspend, modify, or revoke the Franchise or make such action contingent upon continued noncompliance with this Ordinance. The Franchisee has the right to seek review of any such action by the City Council from the Clackamas County Circuit Court, pursuant to ORS 34.010 through ORS 34.102.
3. Liquidated Damages. The Franchisee's insurance bond provided for in Article X, Section 2, will provide that, in the event of default, the City will be entitled to One Thousand Dollars (\$1,000) as liquidated damages for each day that Franchisee is in default after the Cure Period for failure of the Franchisee to perform as required. The Franchisee and the City agree that this amount of liquidated damages is a reasonable forecast of just compensation for the harm caused by any breach by Franchisee and that the extent of damages will be impractical or impossible to calculate due to the variety of Services provided by the Franchisee and the vast number of Customers that rely on the Services.
4. Costs of Temporary Replacement Services. In the event of default uncured after the Cure Period, in lieu of liquidated damages, the City may obtain replacement Service from another party, and Franchisee must reimburse the City for all

reasonable costs incurred by the City, including City staff time and resources, due to Franchisee's breach of this Franchise, and must pay to the City any Franchise Fees owed.

ARTICLE XV

Administrative Operations Standards and Rules

1. Administrative Rules. Operational standards are hereby adopted in conjunction with this Ordinance entitled, "Solid Waste Management and Collection Administrative Rules," which are attached hereto and incorporated herein as **Attachment 1**. The Solid Waste Management and Collection Administrative Rules may be amended from time to time by the City Manager or designee in consultation with Franchisee. The City will disseminate the Solid Waste Management and Collection Administrative Rules to the public in any manner the City deems appropriate. Franchisee will also retain a copy of the Solid Waste Management and Collection Administrative Rules and provide them to any current Customer, upon request of the Customer or the City, and to all new Customers.
2. Enforcement of Administrative Rules. In addition to any enforcement allowed under state law, the City may prosecute in the Wilsonville Municipal Court any violation of or non-compliance with the Solid Waste Management and Collection Administrative Rules by a Customer, in accordance with Wilsonville Code Chapter 1. The burden of proof is on the City to prove an infraction by a preponderance of the evidence. Any violation or non-compliance of the Solid Waste Management and Collection Administrative Rules by Franchisee will be enforced pursuant to Articles XIII and XIV of this Ordinance.

ARTICLE XVI

General Provisions

1. Indemnity and Hold Harmless. The Franchisee shall indemnify the City, the City Council, and any officers, employees, representatives, or agents of the City and hold them harmless from all loss, damage, claim, expense, and liability arising out of the negligent or willful operation by the Franchisee under this Franchise. In the event that any suit or action is brought for injury or damage to persons or property against any of the foregoing, based upon or alleged to be based upon any loss,

damage, claim, expense, or liability arising out of the operation of the Franchisee under this Franchise, the Franchisee shall defend the same at its own cost and expense. The Council and the City Manager reserve the right to retain counsel of their own choosing and to join in the defense of any such suit or action, with the reasonable cost of such additional counsel to be borne by the Franchisee.

2. Severability. Any finding by any court of competent jurisdiction that any portion of this Ordinance is unconstitutional or invalid will not invalidate any other provision of this Ordinance.
3. Forum. Any litigation between the City and the Franchisee arising under, relating to, or regarding this Franchise will occur in Clackamas County Circuit Court.
4. Written Acceptance. Within fourteen (14) days after this Ordinance becomes effective, Franchisee shall provide the City Recorder a written acceptance of this Franchise, executed by Franchisee on a form substantially similar to the form attached hereto as **Attachment 3**. A failure on the part of Franchisee to provide such written acceptance within such time shall be deemed an abandonment and rejection of the rights and privileges conferred hereby, and the Ordinance granting this Franchise shall thereupon be null and void. Such acceptance must be unqualified and will be construed as acceptance of all the terms and conditions contained in this Franchise.
5. Repealing Clause. Ordinance Nos. 204, 281, 424, and 443 and Resolutions Nos. 1077 and 2566 are hereby repealed, and upon acceptance by the Franchisee, all rights and obligations arising under Ordinance Nos. 204, 281, 424, and 443 and Resolutions Nos. 1077 and 2566 shall terminate.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the ____ day of _____ 2018, and scheduled for a second reading at a regular meeting of the Council on _____, 2018, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

ENACTED by the City Council on the ____ day of _____ 2018 by the following votes: Yes: ____ No: ____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor the ____ day of _____ 2018.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

- Mayor Knapp
- Council President Starr
- Councilor Stevens
- Councilor Lehan
- Councilor Akervall

Attachments:

- Attachment 1 – Solid Waste Management and Collection Administrative Rules
- Attachment 2 – Rate Schedule
- Attachment 3 – Written Acceptance of Ordinance No. 814



SOLID WASTE MANAGEMENT AND COLLECTION ADMINISTRATIVE RULES

Effective: July 1, 2018

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Section 1: Purpose of Rules

It is the purpose of the City of Wilsonville to protect the health, safety, and welfare of the Wilsonville residents and to provide a coordinated program for the collection and Disposal of Solid Waste, Recycling, Yard Debris, Organic Materials, and Other Materials. It is the City policy to regulate such activities to:

- Provide for safe, economical, and comprehensive Solid Waste, Recycling, Yard Debris, and Organic Materials collection, processing, and Disposal programs within the City to benefit all Wilsonville residents and businesses.
- Provide for the opportunity to recycle to every Wilsonville resident and business.
- Provide clear and objective standards for Franchisee Service and Franchisee and Customer responsibilities.

1.1. Scope of Rules

It is the intent of these Administrative Rules to articulate the operational standards and expectations for Solid Waste, Recycling, Yard Debris, and Organic Materials collection as defined by the Franchise Agreement authorized by City Ordinance No. 814.

1.2. Adoption and Amendment of Rules

The City Manager or designee may propose and prepare amendments to these Rules. The text of proposed amendments shall be forwarded to the Franchisee who shall have thirty (30) days to respond in writing. Proposed amendments may be established by the City Manager or designee, following consideration of the Franchisee's response. Any disputed amendments to these Rules may be appealed by the Franchisee to the City Council. The City Council's decision regarding amendments to these Rules is final.

Section 2: Definitions

- 2.1. **Administrative Rules** means the Solid Waste Management and Collection Administrative Rules contained herein.
- 2.2. **Bulky Wastes** means large items of Solid Waste such as appliances, furniture, large auto parts, trees, branches greater than 4 inches in diameter and 48 inches in length, tree stumps, and other oversize wastes whose large size precludes or complicates their handling by normal collection, processing, or Disposal methods. Bulky Wastes does not include any appliances that contain Freon or other refrigerants.
- 2.3. **Cart** means a container provided by Franchisee that is ninety (90) gallons or less.
- 2.4. **City** means the City of Wilsonville.
- 2.5. **Commercial** means stores, offices, including manufacturing and industry offices, restaurants, warehouses, schools, colleges, universities, hospitals and other non-manufacturing entities. "Commercial" does not include other manufacturing activities or business, manufacturing, or processing activities in residential dwellings.
- 2.6. **Commission** means the Environmental Quality Commission.

- 2.7. **Compact or Compacting** means the process of, or to engage in, the shredding of material, or the manual or mechanical compression of material.
- 2.8. **Compactor** means any self-contained, power-driven mechanical equipment designed for the containment and compacting of Solid Waste, Recyclable Materials, Yard Debris, or Organic Materials.
- 2.9. **Container** means a trash can, Cart, bin, or other Receptacle one (1) cubic yard or larger in size used for the Disposal of Solid Waste, Recyclable Materials, Yard Debris, or Organic Materials, but not a Drop Box or Compactor.
- 2.10. **Council** means the City Council of the City of Wilsonville.
- 2.11. **Curbside** means a location within three (3) feet of the edge of a public street, excluding such area separated from the street by fence or enclosure. The “street” may be a public alley. For residences on a flag lot, or other private driveway, or any private street not meeting the standards, “curbside” shall be the point where the driveway or street intersects the public street, or at such other location agreed upon between Franchisee and Customer or as determined by the City.
- 2.12. **DEQ** means the Oregon Department of Environmental Quality.
- 2.13. **Dispose or Disposal** means the accumulation, storage, discarding, collection, removal, transportation, recycling, or resource recovery of Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, or Other Materials.
- 2.14. **Disposal Facility** means the land, buildings, and equipment used for Disposal whether or not open to the public.
- 2.15. **Drop Box** means a single container designed for the storage and collection of large volumes of Solid Waste, Recyclable Materials, Yard Debris, or Organic Materials that is usually ten (10) cubic yards or larger in size.
- 2.16. **EPA** means the United States Environmental Protection Agency.
- 2.17. **Franchisee** means the person granted the franchise by Ordinance No. 814, or a subcontractor of such person.
- 2.18. **Fiscal Year** means July 1 to June 30 of any year.
- 2.19. **Generator** means the person who produces Solid Waste, Recyclables, Yard Debris, Organic Materials, or Other Materials to be placed, or that is placed, out for Disposal.
- 2.20. **Goods** means kitchen or other large appliances that are Bulky Wastes.
- 2.21. **Hazardous Waste** includes:

- 2.21.1. Discarded, useless or unwanted materials or residues resulting from any substance or combination of substances intended for the purpose of defoliating plants or for the preventing, destroying, repelling or mitigating of insects, fungi, weeds, rodents or predatory animals, including but not limited to defoliants, desiccants, fungicides, herbicides, insecticides, nematocides and rodenticides.
- 2.21.2. Residues resulting from any process of industry, manufacturing, trade or business or government or from the development or recovery of any natural resources, if such residues are classified as hazardous by order of the Commission, after notice and public hearing. For purposes of classification, the Commission must find that the residue, because of its quantity, concentration, or physical, chemical or infectious characteristics may:
 - 2.21.2.1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - 2.21.2.2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or Disposed of, or otherwise managed.
- 2.21.3. Discarded, useless or unwanted containers and receptacles used in the transportation, storage, use or application of the substances described in subsections 2.21.1. and 2.21.2. of this subsection.
- 2.21.4. To the extent not covered by the preceding subsections of this Section 2.21, any amount of waste listed or characterized as hazardous by the EPA or the State of Oregon pursuant to the Resource Conservation and Recovery Act and by any other applicable law, including but not limited to ORS Chapter 466.

2.22. Household Hazardous Waste means any discarded, useless, or unwanted chemical, material, substance or product that is or may be hazardous or toxic to the public or the environment and is commonly used in or around households. “Household Hazardous Waste” includes, but is not limited to, some cleaners, solvents, pesticides, and automotive and paint products. Household Hazardous Waste, however, shall not include any materials that are not considered household hazardous waste by the EPA or DEQ.

2.23. Infectious Waste means biological waste, cultures and stocks, pathological waste, and sharps, as each are defined in ORS 459.386.

2.24. Metro means the Portland metropolitan area regional government.

2.25. Multi-Family means any multi-dwelling building or group of buildings that contains three or more dwellings on a single tax lot.

2.26. Organic Materials means material which can be biologically synthesized by plants or animals from simpler substances, are no longer suited for their intended purpose, and are readily broken

down by biological processes into soil constituents. “Organic Material” includes, but is not limited to, food waste, Yard Debris, paper, and putrescible material which are generally a source of food for bacteria.

- 2.27. Other Materials** means any materials the City and Franchisee agree Franchisee will collect, transport, treat, utilize, process, or otherwise haul from its Customers pursuant to these Administrative Rules, including Goods, Bulky Waste, and Infectious Waste.
- 2.28. Person** means an individual, partnership, association, corporation, Limited Liability Company, sole proprietorship, cooperative, estate, trust, firm, governmental unit, or any other entity in law or fact.
- 2.29. Premises** means a lot, parcel, or tract of land, including any buildings or structures located thereon.
- 2.30. Rates** means the costs for Solid Waste, Recycling, Yard Debris, Organic Materials, and Other Materials as set forth in Attachment 2 to Ordinance No. 814, which may be adjusted from time to time pursuant to Article VIII of Ordinance No. 814.
- 2.31. Receptacle** means a Cart, Container, Drop Box, Compactor, recycling bin, or any other means of containment provided by Franchisee of Solid Waste, Recyclable Materials, Yard Debris, or Organic Materials.
- 2.32. Recyclable Materials** means any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and Disposal of the same material, or other materials as may be designated by the City.
- 2.33. Recyclable Materials List** means the current list of Recyclable Materials collected by Franchisee for Recycling, as further defined in Subsection 6.2.2 herein.
- 2.34. Recycling** includes the collection, transportation, storage, and processing of waste materials by which such materials are reused or transformed into raw materials for the manufacturer of new products.
- 2.35. Residential** means a single-family dwelling or duplex (i.e., an attached two-dwelling unit) on a single tax lot.
- 2.36. Resource Recovery and Resource Recovery Facility** mean the process of obtaining useful material or energy resources from Solid Waste, including energy recovery, materials recovery, Recycling, or Reuse of Solid Waste, and a location at which such material or energy resources are obtained from the processing of Solid Waste.
- 2.37. Reuse** means return of waste into the economic stream, to the same or similar use or application, without change in the waste’s identity.
- 2.38. Service** means collection, transportation, Disposal of, or Resource Recovery from Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, or Other Materials.

- 2.39. Service Area** means the geographic area in which Solid Waste Management and Collection is provided by the Franchisee.
- 2.40. Service Day** means the regularly scheduled day or days when Franchisee collects the Customer's Solid Waste, Recyclables, Yard Debris, Organic Materials, and Other Materials, as applicable.
- 2.41. Solid Waste** means all useless or discarded putrescible and non-putrescible materials, including, but not limited to, garbage; rubbish; refuse; ashes; residential, commercial, and industrial demolition and construction wastes; discarded residential, commercial, and industrial appliances (to the extent that such appliances do not contain Freon or other refrigerants); equipment and furniture; manure; vegetable or animal solid or semisolid waste; dead animals; and infectious wastes. "Solid Waste" does not include:
- 2.41.1. Unacceptable Waste;
 - 2.41.2. Sewer sludge and septic tank and cesspool pumping or chemical toilet waste;
 - 2.41.3. Cardboard generated by a Person where the Person is the generator or source, and bales and transports the cardboard to a Resource Recovery Facility. Such Person shall be deemed to have transported cardboard when it is hauled by a vehicle used in regular deliveries of merchandise to the cardboard generator's business;
 - 2.41.4. Material used for fertilizer or other productive purposes in agricultural operations;
 - 2.41.5. Discarded or abandoned vehicles or parts of vehicles;
 - 2.41.6. Tires; or
 - 2.41.7. Recyclable Materials that are Source Separated and set out for Recycling.
- 2.42. Solid Waste Management and Collection** means the prevention or reduction of Solid Waste generation; management of the storage, collection, transportation, treatment, utilization, processing, and final disposition of Solid Waste; Resource Recovery from Solid Waste; Recycling, Reuse, and material or energy recovery from Solid Waste; and facilities necessary and convenient to such activities.
- 2.43. Source Separated Materials** means the sorting of different material comprising a waste (such as glass, metals, paper, plastics) at its point of generation, for a simpler and more efficient Recycling or final Disposal.
- 2.44. Unacceptable Waste** means: (1) oils, fats, other liquids, and semi-solid wastes; (2) Hazardous Waste; and (3) any radioactive, volatile, corrosive, flammable, explosive, biomedical, infectious, biohazardous, or toxic waste as defined by applicable law or any otherwise regulated waste..

- 2.45. Waste** means material that is no longer usable or that is no longer wanted by the source Generator of the material, which material is to be utilized or Disposed of by another person. For the purpose of this paragraph, “utilized” means the productive use of wastes through recycling, Reuse, salvage, resource recovery, composting, energy recovery, or land filling for reclamation, habilitation or rehabilitation of land.
- 2.46. Yard Debris** means grass clippings, leaves, hedge trimming, and similar vegetative waste of no greater than 4 inches in diameter and 36 inches in length, and other similar vegetative waste generated from landscaping activities or from residential property. “Yard Debris” does not include stumps, rocks, or bulky wood materials.

Section 3: Franchisee General Requirements

- 3.1. Mandatory Services.** Franchisee must offer the following Services, subject to the terms and conditions of the Franchise and these Administrative Rules:

3.1.1. Residential Curbside Collection.

- 3.1.1.1. Solid Waste– regularly scheduled (weekly or bi-weekly) Service for which Franchisee bills the Customer on a monthly or bi-monthly basis.
- 3.1.1.2. Yard Debris – regularly scheduled Service for which Franchisee bills the Customer on a monthly or bi-monthly basis.
- 3.1.1.3. Co-mingled Recycling – regularly scheduled Service for which Franchisee bills the Customer on a monthly or bi-monthly basis.
- 3.1.1.4. Glass Recycling – regularly scheduled Service for which Franchisee bills the Customer on a monthly or bi-monthly basis.
- 3.1.1.5. Other Materials – as-needed Service for which Franchisee bills the Customer an additional fee on the next bill after Service is performed.

3.1.2. Commercial Collection

- 3.1.2.1. Solid Waste – regularly scheduled Service for which Franchisee bills the Customer on a monthly basis.
- 3.1.2.2. Co-mingled Recycling – regularly scheduled Service for which Franchisee bills the Customer on a monthly basis.
- 3.1.2.3. Organic Materials – voluntary Service until determined by Metro to be a mandatory Service. Regularly scheduled Service for which Franchisee bills the Customer on a monthly basis.
- 3.1.2.4. Yard Debris – regularly scheduled Service for which Franchisee bills the Customer on a monthly basis.

3.1.2.5. Other Materials – as-needed Service for which Franchisee bills the Customer an additional fee on the next bill after Service is performed.

3.1.3. Solid Waste, Recycling, and Yard Debris Drop-off Site

3.1.4. Residential and Commercial Solid Waste/Recycling Education

3.2. Optional Services. Franchisee is permitted to offer other additional services to the public that promote and increase Resource Recovery, waste prevention, and Recycling and that conform to local, state, and federal statutes and regulations. The optional services and their associated rates and fees must be reviewed and approved by the City Manager or designee.

3.3. Notification to New Customers. The Franchisee shall provide City-approved written notification to all new Customers within seven (7) days of sign up. Notification materials shall include a packet of educational material that contains information on all Solid Waste, Recycling, Yard Debris, Organic Materials, and Other Materials Service level options, as applicable; rates for these services, including an explanation of extra charges; a listing of the Recyclable Materials collected; the schedule of collection; the proper method of preparing materials for collection; the reasons that Persons should separate their materials for Recycling; and reference information directing Customers to the City’s website regarding Solid Waste Management and Collection. Franchisee shall provide Customers with prior written notice of any changes in service.

3.4. Hours/Days for Collection Activity.

3.4.1. Residential and Multi-Family Neighborhoods. The Franchisee shall limit the hours of collection activity for any Solid Waste, Recycling, Yard Debris, and Other Materials, as applicable, in predominantly residential and multi-family neighborhoods to between the hours of **5:30 a.m. and 6:00 p.m.**, unless weather or holiday schedules require extended hours for collection.

3.4.2. Commercial and Industrial Areas. The Franchisee shall limit the hours of collection activity for any Solid Waste, Recycling, Yard Debris, Organic Materials, and Other Materials, as applicable, in predominantly commercial and industrial areas to between the hours of **4:30 a.m. and 8:00 p.m.**, unless weather or holiday schedules require extended hours for collection.

3.4.3. Service Days. Residential Service must occur Monday through Friday, except during holiday weeks and times of hazardous weather conditions. All Services must be offered on the same day(s) of the week for a given Residential Customer. Commercial Service must occur Monday through Saturday, except during holiday weeks and times of hazardous weather conditions.

3.4.4. Special Services. The Franchisee shall provide occasional or special collection of Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, or Other Materials on request by the Customer for an additional cost to the Customer.

- 3.4.5. Service on Holidays. No Service is required on Thanksgiving Day, December 25th, or January 1st of each year. Residential Service for these days will run one day late. Commercial Service for these days will run one day late except for Commercial Customers that receive Service six (6) days each week; in those cases, the Commercial Customer will receive Services five (5) days in the holiday week.
- 3.4.6. Hazardous Weather Conditions. Collection schedules may be adjusted due to hazardous weather conditions. Hazardous weather conditions general exist on any day in which the West Linn-Wilsonville School District cancels classes due to weather conditions, or on portions of routes that are located on steep hills where a driving hazard may exist even though local public schools are open. When weather conditions make driving or collection hazardous, Franchisee may postpone collection as provided below:
- 3.4.6.1. Franchisee must notify the City Manager or designee by phone or email no later than noon (12 pm) on the day hazardous weather conditions exist if collection schedules are expected to change. The information provided by Franchisee must include geographical areas affected and the anticipated make-up day or new schedule. If the affected geographic area(s) or make-up schedule changes, then Franchisee must update the information furnished to the City. Franchisee must also provide information to Customers through phone recordings and website/email/text messaging systems.
- 3.4.6.2. In the case of Solid Waste Services, Franchisee must make reasonable effort to pick up prior to the next regularly scheduled Service Day. Yard Debris, Recyclable Materials, and Organic Materials Service may be postponed until the next regularly scheduled Service Day. If Solid Waste Service is delayed more than two (2) days, the Solid Waste Service may be delayed until the next regular Service Day, with one extra Solid Waste Container being accepted by Franchisee at no additional cost to the Customer.
- 3.4.7. Change of Schedule for Service Day. Franchisee may change a Customer's designated Service Day. No later than fourteen (14) days prior to the change, Franchisee must provide written notice to the Customer indicating the intent to change the Customer's designated Service Day and inform the Customer of the new Service Day. Notice must also be given to all service addresses if different than the billing addresses. Each multifamily unit must be notified of the change in Service Day if each unit receives individualized Service.

3.5. Service Rates.

- 3.5.1. Schedule of Rates. The Rates for Solid Waste, Recycling, Yard Debris, and Other Materials is set forth in Attachment 2 to Ordinance No. 814 and may be adjusted from time to time pursuant to Article VIII of Ordinance No. 814.
- 3.5.2. Optional Services. The cost for optional services not included in the Schedule of Rates shall comply with the requirements of the Franchise and Section 3.2 above.

3.6. Billing Procedures.

- 3.6.1. Billing Period. The Franchisee may bill Customers either once per month or once every two months, but shall not bill more than sixty (60) days in advance or in arrears of Service provided. The Franchisee may require payment at time of Service for Service requested by Customers that are less frequent than monthly. The provisions of this Section 3.6.1 do not apply to efforts made to collect unpaid, outstanding balance of any bills.
- 3.6.2. Billing Due Date. Customer payments shall not be due more than thirty-one (31) days before the end of the Service period being billed, nor less than twenty-one (21) days after the date of the postmark on the billing.
- 3.6.3. Vacation Credit. The Franchisee shall give a vacation credit for Customers who stop service for a minimum period of three (3) weeks and shall give up to four (4) vacation credits per calendar year. Vacation credits will not be applied to Multi-Family Customers or Commercial Customers.
- 3.6.4. Billing Policy. The Franchisee shall have a written policy for billing procedures and reinstatement for non-payment, which policy must be consist with Section 3.7 herein. The Franchisee shall make available its billing policies to its Customers. The Franchisee shall also provide a copy of all billing policies to the City for review and prior approval.

3.7. Termination of Service

- 3.7.1. Billing Past Due. The Franchisee may terminate Solid Waste, Recycling, Yard Debris, Organic Materials, and Other Materials Service to any Customer if the Customer has not paid a bill within ninety (90) days of the billing due date.
- 3.7.2. Notice of Termination of Service. The Franchisee must not terminate said Service without first notifying the Customer in writing of the intention to terminate Service postmarked not less than ten (10) days prior to the date of intended termination of Service.
- 3.7.3. Disputed Billings. The Franchisee must not take any action to collect any portion of a bill subject to a dispute until there is a resolution to the dispute pursuant to Section 11.

3.8. Automation of Services. Franchisee must acquire and utilize equipment that allows for the mechanical collection of Receptacles, except for Receptacles for glass Recycling. Franchisee shall utilize this type of equipment for Service of Solid Waste, Recyclables, Yard Debris, and Organic Materials for all Customers.

3.9. Supplying Receptacles. The Franchisee must provide to its Customers Receptacles that are mechanically collected, except for Compactors and Receptacles for glass Recycling, which are manually collected. The Customer may arrange with the Franchisee to provide a Compactor.

- 3.9.1. Recycling Bins. The Franchisee shall provide one Container for Recyclable Materials,

excluding glass Recycling, and one glass Recycling bin to each Residential Customer and other Customers as needed.

3.9.2. Commercial and Multifamily Customers. The Franchisee must provide Receptacles for use by Commercial and Multi-Family Customers at locations approved by the Franchisee or may approve Receptacles provided by the Customer based on the Receptacle requirements of these Administrative Rules.

3.9.3. Types of Receptacles. Receptacles provided by the Franchisee shall be designed for safe handling, non-absorbent, vector-resistance, durable, easily cleanable, and except for Drop Boxes and glass Recycling Receptacles, provided with tight fitting watertight lids or covers that can be readily removed or opened.

3.10. Missed Service. The Franchisee must respond promptly to reports of missed Service. A complaint of missed Service received by the Franchisee from the Customer or the City shall be remedied by collecting the material within twenty-four (24) hours (excluding Saturdays, Sundays, and holidays) of the Customer's or City's report, at no extra charge. The 24-hour deadlines does not apply where the missed collection occurred due to late or improper set-out by the Customer (see Sections 4.5 and 4.7 regarding improper set out and location of Receptacles).

3.11. Refusal of Collection Service

3.11.1. Hazardous Conditions. The Franchisee may refuse Service where there is a hazardous weather condition, as provided in Section 3.4.6 above. Franchisee' refusal of Service due to hazardous conditions does not constitute a missed collection.

3.11.2. Improperly Prepared Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, or Other Materials. The Franchisee may refuse Service where the preparations of Solid Waste, Recycling, Yard Debris, Organic Materials, or Other Materials do not satisfy the requirements of these Administrative Rules.

3.11.3. Overweight Receptacles. The Franchisee may refuse Service for a Receptacle that is over the Receptacle weight requirements of these Administrative Rules. If the Customer requests, the Franchisee will provide the actual weight of the overweight Receptacle by 5:00 p.m. on the business day following the request. When a Receptacle is overweight, it is the Customer's responsibility to separate materials into additional Receptacles to comply with required weight limits.

3.11.4. Improper Location of Receptacles. The Franchisee may refuse Service when a Receptacle is in a location that does not satisfy the requirements of these Administrative Rules.

3.12. Notice for Refusal of Service. If a Customer is refused Service for any reason other than hazardous weather conditions, Franchisee must provide written notice stating the reasons for refusal to said Customer. The written notice must describe the specific reason for refusing Service, the actions needed to resume Service, and the pickup options for the materials not collected. Franchisee shall leave the notice securely attached to the Customer's Receptacle, to the materials, or to the

Customer's front door at the time of the refused Service. Franchisee shall document the date, time, and reason(s) for refusal of any Service. Franchisee will also provide the City notice of any refused Service not later than seven (7) business days after Franchisee's refusal of Service of any Customer.

- 3.13. Payment for Refusal of Service Materials.** Franchisee must charge the normal Service Rates when there is a refusal of Service and shall provide collection options for these materials, except for circumstances when a Customer improperly located the Receptacle(s). If a Customer did not set out or improperly placed the Receptacle, Franchisee must offer the Customer the following options:
- 3.13.1. Immediate Service at the City-approved go-back Rate; or
 - 3.13.2. Service at no extra charge the following week on the designated Service Day.
- 3.14. Cleanup on Route.** The Franchisee shall make reasonable effort to pick up all material blown, littered, broken, or leaked during the course of collection subsequent to being set out by the Customer.
- 3.15. Prevention of Leaking and Spilling Loads.** All Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, and Other Materials Service vehicles shall be constructed, loaded, operated, and maintained in a manner to reduce to the greatest extent practicable, dropping, leaking, blowing, sifting, or escaping of Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, Other Materials, or vehicle fuel, hydraulic fluid, or lubricants from the vehicle onto private property and public streets while stationary or in transit, excepting a normal leakage of fuel, hydraulic fluid, or lubricants typically associated with a properly maintained vehicle. Franchisee must make a reasonable effort to clean up all dropped, leaked, blown, or escaped Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, Other Materials, or spilled vehicle fuel, hydraulic fluid, or lubricants as soon as practicable. When leaking or spills occur, Franchisee must provide notice to appropriate Oregon or federal agencies when applicable as required by Oregon or federal laws and regulations and provide the City with any and all copies of such notice.
- 3.16. Covers for Open Body Vehicles.** All open body collection vehicles must have a cover that is either an integral part of the vehicle or a separate cover for the vehicle. This cover must be used while in transit, except during the transportation of Bulky Wastes, including but not limited to stoves, refrigerators, and similar Goods.
- 3.17. Unnecessary Noise.** The Franchisee shall make a reasonable effort to avoid creating any loud, disturbing, or unnecessary noise in the City.
- 3.18. Maintaining Passage on Public Streets.** To the greatest extent practicable, Franchisee must avoid stopping Service vehicles to block the passage of other vehicles and pedestrians on public streets and sidewalks.
- 3.19. Compliance with Federal, State, and Local Regulations.** Franchisee must comply with all applicable federal, state, and local laws and regulations relating to driving, transportation, collection, Disposal, and processing of Solid Waste, Recyclable Materials, Yard Debris, Organic

Materials, and Other Materials.

- 3.20. Safety and Maintenance.** All Service equipment must be maintained and operated in compliance with all federal, state, and local statutes, ordinances, and regulations including compliance with regulations related to the safety of the collection crew and the public.
- 3.21. Compliance with Zoning Ordinances.** Facilities for storage, maintenance, and parking of any vehicles or other equipment shall comply with all applicable zoning ordinances and all other applicable federal, state, and local statutes, ordinances, and regulations.
- 3.22. Repair or Replacement of Customer Supplies Receptacles.** Franchisee must take care not to damage Receptacles owned by the Customer. Franchisee must reimburse the Customer for the cost of repair or replacement of a Franchisee-approved Receptacle when Franchisee causes damage to a Customer's Receptacle, providing the damage is not caused by normal wear and tear and provided the Receptacle satisfies the standards for Receptacles described in these Administrative Rules.
- 3.23. Location of Empty Receptacles.** The Franchisee shall leave emptied Receptacles in a location that does not obstruct mailboxes, sidewalks, fire hydrants, bicycle lanes, or impede traffic flow. The Franchisee is responsible to close the Receptacle as securely as possible to prevent the lid from blowing away or rain getting into the Receptacle.
- 3.24. Location of Receptacles**
- 3.24.1. General. The Franchisee shall place Receptacles (including drop boxes) in a location that does not obstruct mailboxes, water meters, sidewalks, fire hydrants, or driveways; within bicycle lanes; or in a location that impedes traffic flow.
- 3.24.2. Drop Boxes. When possible, the Franchisee shall place drop boxes on private property locations such as driveways or yards. The Franchisee shall not place a drop box in a public right-of-way, street, alley, bicycle lane, or roadside unless the Customer has received approval from the City.
- 3.25. Customers with Physical Disabilities.** The Franchisee shall give reasonable attention to the needs of customers with physical disabilities without any additional charge for distance.
- 3.26. Promotion and Education**
- 3.26.1. Franchisee shall comply with all DEQ requirements for notice to Customers concerning Recycling Services and opportunities, and any other notices DEQ requires Franchisee to provide to Customers.
- 3.26.2. Franchisee shall participate in City-directed promotion and education efforts as identified below:
- 3.26.2.1. No later than sixty (60) days after the end of each Fiscal Year, Franchisee will make a presentation to the City Council regarding Franchisee's Services,

Rates, Franchisee Fee payments, and any other relevant educational information for the Fiscal Year that is ending or just has ended.

3.26.2.2. Franchisee will conduct no less than two educational outreach events per Fiscal Year to West Linn-Wilsonville School District schools within the City. Franchisee will make all reasonable efforts to conduct such events at different schools each Fiscal Year until it has performed an educational event at all West Linn-Wilsonville School District schools within the City.

3.26.2.3. Franchisee will make all reasonable efforts to participate in City-sponsored outreach events when requested by the City and to conduct other educational outreach programs when requested by other organizations or Persons.

3.26.3. The City and Franchisee will collaborate to create educational materials for the City's solid waste management webpage regarding the types of and appropriate preparation of Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, and Other Materials.

3.27 Damage to Pavement. Franchisee shall not be responsible for any damages to City's or Customer's pavement, curbing or other driving surfaces resulting from Franchisee's providing Service, except to the extent caused by Franchisee's negligence or willful misconduct.

Section 4: Customer Responsibility

4.1. Payment Responsibility

4.1.1. Responsible Party. Any Person who receives Service shall be responsible for payment for said Service.

4.1.2. Missed Collections. A Customer may not deduct the cost of past unreported missed Service from the Customer's Service bills.

4.1.3. Vacation Credit. The Customer is responsible for requesting a Vacation Credit from the Franchisee prior to the date Service will temporarily cease. The Customer may request a vacation credit to stop Service for a minimum of three (3) weeks at a time up to four (4) times per calendar year.

4.2. Notification of Missed Service and Billing Errors. The Customer shall promptly notify the Franchisee about a missed Service or billing error. In such cases, Franchisee will respond in accordance with Section 3.10 regarding missed Service or in accordance with Subsection 3.7.3 and Section 11 regarding a billing error.

4.3. Supplying Receptacles

4.3.1. Carts. Residential Customers shall only use Carts provided by the Franchisee for Solid Waste, Recyclable Materials, and Yard Debris Service.

4.3.2. Compactors. A Commercial Customer may provide a Compactor used for Services. All

Compactors shall comply with applicable federal, state, and local laws and regulations, shall be compatible with Franchisee equipment, and shall be approved by the Franchisee.

4.3.3. Commercial and Multi-Family Customers. Commercial and Multi-Family Customers shall use only Receptacles provided by the Franchisee.

4.4. Repair or Replacement of Franchisee-Supplied Receptacles. The Customer shall take appropriate actions to ensure that hazardous materials, chemicals, paint, corrosive materials, infectious waste, or hot ashes are not put into a can, cart, Container, Drop Box, or other Receptacle. The Franchisee may bill the Customer for the cost to repair or replace a Receptacle owned by the Franchisee when the Customer does not take reasonable care to prevent abuse, fire damage, vandalism, excessive wear, or other damage to the Receptacle.

4.5. Set Out and Removal of Receptacle from Service Location. The Customer is prohibited from setting out a Receptacle for Service more than twenty-four (24) hours prior to Service. The Customer must remove emptied Receptacles from the set out location and return the Receptacle to the Customer's yard or permanent storage area not later than twenty-four (24) hours after Service. For example, if Service is performed at 7:00 am on a Thursday, the Receptacle must be returned to the Customer's yard or storage area not later than 7:00 am on Friday.

4.6. Ownership of Receptacles. Receptacles provided by the Franchisee are the property of the Franchisee. The Customer shall leave Franchisee's Receptacles at the Service address when the Customer moves.

4.7. Location of Receptacles

4.7.1. Single-Family Dwellings. For single-family dwellings, Franchisee may require that collection of Solid Waste, Recyclable Materials, Yard Debris, and Other Materials be placed on the driveway, at the curb, or roadside to enhance efficiency of the Service. Franchisee must arrange for a mutually convenient system for Service to disabled Customers. Under no circumstances may Receptacles be placed by either Customer or Franchisee in marked bicycle lanes or placed in such a manner that they obstruct the flow of traffic. The Customer shall place Receptacles in a location that does not obstruct mailboxes, water meters, sidewalks, fire hydrants, or driveways other than Customer's driveway. The Customer should provide for reasonable vertical clearance for Receptacle(s) picked up away from the curbside or roadside.

4.7.2. Disabled Customers. Disabled Customers will be provided non-Curbside Service for all materials. The Customer and Franchisee must mutually agree upon a set-out location. In most cases, the preferred location will be visible from the street. If not, the Customer must provide Franchisee with a signal that is visible from the street that there are materials to be collected.

4.7.3. Service on a Private Street. For Services made at Curbside on a private street or flag drive serving multiple residences, the street must meet the following standards: access may not be limited by a gate; it must be named and posted with a street sign; it must be paved to a

width of at least twelve (12) feet, exclusive of any areas where parking is permitted; and if a dead-end, the turnaround must have a sixty (60) foot diameter or a “hammerhead” or other feature that provides adequate turnaround space for standard Service vehicles. There must be at least fourteen (14) feet of vertical clearance. On such private streets, Customers entitled to Curbside Service must have their address on the private street. Franchisee may require a damage waiver from Customers being serviced on private streets if, in the opinion of Franchisee, there is a reasonable probability that property damage could occur through no fault of Franchisee other than the normal course of providing Service. If these criteria are not met, Customers must bring their materials to the intersection of the private street and the closest public street. Containers must be marked with the appropriate Customer address.

4.7.3.1. If a Customer obstructs a private street that otherwise meets the above requirements, such as several parked vehicles, sporting equipment, or other barrier, which makes Franchisee’s ability to Service the private street unsafe, Franchisee may refuse collection of Service pursuant to Section 3.11 above. If the hazards are not moved or removed by the Customer(s) so that Franchisee may safely Service the private street, the Customer(s) may be found to be in violation of these Administrative Rules and may be fined pursuant to Article XV, Section (2) of Ordinance No. 814.

4.7.4. Service on Public Alleys. Service on public alleys is encouraged, but is at the discretion of Franchisee.

4.7.5. Service from In-Ground Cans. Service from in-ground cans is prohibited.

4.7.6. Location of Empty Receptacles. Franchisee must return all Receptacles, except for Drop Boxes, to the location where the Customer placed them without leaving Service remnants or other disturbance to existing site conditions, unless the Customer placed the Receptacle(s) in a prohibited location. In such a case, Franchisee may place the Receptacle in a location allowed under these Administrative Rules.

4.7.7. Drop Boxes. When possible, Franchisee shall place Drop Boxes on private property locations such as driveways or yards. Prior to Franchisee’s delivery of the Drop Box, the Customer must receive a permit from the City to place a Drop Box in a public right-of-way, street, alley, or roadside.

4.7.8. Allocation of Compactors. The Customer must place Compactors at a location that protects the privacy, safety, and security of Customers, that provides access needed to prevent unnecessary physical and legal risk to the Franchisee, and that is agreed upon by the Customer and the Franchisee.

4.8. General Preparation of Materials

4.8.1. The Customer must place Solid Waste, Recyclable Materials, Yard Debris, and Organic

Materials safely and securely in the appropriate Receptacle to prevent lightweight materials from blowing away prior to and while being dumped into the Service vehicle or Receptacle. The Customer must load the contents of a Receptacle in such a manner that they fall freely from the Receptacle when emptied by Franchisee. Franchisee is not responsible for digging the contents out of a Receptacle. The Customer cannot overfill a can, cart, or Container so that the lid is open. The Customer cannot compact the contents of a can, cart, or Container. The Customer is responsible for closing the Receptacle as securely as possible to prevent the lid or materials from blowing away or rain from getting into the Receptacle. The Customer shall loosely place materials in cans, carts, Containers, and other rigid Receptacles to minimize damage to the Receptacle and to facilitate emptying the Receptacle.

- 4.8.2. The Customer must drain Solid Waste, Recycling, Yard Debris, Organic Materials, and Other Materials of surplus water. Residential ashes must be cool and must be securely wrapped or bagged before the ashes are deposited in any Container.
- 4.8.3. Animal Wastes. The Customer must bag animal wastes and kitty litter separately from other Solid Wastes. The Customer may Dispose of animal wastes in the Solid Waste Receptacle.
- 4.8.4. Compactors. The Customer must load any Compactor to be within safe loading design limit, operation limit, and weight limit of the collection vehicles used by the Franchisee.
- 4.8.5. No person, other than the Generator of the materials placed in a Receptacle for Service or an employee of the Franchisee, shall interfere with or remove any Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, or Other Materials from any Receptacle where it has been placed by the Generator for collection; nor shall they remove, alter or compact either manually or mechanically, the contents of the Receptacle, including Recyclable Materials and Solid Waste.
- 4.8.6. No person shall place chemicals, liquid waste, paint, corrosive materials, Infectious Waste, hot ashes, or Other Materials into a Receptacle placed for Service. When materials, customer abuse, fire, or vandalism cause excessive wear or damage to a Receptacle provided by the Franchisee, the cost of repair or replacement may be charged to the Customer.

Section 5: Solid Waste Service Requirements

5.1. Franchisee Responsibility

- 5.1.1. Service Responsibility. The Franchisee must provide the opportunity for all levels of Solid Waste Services as defined and provided for in these Administrative Rules for all Persons within its geographic area franchised by the City.

- 5.1.1.1. Unacceptable Waste. The Franchisee is not responsible for the collection of Unacceptable Waste. Refer to Subsection 8.2.2 for collection options for Unacceptable Waste.

5.1.1.2. Hazardous Waste. The Franchisee is not responsible for the collection of Hazardous Waste. To the extent that Franchisee collects Household Hazardous Waste or knowingly collects Hazardous Waste, Franchisee must comply with all Federal, State, and Metro regulations applicable to the collection and Disposal of Household Hazardous Waste and Hazardous Waste.

5.1.2. Service of Extra Receptacles. The Franchisee must Service occasional extra Solid Waste Receptacles set at the curb as an “extra” beyond the Customer’s subscribed Service level. The Franchisee may charge the fee established by the City for such “extras,” except in cases of missed Service. The Franchisee may require the Customer to give prior notification of an extra set out that would require extraordinary time, labor, or equipment.

5.1.3. Disposal of Solid Waste Materials. Franchisee must Dispose of the Solid Waste collected within its franchised geographic area at a Metro-approved facility. Franchisee must not mix Solid Waste for Disposal with any properly prepared Source Separated Materials.

5.2. Customer Responsibility

5.2.1. Weight of Receptacles. The Customer shall limit the weight of a Solid Waste Receptacle to the maximum weights listed as follows:

Receptacle/Type Capacity	Maximum Weight
Up to and including 20 gallons	35 lbs.
Over 20 gallons, up to and including 34 gallons	60 lbs.
Roll carts up to and including 40 gallons	60 lbs.
Roll carts over 40, up to and including 60 gallons	100 lbs.
Roll carts over 60, up to and including 90 gallons	120 lbs.

5.2.2. Weight of Containers and Drop Boxes. The weight of Solid Waste put into a Container or Drop Box, whether compacted or not, shall not exceed the lifting capacity of the Franchisee’s equipment nor shall the weight put the Franchisee over the weight limit for the loaded vehicle. The Franchisee shall furnish the Customer with information concerning limitations on Franchisee’s equipment, upon request. The Franchisee is not required to collect containers exceeding 300 pound gross loaded contents per loose cubic yard.

5.2.3. Putrescible Waste Storage. The Customer shall not store putrescible materials in a Receptacle in excess of seven (7) days.

Section 6: Recycling Collection Requirements

6.1. Franchisee Responsibility

6.1.1. Service Responsibility. The Franchisee must provide the opportunity for Recycling Service as outlined in these Administrative Rules for all Persons with its geographic area franchised by the City.

- 6.1.2. “Recycling Only” Residential Customers. The collection frequency for Residential Customers without Solid Waste Service shall be on the same day as Solid Waste Service for the neighborhood of any given Customer or as agreed upon by the Franchisee and the Residential Customer.
- 6.1.3. Collection of Recyclable Materials. The Franchisee shall collect Recyclable Materials listed in Section 6.2.2 provided the Customer complies with the preparation requirements and other requirements set forth in these Administrative Rules.
- 6.1.4. Processing of Collected Recyclable Materials. The Franchisee shall transport and market collected Recyclable Materials. The Franchisee shall deliver all properly prepared and collected Recyclable Materials to a processor or broker of Recyclable Materials or to an end-use market. The Franchisee shall not deliver, or cause to be delivered, any collected Recyclable Materials for Disposal, unless the Recyclable Materials are improperly prepared or permission is granted by DEQ.
- 6.1.5. Diversion Goal. Franchisee shall make every effort to meet the Recycling goals of the Regional Solid Waste Management Plan as adopted by Metro, promote ongoing efforts as other Recycling “best practices” become available, and help identify methods of Reuse when applicable. The City will make all reasonable efforts to assist Franchisee in meeting such Recycling goals.

6.2. Customer Responsibility

- 6.2.1. Preparation of Recycled Materials.
 - 6.2.1.1. Residential Customers. Residential Customers must prepare Recyclable Materials to avoid contamination with Solid Waste, Hazardous Waste, Yard Debris, or Organic Materials.
 - 6.2.1.2. Commercial and Multi-Family Customers. Commercial and Multi-Family Customers must prepare Recyclable Materials to avoid contamination with Solid Waste, Hazardous Waste, Yard Debris, or Organic Materials. The Franchisee and the Commercial or Multi-Family Customer may decide any exceptions or restrictions to the types, quantity, and volume of Recyclable Materials.
- 6.2.2. Recyclable Materials List. The Customer may include, and Franchisee is only responsible for collecting, the Recyclable Materials listed on the City’s website within its solid waste management webpage, which list may be amended from time to time in accordance with EPA and DEQ requirements and market conditions. Franchisee will also maintain a current list of accepted Recyclable Materials to be provided to a Customer at the Customer’s request. Customers must separate and prepare Recyclable Materials in the manner stated on the Recyclable Materials List.

Section 7: Yard Debris and Commercial Organic Material Collection Requirements

7.1. Franchisee Responsibility

- 7.1.1. Service Responsibility. The Franchisee shall provide the opportunity for Yard Debris Service for all Persons within its geographic area franchised by the City. The Franchisee shall provide the opportunity for Commercial Customers to dispose of Organic Materials in a separate Receptacle on a voluntary basis, until such time as Metro determines that Franchisee must provide Organic Materials Service to Commercial Customers. If Metro makes such a determination regarding Commercial Organic Materials Service, Franchisee must provide to the affected Commercial Customers education regarding Disposal of Organic Materials and Receptacles for Disposal of Organic Materials.
- 7.1.2. “Yard Debris Only” Customers. The collection frequency for Persons without Solid Waste collection service shall be on the same day as Solid Waste collection for the neighborhood of any given Customer or as agreed upon by the Franchisee and the Customer.
- 7.1.3. Special Collection of Yard Debris. The Franchisee shall provide occasional or special collection of Yard Debris materials on request by the City.
- 7.1.4. Collection of Yard Debris. The Franchisee shall collect Yard Debris provided the Yard Debris comply with the preparation requirements and other requirements set forth in these Administrative Rules.
- 7.1.5. Collection of Extra Yard Debris Receptacles. The Franchisee shall collect clearly marked occasional extra Yard Debris Receptacles set at the curb as an “extra” beyond the Customer’s subscribed Service level. The Franchisee may charge the fee established by Franchisee and approved by the City for such “extras,” except in cases of missed Service.
- 7.1.6. Collection of Organic Materials. The Franchisee shall collect Organic Materials from Commercial Customers to whom Franchisee agrees to provide such Service or to whom Metro requires Franchisee to provide such Service so long as the Organic Materials comply with the preparation requirements and other requirements set forth in these Administrative Rules
- 7.1.7. Processing of Collected Yard Debris and Organic Materials. The Franchisee shall transport and market collected Yard Debris and Organic Materials. The Franchisee shall deliver all properly prepared and collected Yard Debris or Organic Materials to an approved processor or composting facility. The Franchisee shall not deliver or cause the delivery of any collected Yard Debris or Organic Materials for Disposal unless the Yard Debris or Organic Materials are improperly prepared or Franchisee obtains permission from DEQ for such Disposal.

7.2. Customer Responsibility

- 7.2.1. Preparation of Yard Debris Materials.

7.2.1.1. Yard Debris Receptacles. The Customer shall place Yard Debris in the cart provided by the Franchisee. Occasional extras may be placed in 65 gallon Carts, “Kraft” type and “Epic” brand bags, or bundles. The Customer shall not use plastic bags to contain Yard Debris.

7.2.1.2. Acceptable Materials. The Customer is responsible to include only those materials that meet the definition of Yard Debris provided in these Administrative Rules.

7.2.2. Preparation of Organic Materials.

7.2.2.1. Receptacles. Any Customer receiving Organic Materials Service from Franchisee shall place Organic Material in the acceptable Receptacle provided by Franchisee.

7.2.2.2. Acceptable Materials. The Customer is responsible to include only those materials that meet the definition of Organic Material provided in these Administrative Rules.

7.2.3. Weight of Yard Debris Receptacles. The Customer shall limit the weight of a Yard Debris Receptacle and its contents to the maximum weights listed as follows:

Receptacle Type/Capacity	Maximum Weight
Bundled yard debris	45 lbs.
“Kraft” type bags or “Epic” brand bags	60 lbs.
Roll Carts up to and including 40 gallons	60 lbs.
Roll carts over 40, up to and including 60 gallons	100 lbs.
Roll carts over 60, up to and including 90 gallons	120 lbs.

7.2.4. Weight of Organic Materials Receptacles. The Customer shall limit the weight of a Receptacle and its contents to the maximum weights listed as follows:

Receptacle Type/Capacity	Maximum Weight
Roll carts up to and including 40 gallons	60 lbs.
Roll carts over 40, up to and including 60 gallons	100 lbs.
Roll carts over 60, up to and including 90 gallons	120 lbs.

Section 8: Other Materials Services

8.1. Franchisee Responsibility

8.1.1. Service Responsibility. The Franchisee shall provide the opportunity for Service for Other Materials as defined and provided for in these Administrative Rules for all Persons within its geographic area franchised by the City. Other Materials include Goods, Bulky Waste, tires, and Infectious Waste.

8.1.2. Service Frequency. The Service time for Other Materials shall be as agreed by the

Franchisee and the Customer and within seven (7) working days of the Customer Request.

8.1.3. Service of Other Materials. The Franchisee shall provide Other Materials Service so long as the Customer complies with the preparation requirements and other requirements set forth in these Administrative Rules.

8.1.4. Collection of Infectious Wastes. The Franchisee may provide for collection of Infectious Wastes or may subcontract for this Service. In either case, the Franchisee shall conform to all rules and laws including, but not limited to, those of the State of Oregon applying to the collection, transportation, storage, treatment, and Disposal of Infectious Wastes.

8.2. Customer Responsibility

8.2.1. Disposal of Other Materials. The Customer shall place Other Materials in a location agreed upon by Customer and Franchisee and in a Receptacle (if applicable) approved by Franchisee. The location must not obstruct mailboxes, water meters, sidewalks, fire hydrants, or driveways; must not be within bicycle lanes; and must not be in a location that impedes traffic flow. Other Materials Service must occur on the same day as the Customer's Solid Waste Service. Other Materials may not be set out by the Customer more than twenty-four (24) hours prior to Service.

8.2.2. Disposal of Unacceptable Solid Waste. The Customer shall contact Franchisee for information on proper Disposal options for Unacceptable Solid Waste.

Section 9: Community Clean-Up Days

9.1. The Franchisee shall agree to deposit the number and size of Drop Boxes and stage the below events at locations agreed to between the Franchisee and the City; and to haul away and replace as many times as may be necessary for:

9.1.1. The one week period during which the "Wilsonville Clean-Up Days" will take place, including a "Bulky Waste Day" event. The "Wilsonville Clean-Up Days" event shall take place once per year in the Spring. The "Bulky Waste Day" will occur within the "Wilsonville Clean-Up Days" on a date set by the City for a reasonable time of day and duration of time, will be coordinated by the City and Franchisee, and will be advertised by the City and Franchisee; and

9.1.2. The "Fall Leaf Clean-Up" event, which shall take place once per year in the Fall, on a date set by the City for a reasonable time of day and duration of time, will be coordinated by the City and Franchisee, and will be advertised by the City and Franchisee.

9.2. All costs, except Disposal cost, incurred during the Community Clean-Up days by the Franchisee shall be at the entire expense of the Franchisee.

Section 10: Customer Service – Access to Information

10.1. **Franchisee's Website.** To the extent practicable, Franchisee's website will contain information

regarding the following:

- 10.1.1. For new Customers: the ability to sign up for new Services.
 - 10.1.2. For all potential, new, and current Customers: access to the Franchise Agreement and these Administrative Rules. Franchisee may provide this information through a link to the City's solid waste informational webpage.
 - 10.1.3. For current Customers: local contact information if a Customer complaint or concern is not fully resolved through Franchisee's call center.
 - 10.1.4. For current Customers: information regarding Wilsonville Clean-Up Days and any other events planned by Franchisee within the City.
- 10.2.** The City will also provide the information in 10.1.2 through 10.1.4 on its solid waste webpage.
- 10.3. Franchisee Communication to New Customers.** Franchisee will send to all new Customers a communication that includes short summary of Franchisee's Services and any key information regarding the Franchise Agreement and these Administrative Rules, which communication will be approved by the City Manager or designee prior to Franchisee delivering the communication to new Customers. The communication may be sent via electronic mail or regular mail.
- 10.4. Franchisee Communication to Current Customers.** Prior to any Service Rate increase or new, modified, or removed surcharge, Franchisee will send to all current Customers a communication explaining the Service Rate increase or surcharge. The communication must be approved by the City Manager or designee prior to Franchisee delivering the communication to current Customers. The communication may be sent via electronic mail or regular mail.
- 10.5.** Any disputes regarding Franchisee's Customer service are subject to Section 11 herein and Article XIII, Section (1) of the Solid Waste Franchise Agreement (Ordinance No. 814).

Section 11: Dispute Resolution

- 11.1. Information and Complaint Resolution.** The Franchisee shall respond with twenty-four (24) hours or by the next business day to Customer calls and telephonic or online complaints. Both office and on-route staff shall be knowledgeable and courteous in answering Customer information requests and resolving Customer complaints regarding Solid Waste, Recyclable Materials, Yard Debris, Organic Materials, and Other Materials Services. The Franchisee shall respond in writing to any written complaint on Service within five (5) working days from receiving the written complaint.
- 11.2. Disputed Billing Policy.** The Franchisee shall have a written policy for resolving disputed billings pursuant to Subsection 3.6.4. The Franchisee shall provide a copy of disputed billing policies to the City for review and approval.
- 11.3. Unresolved Disputes.** Any disputes between Franchisee and Customer that remain unresolved are subject to the procedures contained in Article XIII, Section (1) of Ordinance No. 814.



Republic Services Rate Schedule for Solid Waste, Recyclables, Yard Debris, Organic Materials, and Other Materials

Effective: July 1, 2018

RESIDENTIAL RATE SHEET**Residential (excluding Charbonneau)**

Cart Size	Rate Per Month	Amount Increased ¹
20 gallon	\$20.65	\$0.65
35 gallon	\$27.23	\$0.86
60 gallon	\$35.72	\$0.12

Charbonneau (yard debris exempt)

Cart Size	Rate Per Month	Amount Increased
20 gallon	\$17.99	\$0.57
35 gallon	\$21.36	\$0.67
60 gallon	\$30.27	\$0.95

Limited Residential Services

Service	Rate Per Month	Amount Increased
On Call	\$11.87	\$0.37
Recycling Only	\$10.63	\$0.33
Yard Debris Only	\$7.85	\$0.25
Recycling & Yard Debris Only	\$16.21	\$0.51

**Temporary Clean Up Container – 3 Yards
Maximum of 4 days**

Service	Rate	Amount Increased
Delivery & Removal	\$122.97	\$3.87
Extra Dump	\$88.49	\$2.79
Daily Charge	\$5.99	\$0.19

Additional/Extra Services

Additional/Extra Service	Rate	Amount Increased
Lost or damaged garbage cart	\$66.91	\$2.11
Lost or damaged yard debris cart	\$70.11	\$2.21
Lost or damaged recycling cart	\$70.11	\$2.21
Lost or damaged recycling bin	\$11.36	\$0.36
Return trip fee outside of normally scheduled route	\$22.41	\$0.71
All occasional extras (box/bag/can)	\$6.20	\$0.20
Over-full can charge	\$6.20	\$0.20
Yard debris contaminated with garbage	\$13.42	\$0.42
Gate opening/roll out container (monthly)	\$16.73	\$0.53
Special container (medical waste)	\$16.73	\$0.53

¹ All amounts in this Rate Sheet reflect a 3.25% increase from the rates in effect prior to July 1, 2018.

COMMERCIAL RATE SHEET

Commercial Services – Rate Per Month

Container Size	Rate - 1 stop per week	Amount Increased	Rate - 2 stops per week	Amount Increased	Rate - 3 stops per week	Amount Increased
1 yard	\$105.53	\$3.32	\$209.74	\$6.60	\$308.93	\$9.72
1.5 yard	\$138.55	\$4.36	\$273.72	\$8.62	\$408.46	\$12.86
2 yard	\$180.91	\$5.96	\$357.38	\$11.25	\$533.48	\$16.79
3 yard	\$250.59	\$7.89	\$496.02	\$15.61	\$742.87	\$23.38
4 yard	\$326.44	\$10.28	\$651.12	\$20.50	\$975.00	\$30.69
5 yard	\$396.73	\$12.49	\$781.21	\$24.59	\$1,176.67	\$37.04
6 yard	\$455.72	\$14.34	\$901.02	\$28.36	\$1,365.07	\$42.97
8 yard	\$604.25	\$19.02	\$1,192.51	\$37.54	\$1,806.03	\$56.85

Container Size	Rate - 4 stops per week	Amount Increased	Rate - 5 stops per week	Amount Increased	Rate - 6 stops per week	Amount Increased
1 yard	N/A		N/A		N/A	
1.5 yard	N/A		N/A		N/A	
2 yard	\$719.82	\$22.66	\$904.42	\$28.47	\$1,092.12	\$34.38
3 yard	\$1,009.60	\$31.78	\$1,273.95	\$40.10	\$1,537.74	\$48.40
4 yard	\$1,325.39	\$41.72	\$1,672.56	\$52.65	\$2,018.98	\$63.55
5 yard	\$1,599.56	\$50.35	\$2,018.92	\$63.55	\$2,436.72	\$76.70
6 yard	\$1,856.23	\$58.43	\$2,342.76	\$73.74	\$2,828.44	\$89.03
8 yard	\$2,457.56	\$77.36	\$3,102.31	\$97.65	\$3,745.73	\$117.90

Extra Commercial Pick-Up

Container Size	Rate	Amount Increased
1 yard	\$24.26	\$0.76
1.5 yard	\$33.97	\$1.07
2 yard	\$44.40	\$1.40
3 yard	\$64.43	\$2.03
4 yard	\$84.56	\$2.66
5 yard	\$104.70	\$3.30
6 yard	\$124.73	\$3.93
8 yard	\$163.86	\$5.16

Container Compactor rates is 2.2 times the regular rate.

Commercial extra container dumps (return trips) are charged at 33% of the monthly rate.

Extra material beyond the capacity of the container is charged \$26 per yard.

Commercial/Multi-Family Rates Per Month

Container Size	Rate	Amount Increased
35 gallon cart	\$20.65	\$0.65
60 gallon cart	\$32.17	\$1.01
90 gallon cart	\$40.53	\$1.28

Recycling Rates for Multi-Family Sites with Compactors or Train Systems

Number of Units	Rate per Month	Amount Increased
10-99	\$134.84 (minimum)	\$4.24
100-199	\$2.27 per unit	\$0.07
200-299	\$1.86 per unit	\$0.06
300-399	\$1.64 per unit	\$0.05
400+	\$1.60 per unit	\$0.05

Additional Recycling Services – Drop Box and Commercial Customers

Container Size	Rate	Amount Increased
60 gallon	\$15.59 per cart (includes pick up)	\$0.49
90 gallon	\$18.89 per cart (includes pick up)	\$0.59
Metal Tote	\$24.47 monthly rent, plus hourly rate	\$0.77
Cardboard Container	\$24.47 per month for customers that have less than 4 cubic yards of flattened cardboard per month	\$0.77

Miscellaneous Service Rates – Hourly Hauling Rate

Service	Rate Per Hour	Amount Increased
1 truck + 1 driver	\$102.53	\$3.23
1 truck + 1 driver + 1 helper	\$129.48	\$4.08

COMMERCIAL RATE SHEET For Industrial Customers

Drop Box/Compactor Rates

Container Size	Delivery Rate	Amount Increased	Haul Rate	Amount Increased
10-20 yard drop box	\$54.00	\$1.70	\$119.77	\$3.77
21-29 yard drop box	\$54.00	\$1.70	\$119.77	\$3.77
30 yard drop box	\$54.00	\$1.70	\$150.75	\$4.75
40 yard drop box	\$54.00	\$1.70	\$171.40	\$5.40
10-19 yard compactor	N/A		\$119.77	\$3.77
20-29 yard compactor	N/A		\$150.75	\$4.75
30-39 yard compactor	N/A		\$212.70	\$6.70
40+ yard compactor	N/A		\$284.97	\$8.97

Additional Drop Box Services

Service	Rate	Amount Increased
Fee for less than 1 haul per month	\$16.21	\$0.51
Round-trip box (per haul)	\$34.59	\$1.09

Rental Fee after 48 Hours

Drop Box Size	Rate – Per Day (Loose – Non-Compacted)	Amount Increased	Rate – Per Month	Amount Increased
10 yard	\$8.16	\$0.26	\$81.57	\$2.57
20 yard	\$8.16	\$0.26	\$81.57	\$2.57
30 yard	\$8.67	\$0.27	\$86.73	\$2.73
40 yard	\$9.19	\$0.29	\$91.89	\$2.89

Rent charged will be the lesser of the daily or monthly rent total

SUPPLEMENTAL SERVICES RATE SHEET

Type of Service	Rate	Increase
Special Services not listed:		
Hauler will charge the reasonable cost of collection and disposal		
Charge to be related to a similar schedule fee where possible		
Appliances:		
Large appliances that contain Freon (accessible at curb)	\$48.52	\$1.53
Large appliances without Freon (accessible at curb, Freon removal certificate required)	\$27.87	\$0.88
Bathtub/Sink/Toilet:		
Fiberglass tub/shower	\$43.13	\$1.36
Toilet	\$21.56	\$0.68
Sinks without cabinet	\$16.17	\$0.51
Carpets:		
Rug	\$16.17	\$0.51
Tires:		
Tires with rims – Passenger or light truck	\$21.56	\$0.68
Tires without rims – Passenger or light truck	\$16.17	\$0.51
Tires – Heavy equipment, semi, etc. charged per ton at current disposal facility gate rate		
Furniture:		
Large furniture – full sized couch, dining table, dresser, etc	\$32.35	\$1.02
Small furniture – recliner chair, office chair, crib, coffee table, patio table, cabinets, etc	\$21.56	\$0.68
Hide-a-bed	\$43.13	\$1.36
Mattresses:		
Twin mattress/box spring (set)	\$21.56	\$0.68
Double/queen mattress/box spring (set)	\$32.35	\$1.02
King mattress/box spring (set)	\$37.74	\$1.19
Other:		
Bicycle	\$16.17	\$0.51
Waterbed bag	\$16.17	\$0.51
Windows	\$16.17	\$0.51
Treadmill, door, furnace, barbeque, satellite dish, lawnmower	\$26.96	\$0.85
Basketball hoop	\$43.13	\$1.36
Hot water heater	\$43.13	\$1.36
Hot tub cover	\$53.69	\$1.69
Entertainment center	\$53.69	\$1.69
Christmas tree	\$10.33	\$0.33
E-Waste Removal:		
TV under 25”, PC monitor, laptop	\$16.17	\$0.51
TV over 25”	\$32.35	\$1.02
TV console, TV projector, copiers	\$43.13	\$1.36
Return Trip Fee:	\$21.56	\$0.68
Minimum Charge:	\$16.17	\$0.51

RECYCLING SURCHARGE
(July 1, 2018-December 31, 2018)

1. Residential Customers

Residential customers will be charged a flat rate of \$2.50 per month as a recycling surcharge regardless of solid waste container size.

2. Commercial Customers

Commercial customers will be charged \$1.50 per yard based on the size their recycling container as a recycling surcharge. If a commercial customer uses a 35, 60, or 90 gallon recycling cart, the commercial customer will be charged the same \$1.50 recycling surcharge rate as the one-yard rate.

**WRITTEN ACCEPTANCE OF ORDINANCE NO. 814
CITY OF WILSONVILLE, OREGON**

TO THE MAYOR AND COUNCIL OF THE CITY OF WILSONVILLE:

WHEREAS, on the ____ day of _____, 2018, the Council of the City of Wilsonville, Oregon adopted Ordinance No. 814 entitled:

“An Ordinance of the City of Wilsonville Creating a Franchise Agreement for Solid Waste Management and Collection within the City and Repealing Ordinance Nos. 204, 424, and 443 and Resolution Nos. 1077 and 2566;” and

WHEREAS, said Ordinance grants Keller Drop Box, Inc. dba Republic Services of Clackamas and Washington Counties (“Franchisee”) an exclusive franchise within the City to provide management and collection services for solid waste, recyclable materials, yard debris, organic materials, and other materials pursuant to the terms and conditions stated in said Ordinance; and

WHEREAS, said Ordinance was granted upon the condition that Franchisee shall submit to the City Recorder of the City of Wilsonville its written acceptance of all the terms and conditions of said Ordinance within fourteen (14) days after the effective date of the Ordinance;

NOW, THEREFORE, Franchisee does hereby acknowledge and accept Ordinance No. 814 and all the terms and conditions stated therein.

IN WITNESS WHEREOF, Keller Drop Box, Inc. dba Republic Services of Clackamas and Washington Counties has caused this Written Acceptance to be executed on _____, 2018.

**Keller Drop Box, Inc. dba Republic Services
of Clackamas and Washington Counties**

By: _____

Print Name: _____

As Its: _____

Employer I.D. No. _____



**CITY COUNCIL
STAFF REPORT**

<p>Meeting Date: May 21, 2018</p>	<p>Subject: Ordinance No. 817 - 2nd Reading Making Certain Determinations and Findings Relating to and Approving the Year 2000 Urban Renewal Plan 11th Amendment and Directing that Notice of Approval be Published.</p> <p>Staff Member: Nancy Kraushaar, PE, Community Development Director and Jordan Vance, Economic Development Manager</p> <p>Department: Community Development</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p><input checked="" type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date: May 7, 2018</p> <p><input checked="" type="checkbox"/> Ordinance 1st Reading Date: May 7, 2018</p> <p><input checked="" type="checkbox"/> Ordinance 2nd Reading Date: May 21, 2018</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input type="checkbox"/> Not Applicable</p> <p>Comments: The 11th Amendment increases the maximum indebtedness of the Year 2000 URA by approximately \$14.5 million, extends the life of the district by three years to 2023, and adds a major street project of the “Boeckman Dip Bridge” to the district.</p>	
<p>Staff Recommendation: Staff recommends that Council adopt Ordinance No. 817.</p>		
<p>Recommended Language for Motion: I move to approve Ordinance No. 817 on second reading.</p>		
<p>Project / Issue Relates To:</p>		
<p><input checked="" type="checkbox"/> Council Goals/Priorities: Build fully interconnected and effective transportation modes enabling all kinds of movement among neighborhoods, commercial/employment areas, schools, parks, library, and government.</p>	<p><input checked="" type="checkbox"/> Adopted Master Plan(s): Transportation System Plan UU-01 Boeckman Road Dip Improvements.</p>	<p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Public hearing on the proposed 11th Amendment to the Year 2000 Urban Renewal Plan (Amendment) to add and fund the Boeckman Dip Bridge project.

EXECUTIVE SUMMARY:

Per City Council direction, staff convened the Urban Renewal Task Force (Task Force) on April 24, 2017 to receive direction on pursuing adding the Boeckman Dip Bridge project to the Year 2000 Urban Renewal Plan (Plan). The area of the Boeckman Dip Bridge project is located within the Plan boundary. The Task Force voted unanimously for staff to proceed with an amendment process to fund the Boeckman Dip Bridge project.

The Plan amendment includes adding the project to the Plan and increasing the maximum indebtedness by approximately \$14.5 million, from \$92,687,423 to \$107,196,524. As such, the amendment is characterized as a substantial amendment and requires concurrence from taxing districts that represent 75% of the total current, permanent tax levies in the district (for example, this could be achieved by receiving concurrence from the City of Wilsonville, Clackamas County, and the West Linn-Wilsonville School District). Concurrence on the existing revenue sharing program is also required.

The West Linn-Wilsonville School District voted for concurrence on January 8, 2018. Clackamas County voted for concurrence on March 29, 2018. The Wilsonville City Council will consider voting on concurrence on May 7, 2018. These three taxing districts represent 75% of the permanent rate levy, complying with state statute.

The public review and approval process for the Amendment has included the following steps, in accordance with ORS 457.

1. Preparation of a plan including opportunity for citizen involvement. There were opportunities for citizen involvement at the Agency meeting, Planning Commission hearing, Open House and City Council hearing.
2. Review and recommendation by the Wilsonville Urban Renewal Agency. The Agency reviewed the proposed Amendment and accompanying Report on December 4, 2017 and recommended forwarding it to City Council for adoption.
3. Review and recommendation by the Wilsonville Planning Commission. The Planning Commission reviewed the Amendment on December 13, 2017 and voted unanimously that the Amendment conformed to the Wilsonville Comprehensive Plan.
4. Public outreach. An Open House was held on January 17, 2018.
5. The required statutory notice was mailed to all postal patrons within the City of Wilsonville. The statutory notice was also published on the front page of the February 2018 and May 2018 issues of the Boones Ferry Messenger which was mailed to all postal patrons within the City of Wilsonville.
6. Forwarding a copy of the proposed Amendment and the Report to the governing body of each taxing district. The formal taxing districts letters were sent out on January 9, 2018.
7. Presentation of the Amendment to the Clackamas County Commission. These meetings occurred on February 15, March 13, and March 29, 2018.

8. Concurrence on both the maximum indebtedness increase and continuance of the present revenue sharing was received by the West Linn/Wilsonville School District on January 8, 2018, by the Clackamas County Commission on March 29, 2018 and by the Wilsonville City Council on May 21, 2018. These three taxing districts represent 75% of the permanent rate levy, complying with state statute.
9. Hearing by City Council and adoption of the proposed Amendment and accompanying Report by a non-emergency ordinance. The City Council public hearing and first reading of the ordinance adopting the Amendment will be held on May 7, 2018 and the second reading and final vote will be on May 21, 2018. The ordinance must be a non-emergency ordinance, which means that the ordinance does not take effect until 30 days after its approval and during that period of time may be referred to Wilsonville voters if a sufficient number of signatures are obtained on a referral petition.

EXPECTED RESULTS:

The result of the Amendment is the ability to fund the Boeckman Road Dip project, increasing public safety for all modes of transportation and facilitating development of an estimated 1,750 single-family residential units in the Frog Pond urban growth area. Boeckman Road is a primary arterial and one of only three east-west arterials that crosses the city.

TIMELINE:

Once the ordinance is adopted, there is a 30-day waiting period for it to become effective. Once enacted, staff could pursue design of the project and anticipate construction of the bridge in the next 5 year +/- period.

CURRENT YEAR BUDGET IMPACTS:

The current year budget for the Urban Renewal Agency anticipates paying off certain portions of the urban renewal debt. If the District were to remain open, the debt may be restructured but not retired.

Amending the Plan as stated above impacts future tax collections by the City and other overlapping taxing jurisdictions. Tax receipts will not decrease, but rather will increase less than they otherwise would without this Amendment.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 4/30/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 5/3/2018

COMMUNITY INVOLVEMENT PROCESS:

This project was reviewed by the Urban Renewal Task Force and an Open House was held on January 17, 2018. The Planning Commission, County Commission, and City Council meetings were all open public meetings where comment was allowed.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The traffic safety on Boeckman Road will be enhanced as a result of this project. This improvement in safety will benefit the community at large, the citizens who use the neighboring school and will use the future school.

ALTERNATIVES:

There is no other funding source for this project.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. Ordinance No. 817

ORDINANCE NO. 817

AN ORDINANCE MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE YEAR 2000 URBAN RENEWAL PLAN 11TH AMENDMENT AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED.

WHEREAS, the Urban Renewal Agency of the City of Wilsonville (“Agency”), as the duly authorized and acting urban renewal agency of the City of Wilsonville, Oregon, is proposing to undertake certain urban renewal activities in a designated area within the City pursuant to ORS Chapter 457; and

WHEREAS, the Agency, pursuant to the requirements of ORS Chapter 457, has caused the preparation of the Year 2000 Urban Renewal Plan 11th Amendment attached hereto and incorporated herein as **Exhibit A** (the “Amendment”). The Plan authorizes certain urban renewal activities within the Year 2000 Urban Renewal Area (the “Area”); and

WHEREAS, the Agency has caused the preparation of a certain Urban Renewal Report dated May 21, 2018 attached hereto as and incorporated herein **Exhibit B** (the “Report”) to accompany the Amendment as required under ORS 457.085(3); and

WHEREAS, the Agency forwarded the Amendment and Report to the Wilsonville Planning Commission for review and recommendation. The Planning Commission considered the Amendment and Report on December 13, 2017 and adopted a finding that the Amendment conformed with the Wilsonville Comprehensive Plan attached hereto and incorporated herein as **Exhibit C** (Planning Commission Resolution); and

WHEREAS, the Amendment and the Report were forwarded on January 9, 2018 to the governing body of each taxing district affected by the Amendment noting the need for concurrence on both the maximum indebtedness increase and continuance of the current revenue sharing, and the Agency has thereafter consulted and conferred with each taxing district; and

WHEREAS, on January 8, 2018, the West Linn-Wilsonville School District passed a resolution attached hereto and incorporated herein as **Exhibit D** (School District Resolution)for concurrence on the maximum indebtedness and continuance of the present revenue sharing; and

WHEREAS, on January 17, 2018, the City held an Open House; and

WHEREAS, on March 29, 2018, the Clackamas County Commission passed a resolution attached hereto and incorporated herein as **Exhibit E** (Clackamas County Commission Resolution) for concurrence on the maximum indebtedness and continuance of the present revenue sharing; and

WHEREAS, the City Council has not otherwise received written recommendations from the governing bodies of the affected taxing districts; and

WHEREAS, the required statutory notice of the May 7, 2018 Wilsonville City Council hearing on the Urban Renewal Amendment was mailed to all postal patrons within the City of Wilsonville and was also published on the front page of the February 2018 and May 2018 issues of the Boone's Ferry Messenger which was also mailed to all postal patrons within the City of Wilsonville.

WHEREAS, on February 1, 2018, the City Council continued the public hearing to May 7, 2018 for first reading and May 21, 2018 for second reading; and

WHEREAS, on May 7, 2018, the Wilsonville City Council passed a resolution attached hereto and incorporated herein as **Exhibit F** (Wilsonville Resolution) for concurrence on the maximum indebtedness and continuance of the present revenue sharing; and

WHEREAS, on May 7, 2018 the City Council held a public hearing to review and consider the Amendment, the Report, the recommendation of the Wilsonville Planning Commission, the concurrence from other taxing districts and the public testimony received on or before that date and to receive additional public testimony; and

WHEREAS, The City Council found that the Amendment conforms with all applicable legal requirements; and

WHEREAS, after consideration of the record presented through this date, the City Council does by this Ordinance desire to approve the Amendment.

NOW THEREFORE, THE WILSONVILLE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. The Amendment complies with all applicable requirements of ORS Chapter 457 and the specific criteria of 457.095(1) through (7), in that, based on the information provided in the Report, the Wilsonville Planning Commission Recommendation, and the public testimony before the City Council:

1. The process for the adoption of the Amendment, has been conducted in accordance with the applicable provisions of Chapter 457 of the Oregon Revised Statutes and all other applicable legal requirements;

2. The area designated in the Amendment as the Year 2000 Urban Renewal Area (“Area”) is blighted, as defined by ORS 457.010(1) and is eligible for inclusion within the Amendment because of conditions described in the Report in the Section “Existing Physical, Social, and Economic Conditions and Impacts on Municipal Services”, including the existence of inadequate streets and other rights of way, open spaces and utilities and underdevelopment of property within the Area (ORS 457.010(1)(e) and (g);
3. The rehabilitation and redevelopment described in the Amendment to be undertaken by the Agency is necessary to protect the public health, safety or welfare of the City because absent the completion of urban renewal projects, the Area will fail to contribute its fair share of property tax revenues to support City services and will fail to develop and/or redevelop according the goals of the City’s Comprehensive Plan;
4. The Amendment conforms to the Wilsonville Comprehensive Plan and provides an outline for accomplishing the projects described in the Amendment, as more fully described in the Amendment and in the Wilsonville Planning Commission Recommendation;
5. The Amendment conforms to the City of Wilsonville Economic Development Strategy as more fully described in the Amendment;
6. No residential displacement will occur as a result of the acquisition and disposition of land and redevelopment activities proposed in the Amendment and therefore the Amendment does not include provisions to house displaced persons;
7. Property acquisition of property is anticipated as a result of the Amendment. The acquisition of real property provided in the Amendment is necessary for the development of infrastructure improvements; because the Agency does not own all the real property interests (e.g., rights-of-way, easements, fee ownership, etc.) that will be required to undertake and complete the Boeckman Dip Bridge project as described in Section 600 of the Amendment and Chapter IV of the Report; and
8. Adoption and carrying out the Amendment is economically sound and feasible in that eligible projects and activities will be funded by urban renewal tax revenues derived from a division of taxes pursuant to section 1c, Article IX of the Oregon Constitution and ORS 457.440 and other available funding as more fully described in the Section “Financial Analysis of the Plan” of the Report;
9. The City shall assume and complete any activities prescribed it by the Amendment; and
10. The Agency consulted and conferred with affected overlapping taxing districts prior to the Amendment being forwarded to the City Council.

11. The West Linn/Wilsonville School District unanimously passed a resolution for concurrence on the increase in maximum indebtedness and revised revenue sharing on January 8, 2018. Clackamas County passed a resolution for concurrence on the increase in maximum indebtedness and revised revenue sharing on March 29, 2018. The Wilsonville City Council passed a resolution for concurrence on the increase in maximum indebtedness and revised revenue sharing on May 7, 2018. These three districts comprise over 75% of the permanent rate levy.

Section 2: The Year 2000 Amendment is hereby approved based upon review and consideration by the City Council of the Amendment and Report, the Wilsonville Planning Commission Recommendations, the concurrence of the West Linn/Wilsonville School District, Clackamas County and the Wilsonville City Council, each of which is hereby accepted, and the public testimony in the record.

Section 3: The City Recorder shall forward forthwith to the Agency a copy of this Ordinance.

Section 4: The Agency shall thereafter cause a copy of the Amendment to be recorded in the Records of Clackamas County, Oregon.

Section 5: The City Recorder, in accordance with ORS 457.115, shall publish notice of the adoption of the Ordinance approving the Plan, including the provisions of ORS 457.135, in the Oregonian on May 25, 2018 and the Wilsonville Spokesman on May 30, 2018 following adoption of this Ordinance.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 7th day of May, 2018, and scheduled for a second reading at a regular meeting of the Council on the 21st day of May, 2018, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 21st day of May, 2018 by the following votes:

Yes: No:

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 21st day of May, 2018.

TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

Attachments:

1. Exhibit A – Year 2000 Urban Renewal Plan 11th Amendment
2. Exhibit B – Report on the Year 2000 Urban Renewal Plan 11th Amendment
3. Exhibit C – Wilsonville Planning Commission Resolution No. LP17-0005
4. Exhibit D – School District Resolution No. 2017-4
5. Exhibit E – Clackamas County Resolution No. 2018-18
6. Exhibit F – Wilsonville Resolution No. 2686

Exhibit A to Ordinance No. 817

Year 2000 Urban Renewal Plan 11th Amendment

Substantial Amendment

The following changes are made to the Year 2000 Urban renewal Plan. Deletions are shown in ~~crossout~~ and additions are shown in *unbolded italics*.

SECTION 404 – Consistency of City’s Comprehensive Plan

Transportation:

The Eleventh Amendment is in conformance with the Transportation section of the Comprehensive Plan as the project to be added to the Plan is a transportation project to allow for a more safe and efficient transportation system.

SECTION 405 – Consistency with Economic Development Policy

The Eleventh Amendment is in conformance with the Economic Development Policy as the project to be added to the Plan is a transportation project to allow for a safer and more efficient transportation system, allowing for continued growth on employment land and improved transportation access for the residential sector to support employment by providing housing opportunities.

SECTION 600 – URBAN RENEWAL ACTIVITIES

601 Urban Renewal Projects and Improvement Activities

A) Roads, Including Utility Work Indicated:

(14) Boeckman Dip Bridge: The City of Wilsonville (City) recently completed master planning the 175-acre Frog Pond West area that will include improvements to a section of Boeckman Road over Boeckman Creek; the Boeckman Creek canyon is designated SROZ. Currently, this is a decades-old rural road constructed on an embankment with vertical grades that fail to comply with AASHTO (American Association of State Highway and Transportation Officials) design criteria. The road is substandard for urban use and presents safety concerns for all travel modes. The embankment blocks both salmonid and wildlife passage. The roadway lacks bike lanes and a north-side sidewalk, and the “dip” forces emergency services to slow in this area. The City’s Transportation System Plan (TSP) designates the road as a Minor Arterial; the currently planned project will address all of the shortcomings mentioned above and provide an important connection for vehicles, pedestrians and bicyclists to all residential and employment areas east and west of Boeckman Creek and the new Meridian Creek Middle School. Sewer, water, and stormwater utilities will be upgraded or relocated as needed.

602 Acquisition of Real Property

E) Property Which May Be Acquired by Plan Amendment: The Agency has identified the following properties for acquisition pursuant to Section 602 of the Plan:

Summary of Text Changes

Year 2000 Urban Renewal Plan 11th Amendment – Substantial Amendment

Page 1

3) *Portions of the following tax lots may be acquired for additional right-of-way or easements concerning the Boeckman Dip Project (see attached PART TWO EXHIBITS – YEAR 2000 PLAN Exhibit 8).*

- *31W12D 03200*
- *31W12D 03300*
- *31W12D 02700*
- *31W12D 02600*
- *31W13AB15505*
- *31W13B 00100*
- *31W13B 00200*
- *31W13B 00301*
- *31W13B 02402*

SECTION 700 – FINANCING OF URBAN RENEWAL INDEBTEDNESS

705 **Maximum Amount of Indebtedness** – The maximum amount of indebtedness that may be issued or incurred under the Plan is increased from ~~\$53,851,923.00~~–\$92,687,423.00 by ~~\$38,835,500.00~~ \$14,509,101 to a new total of ~~\$92,687,423~~–\$107,196,524. This is based upon good faith estimates of the scope and costs of projects in the Plan and the schedule for their completion as completion dates were anticipated as of ~~March 1, 2007~~ *October 1, 2017*. The estimates included, but were not limited to, increases in costs due to reasonably anticipated inflation. This amount is the principal of such indebtedness and does not included interest or indebtedness incurred to refund or refinance existing indebtedness. (*Amended by Ordinance No. 498 – June 15, 1998 and Amended by Ordinance No. 639 – August 20, 2007 and Amended by Ordinance No. _____ on _____.*)

PART TWO

EXHIBITS – YEAR 2000 PLAN

8. Potential Parcels to be Acquired for Boeckman Dip Project (portions of these parcels)

EXHIBIT 8

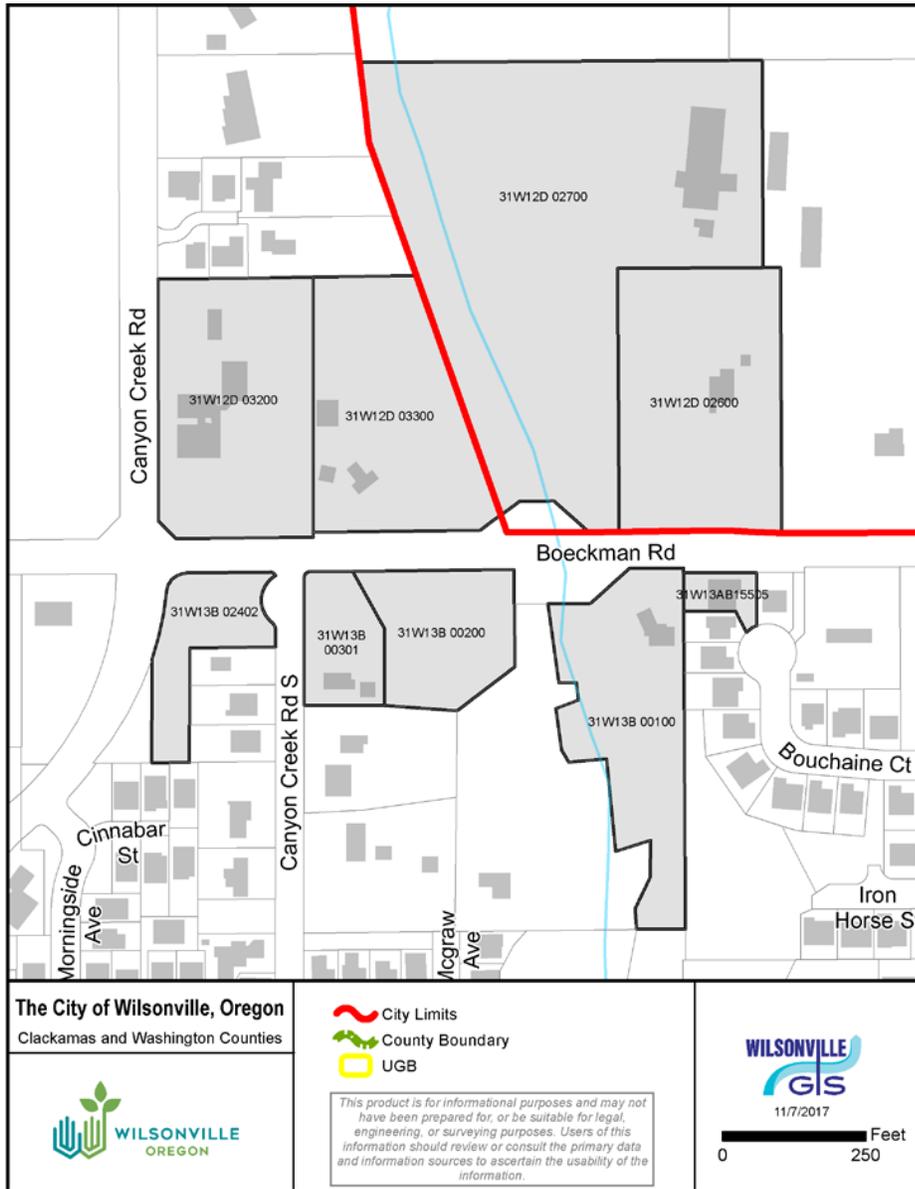


Exhibit B to Ordinance No. 817

**Report Accompanying the Year
2000 Urban Renewal Plan
11th Amendment**

May 21, 2018

Adopted by the City of Wilsonville

May 21, 2018

Ordinance No. 817

Effective June 20, 2018

The Year 2000 Urban Renewal Area

Consultant Team

Elaine Howard Consulting, LLC

Elaine Howard
Scott Vanden Bos

Tiberius Solutions LLC

Nick Popenuk
Ali Danko
Rob Wyman

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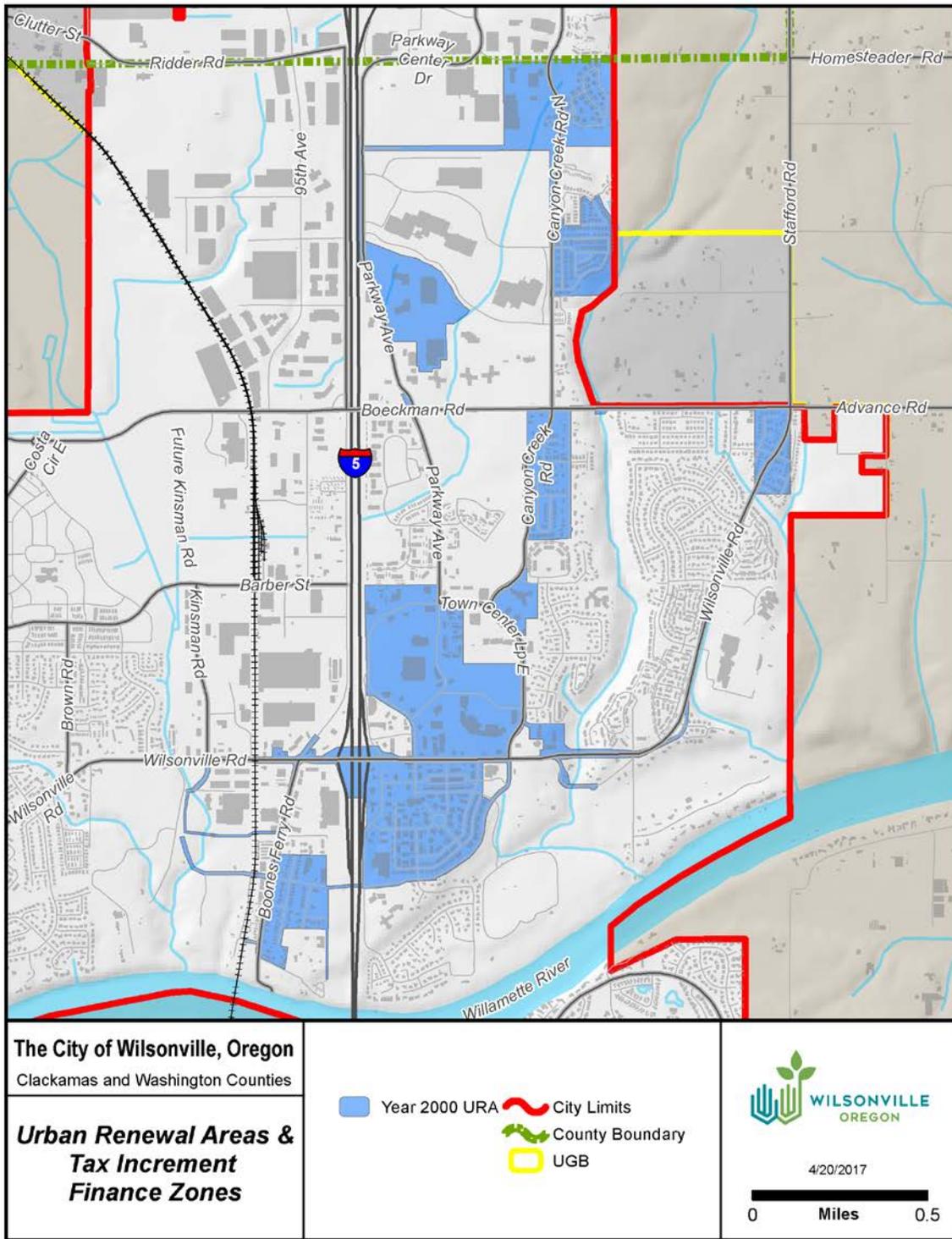
I. INTRODUCTION

The Report on the Year 2000 Urban Renewal Plan Amendment (Report) contains background information and project details that pertain to the Year 2000 Urban Renewal Plan Amendment (Plan). The Report is not a legal part of the Plan, but is intended to provide public information and support the findings made by the City Council as part of the approval of the Plan.

The Report provides the analysis required to meet the standards of ORS 457.085(3), including financial feasibility. The format of the Report is based on this statute. The Report documents the existing conditions in the Year 2000 Urban Renewal Area (Area) as they relate to the proposed projects in the Plan.

The Report provides guidance on how the urban renewal plan might be implemented. As the Wilsonville Urban Renewal Agency (Agency) reviews revenues and potential projects each year, it has the authority to make adjustments to the implementation assumptions in this Report. The Agency may allocate budgets differently, adjust the timing of the projects, decide to incur debt at different timeframes than projected in this Report, and make other changes as allowed in the amendments section of the Plan.

Figure 1 – The Year 2000 Urban Renewal Plan Area Boundary



Source: City of Wilsonville GIS

II. EXISTING PHYSICAL, SOCIAL, AND ECONOMIC CONDITIONS AND IMPACTS ON MUNICIPAL SERVICES

This section of the Report describes existing conditions within The Year 2000 Urban Renewal Area and documents the occurrence of “blighted areas,” as defined by ORS 457.010(1).

A. Physical Conditions

1. Land Use

The Area measures 454.0 total acres in size, encompassing 325.89 acres included in 657 individual parcels, and an additional 128.11 acres in public rights-of-way. An analysis of FYE 2016-2017 property classification data from the Clackamas County Department of Assessment and Taxation database was used to determine the land use designation of parcels in the Area. By acreage, “Commercial land, improved” accounts for the largest land use within the area (34.22%). This is followed by “Multi-family improved” (21.9%), and “Residential improved” (20.22%). The total land uses in the Area, by acreage and number of parcels, are shown in Table 1.

Table 1 – Existing Land Use in Area

Land Use	Parcels	% of	
		Acreage	Acreage
Commercial land, improved	58	111.52	34.22%
Multi-Family, improved	10	71.38	21.90%
Residential land, improved	436	65.88	20.22%
Industrial land, improved	3	25.03	7.68%
Industrial State appraised	2	18.68	5.73%
Commercial land, vacant	12	14.27	4.38%
Residential land, vacant	57	8.73	2.68%
Residential, condominium	73	4.41	1.35%
Tract land, vacant	1	3.60	1.10%
Industrial land, vacant	3	1.82	0.56%
Tract land, improved	1	0.53	0.16%
Multi-Family, vacant	1	0.05	0.02%
Total	657	325.89	100.00%

Source: Compiled by Tiberius Solutions LLC with data from the Clackamas County Department of Assessment and Taxation (FYE 2017)

2. Zoning Designations

As illustrated in Table 2, the most prevalent zoning designation (27.82%) of the Area by acreage is “Planned Development Commercial Town Center”. The second most prevalent zoning designation is “Planned Development Residential-6”, representing 20.82% of the Area.

Table 2 – Existing Zoning Designations

Zoning	Parcels	Acreage	% of Acreage
Planned Development Commercial Town Center	33	90.65	27.82%
Planned Development Residential-6	40	67.84	20.82%
Planned Development Industrial	57	60.34	18.52%
Planned Development Residential-5	213	28.36	8.70%
Planned Development Residential-3	175	25.96	7.97%
Planned Development Commercial	32	25.83	7.93%
Residential Agriculture Holding - Residential	83	19.50	5.98%
Residential	13	3.92	1.20%
Planned Development Residential-4	6	2.56	0.79%
Residential Agriculture Holding - Public	2	0.55	0.17%
Residential Agriculture-Holding	3	0.38	0.12%
Total	657	325.89	100.00%

Source: Compiled by Tiberius Solutions LLC with data from the Clackamas County Department of Assessment and Taxation (FYE 2017) and then cross-referenced with City of Wilsonville data.

3. Comprehensive Plan Designations

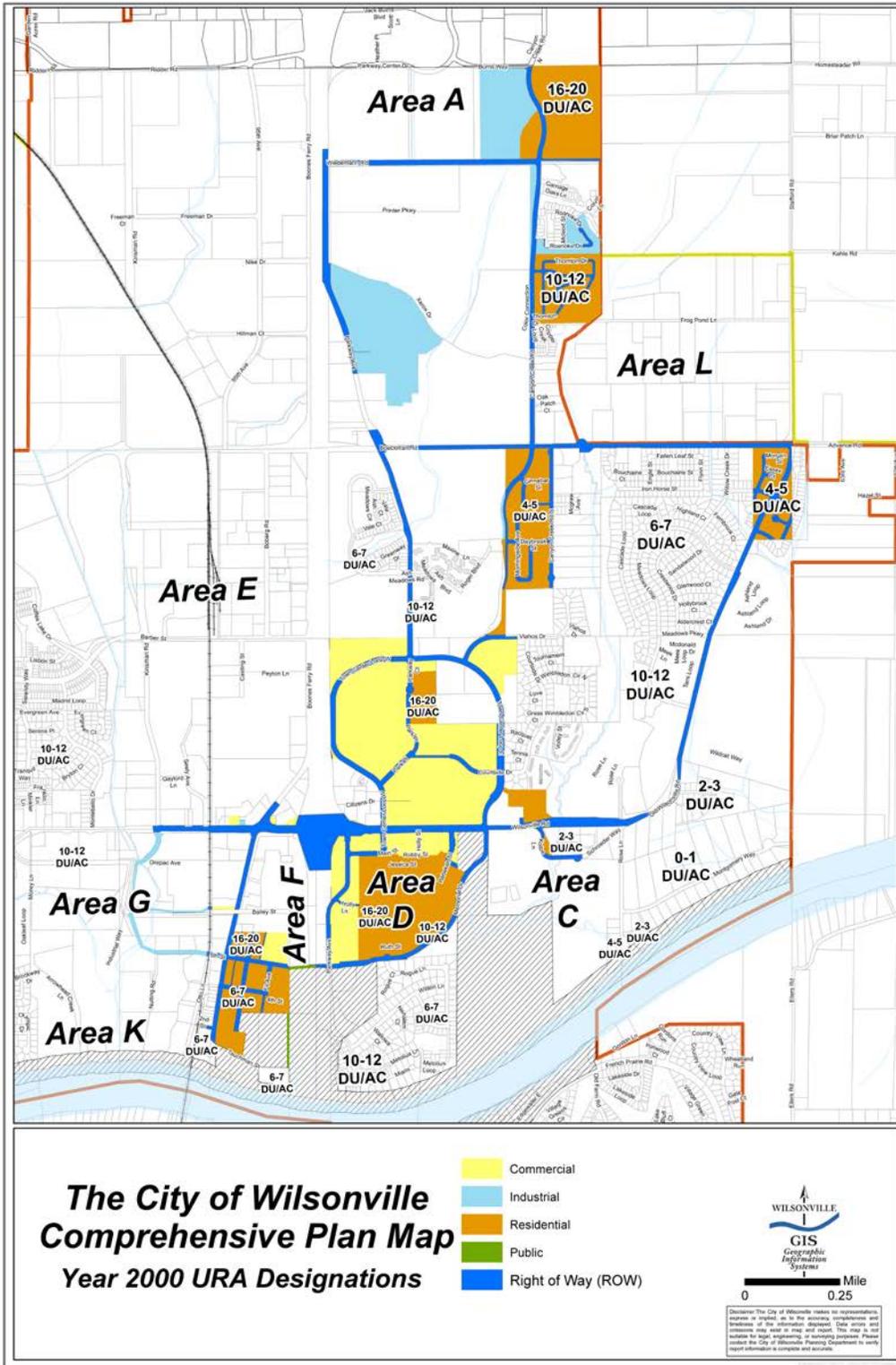
As illustrated in Table 3, the most prevalent comprehensive plan designation (45.58%) of the Area by acreage is “Residential”. The second most prevalent comprehensive plan designation is “Commercial”, representing 35.74% of the Area.

Table 3 – Existing Comprehensive Plan Designations

Comprehensive Plan Designation	Parcels	Acreage	% of Acreage
Residential	533	148.53	45.58%
Commercial	65	116.47	35.74%
Industrial	57	60.34	18.52%
Public	2	0.55	0.17%
Total	657	325.89	100.00%

Source: Compiled by Tiberius Solutions LLC data from the Clackamas County Department of Assessment and Taxation (FYE 2017) and then cross-referenced with City of Wilsonville data.

Figure 2 – Area Comprehensive Plan Designations



Source: City of Wilsonville There are two public designated parcels in the Area, however, they are so small they do not show up on the map.

B. Infrastructure

This section identifies the existing conditions in the Area to assist in establishing blight. There are projects listed in several City of Wilsonville infrastructure master plans that relate to these existing conditions. **This does not mean that all of these projects are included in the Plan.** The specific projects that are included in the Plan are listed in Sections IV and V of this Report.

1. Transportation

The following are capital projects in the Area from the City of Wilsonville Transportation Systems Plan:

Project ID	Project Name	Project Description	Cost
SI-04	Wilsonville Road/Town Center Loop West Intersection Improvements	Widen the north leg of the intersection and install a second southbound right-turn lane (dual lanes).	\$500,000
BW-08	Town Center Loop Pedestrian, Bicycle, and Transit Improvements	Create more direct connections between destinations within Town Center area, improve accessibility to civic uses and transit stops, retrofit sidewalks with curb ramps, highlight crosswalks with colored pavement, and construct similar treatments that support pedestrian, bicycle, and transit access and circulations; also construct shared-use path along Town Center Loop West from Wilsonville Road to Parkway Avenue and restripe Town Center Loop East from Wilsonville Road to Parkway Avenue to a three-lane cross-section with bike facilities	\$500,000
BW-09	Town Center Loop Bike/Pedestrian Bridge	Construct bike/pedestrian bridge over I-5 approximately aligned with Barber Street to improve connectivity of Town Center area with businesses and neighborhoods on west side of I-5; include aesthetic design treatments	\$4,000,000
UU-01	Boeckman Road Dip Improvements	Upgrade at vertical curve east of Canyon Creek Road to meet applicable cross-section standards (i.e., 3 lanes with bike lanes, sidewalks, and transit stop improvements); options should also be considered to make connections to the regional trail system and to remove the culvert and install a bridge	\$12,220,000
LT-P4	Canyon Creek Trail	Shared Use Path from Canyon Creek Park to Boeckman Creek Trail providing connectivity to the neighborhoods to the south	\$200,000

2. Water

The following are capital projects in the Area from the City of Wilsonville's Water Master Plan:

Project ID	Description	Total Estimated Cost
168	10-inch Loop (Appts E. of Canyon Creek/Burns)	\$41,000
169	8-inch Loop between Vlahos and Canyon Creek	\$42,000
260	10-inch Extension on 4th Street (E. of Fir)	\$69,000
261	8-inch Loop - Magnolia to Tauchman	\$59,000
271	8-inch Loop near Parkway Center/Burns	\$66,000
273	12-inch Loop crossing Boeckman	\$16,000
274	8-inch Loop at Holly/Parkway	\$56,000
285	8-inch Upgrade on Boones Ferry Road (south of 2nd Street)	\$44,000
*	Pipeline and Valve Replacement (Annual Budget for 20-year planning period)	\$173,000
*	Meter Replacement (Annual Budget for 20-year Planning Period)	\$50,000

3. *Stormwater*

The following are projects in the Area from the City of Wilsonville's Stormwater Master Plan (please note that CMP is corrugated metal pipe):

Project ID	Project Name	Project Location	Existing Conditions	Proposed Solution	Cost Estimate
BC-8	Canyon Creek Estates Pipe Removal	Colvin Lane in Canyon Creek Estates	Erosion is occurring upstream and downstream of an existing culvert in the channel. Side slopes of the channel are steep, which enhances natural erosion.	Removal of the culvert and rehabilitation of the creek channel are proposed to fix existing and future channel erosion. Planting of vegetation following removal of the culvert will need to include techniques that strengthen the creek banks through bio-engineering, such as live stakes made from live cuttings of plants that enhance bank stability or other reinforcing techniques.	\$129,504
BC-5	Boeckman Creek Outfall Realignment	Boeckman Creek, north of SW Wilsonville Road	An 18-inch CMP outfall to Boeckman Creek that drains approximately 11 acres, about 300 feet north of Wilsonville Road, is installed perpendicular to the creek and discharges to a bubbler structure about 3 feet high. Water builds up in the pipe until it flows out of the top of the structure. Some erosion is occurring around the bubbler structure resulting from water dropping out of the top of the structure under pressure.	Realign the last few segments of the pipe and remove the bubbler structure. The pipe would be realigned to allow water to discharge downstream in the direction of the creek flow, reducing the erosion occurring at the outfall. Along with the riprap for energy dissipation and vegetation for stability of the riparian area, this project would assist in stabilizing the outfall.	\$38,441
ST-7	Boeckman Creek at Boeckman Road Stormwater Study	Boeckman Creek at Boeckman Road	Boeckman Creek at Boeckman Road is currently being used as a water control structure for upstream developments.	Boeckman Road may be replaced with a bridge structure, which would affect the detention facility. This study would evaluate options and identify alternatives for regional detention for upstream drainage.	\$57,000

4. Sanitary Sewer

The following are projects in the Area from the City of Wilsonville's Wastewater Master Plan (please note that LF is linear feet):

Project ID	Name	Description	Project Limits	Estimated Cost
CIP-09	Parkway Interceptor	Gravity - Pipe Upsizing. 4,540 LF 12" pipe; 150 LF 15" pipe	From Elligsen Road to Boeckman Road	\$4,360,000
CIP-05	Boeckman Interceptor Phase 1	Gravity - Pipe Upsizing. 2,320 LF 18" pipe; 920 LF 21" pipe; 970 LF 24" pipe	From High School Interceptor to Memorial Park Pump Station	\$4,270,000
CIP-06	Boeckman Interceptor Phase 2	Gravity - Pipe Upsizing. 3,760 LF 18" pipe	From Boeckman Road to High School Interceptor	\$3,240,000
CIP-12	Memorial Drive Flow Splitter Structure	Flow Splitter Structure - Replacement. Replace Diversion Structure	I-5 Downstream of Memorial Park Pump Station	\$150,000
CIP-16*	Pipe Replacement (0 To 5 Years)	Gravity - Pipe Replacement. Approximately 930 LF Annually; Varied pipe diameters	Various, Approximately \$360,000 Annually	\$1,750,000
CIP-17	Town Center Loop Pump Station	Pump Station - Replacement. Replace Pump Station	Existing pump station	\$440,000
CIP-19	Boones Ferry Park Grinder Pump	Pump Station - Restroom Grinder Pump. New grinder pump for park restrooms	Boones Ferry Park	\$30,000
CIP-22*	Pipe Replacement (6 To 10 Years)	Gravity - Pipe Replacement. Approximately 930 LF Annually; Varied pipe diameters	Various, Approximately \$360,000 Annually	\$1,750,000
CIP-25*	Pipe Replacement (11 To 20 Years)	Gravity - Pipe Replacement. Approximately 930 LF Annually; Varied pipe diameters	Various, Approximately \$360,000 Annually	\$1,750,000
CIP-33	Frog Pond/Advance RD Urban Reserve Area - SW Boeckman Road	Gravity - New Pipe. 2,800 LF 18" pipe	From Stafford Road to Boeckman Creek	\$4,170,000

5. Parks and Open Space

The following was reported by Jordan Vance, Economic Development Manager:

“The City’s Bicycle & Pedestrian Master Plan, Dec. 2006, recommends adding the Boeckman Creek Trail and describes it as ‘a critical piece of the potential regional trail loop around Wilsonville, linking to Memorial Park to the South, the Tonquin Trail to the West, and the Stafford Spur Trail to the East. Establishing the Boeckman Creek Trail as a regional trail would increase its usage, provide a much-needed north-south bikeway/walkway corridor and offer an amazing community amenity. This would entail adding a hard surface to facilitate non-motorized travel by wheeled vehicles such as wheelchairs, bicycles, inline skates, and skateboards.’

The City’s Frog Pond West Master Plan (July 2017) and Financing Plan includes further discussion regarding the need for the Boeckman Bridge, upgrades to the Boeckman Interceptor and extending the Boeckman Creek Trail into Frog Pond, ‘The Boeckman Creek Regional Trail will be both a neighborhood amenity and a key pedestrian connection to adjacent areas. South of Boeckman Road, the trail will run within the creek canyon along the sewer line easement. After passing under the future Boeckman Road bridge (which will span the “dip”), the trail will climb to the top of the bank and run along the edge of the vegetated corridor/SROZ and the western edge of the Frog Pond West neighborhood.’”

C. Social Conditions

Data from the US Census Bureau are used to identify social conditions in the Area. The geographies used by the Census Bureau to summarize data do not strictly conform to the Plan Area. As such, the Census Bureau geographies that most closely align to the Plan Area are used, which, in this case, is Block Group 1, Census Tract 227.10 and Block Group 1, Census Tract 244. Within the Area, there are 554 tax lots shown as residential use. According to the US Census Bureau, American Community Survey (ACS) 2010-14, the block groups have 5,816 residents, 87% of whom are white.

Table 4 – Race in the Area

Race	Number	Percent
White alone	5,053	87%
Black or African American alone	67	1%
American Indian and Alaska Native alone	92	2%
Asian alone	375	6%
Native Hawaiian and Other Pacific Islander alone	25	0%
Some other race alone	-	0%
Two or more races	204	4%
Total	5,816	100%

Source: American Community Survey 2011-2015 Five-Year Estimates

The largest percentage of residents in the block groups are between 25 to 34 years of age (22%).

Table 5 – Age in the Area

Age	Number	Percent
Under 5 years	339	6%
5 to 9 years	578	10%
10 to 14 years	324	6%
15 to 17 years	230	4%
18 to 24 years	520	9%
25 to 34 years	1,256	22%
35 to 44 years	977	17%
45 to 54 years	691	12%
55 to 64 years	524	9%
65 to 74 years	282	5%
75 to 84 years	37	1%
85 years and over	58	1%
Total	5,816	100%

Source: American Community Survey 2011-2015 Five-Year Estimates

In the block group, 41% of adult residents have earned a bachelor's degree or higher. Another 41% have some college education without a degree, and another 17% have graduated from high school with no college experience.

Table 6 – Educational Attainment in the Area

Education	Number	Percent
Less than high school	96	3%
High school graduate (includes equivalency)	642	17%
Some college	1,215	32%
Associate's degree	338	9%
Bachelor's degree	943	25%
Master's degree	449	12%
Professional school degree	103	3%
Doctorate degree	39	1%
Total	3,825	100%

Source: American Community Survey 2011-2015 Five-Year Estimates

In the block group, 24% of commuters drove less than 10 minutes to work, and another 21% of commuters drove 10 to 19 minutes to work.

Table 7 – Travel Time to Work in the Area

Travel time to work	Number	Percent
Less than 10 minutes	736	24%
10 to 19 minutes	657	21%
20 to 29 minutes	458	15%
30 to 39 minutes	677	22%
40 to 59 minutes	460	15%
60 to 89 minutes	53	2%
90 or more minutes	25	1%
Total	3,066	100%

Source: American Community Survey 2011-2015 Five-Year Estimates

Of the means of transportation used to travel to work, the majority, 72%, drove alone with another 12% carpooling.

Table 8 – Means of Transportation to Work in the Area

Means of Transportation to Work	Number	Percent
Drove alone	2,467	72%
Carpooled	397	12%
Public transportation (includes taxicab)	106	3%
Motorcycle	-	0%
Bicycle	-	0%
Walked	73	2%
Other means	23	1%
Worked at home	375	11%
Total	3,441	100%

Source: American Community Survey 2011-2015 Five-Year Estimates

D. Economic Conditions

1. Taxable Value of Property within the Area

The estimated total assessed value of the Area calculated with data from the Clackamas County Department of Assessment and Taxation for FYE 2017, including all real, personal, manufactured, and utility properties, is estimated to be \$438,251,352 of which \$44,087,806 is frozen base and \$394,163,546 is excess value above the frozen base.

2. Building to Land Value Ratio

An analysis of property values can be used to evaluate the economic condition of real estate investments in a given area. The relationship of a property's improvement value (the value of buildings and other improvements to the property) to its land value is generally an accurate indicator of the condition of real estate investments. This relationship is referred to as the "Improvement to Land Value Ratio," or "I:L." The values used are real market values. In urban renewal areas, the I:L is often used to measure the intensity of development or the extent to which an area has achieved its short- and long-term development objectives.

Table 10 below shows the improvement to land ratios for properties within the Area. One hundred and forty-six parcels in the area (17.79% of the acreage) have I:L ratios of 1.0 or less. In other words, the improvements on these properties are worth less than the land they sit on. A reasonable I:L ratio for properties in the Area is greater than or equal to 2.0. Only 269 of the 657 parcels in the Area, totaling 57.68% of the acreage have I:L ratios of greater than or equal to 2.0 in FYE 2017. In summary, the Area is underdeveloped and not contributing significantly to the tax base in Wilsonville.

Table 10 – I:L Ratio of Parcels in the Area

Improvement/Land Ratio	Parcels	Acres	% Total Acres
No Improvement Value	90	32.98	10.12%
0.01-0.50	17	9.34	2.87%
0.51-1.00	39	15.64	4.80%
1.01-1.50	63	30.63	9.40%
1.51-2.00	179	49.34	15.14%
2.01-2.50	143	58.00	17.80%
2.51-3.00	33	21.19	6.50%
3.01-4.00	9	14.91	4.58%
> 4.00	84	93.86	28.80%
Total	657	325.89	100.00%

Source: Calculated by Tiberius Solutions LLC with data from Clackamas County Department of Assessment and Taxation (FYE 2017)

E. Impact on Municipal Services

The fiscal impact of tax increment financing on taxing districts that levy taxes within the Area (affected taxing districts) is described in Section IX of this Report. This subsection discusses the fiscal impacts resulting from potential increases in demand for municipal services.

The project being considered for future use of urban renewal funding is a transportation project. The use of urban renewal funding for this project provides an alternative funding source besides the City of Wilsonville's General Fund, the Road Operating Fund (gas tax), or system development charges (SDCs).

The financial impacts from tax increment collections will be countered by providing improved infrastructure to serve an area of the city scheduled for future residential development to augment the city's existing housing stock.

III. REASONS FOR SELECTION OF EACH URBAN RENEWAL AREA IN THE PLAN

The reason for selecting the Area has not changed since inception of the urban renewal plan: to cure blight within the Area.

IV. THE RELATIONSHIP BETWEEN URBAN RENEWAL PROJECTS AND THE EXISTING CONDITIONS IN THE URBAN RENEWAL AREA

The project identified for the 11th amendment to the Year 2000 Urban Renewal Area is described below, including how it relates to the existing conditions in the Area.

Report on The Year 2000 Urban Plan 11th Amendment

A. Transportation Improvements

1. **Boeckman Road Dip \$14,000,000** – The City of Wilsonville (City) recently completed master planning the 175-acre Frog Pond West area that will include improvements to a section of Boeckman Road over Boeckman Creek; the Boeckman Creek canyon is designated SROZ. The City’s Transportation System Plan (TSP) designates the road as a Minor Arterial; the currently planned project will address all of the shortcomings mentioned in the existing conditions below and provide an important connection for vehicles, pedestrians and bicyclists to all residential and employment areas east and west of Boeckman Creek and to the new Meridian Creek Middle School. The TSP project cost estimate was updated for this report.

Existing conditions: Currently, this is a decades-old rural road constructed on an embankment with vertical grades that fail to comply with AASHTO design criteria. The road is substandard for urban use and presents safety concerns for all travel modes. The embankment blocks both salmonid and wildlife passage. The roadway lacks bike lanes and a north-side sidewalk, and the “dip” forces emergency service vehicles to slow in this area.

V. THE ANTICIPATED COMPLETION DATE FOR THE PROJECT

The schedule for construction of projects will be based on the availability of funding. The project will be ongoing and will be completed as directed by the Agency. Annual expenditures for project administration and finance fees are also shown below.

The Area is anticipated to complete the project and have sufficient tax increment finance revenue to terminate the district in FYE 2023. The projections indicate spending on the Boeckman Dip Bridge project will be completed in FYE 2022. The projections in the financial model assume 3.1% annual growth in the assessed value of real property and a 1.0% change in personal and manufactured property, with no change in utility property.

Estimated annual expenditures by project category are shown in Table 11. All costs shown in Table 11 are in year-of-expenditure dollars, which are adjusted by 3% annually to account for inflation. The Agency may change the completion dates in its annual budgeting process or as project decisions are made in administering the Plan.

Table 11 – Projects and Costs in Year of Expenditure Dollars

URA PROJECTS FUND	Total	FYE 2018	FYE 2019	FYE 2020	FYE 2021	FYE 2022
Resources						
Beginning Balance		\$ 1,808,885	\$ 3,011,528	\$ 1,823,664	\$ 254,688	\$ 275,988
Interest Earnings	\$ 71,748	\$ 18,089	\$ 30,115	\$ 18,237	\$ 2,547	\$ 2,760
Inter-Agency Loan	\$ 22,810,686	\$ 3,000,000	\$ 5,300,000	\$ 9,700,000	\$ 3,589,434	\$ 1,221,252
Bond/Loan Proceeds	\$ 2,900,000	\$ -	\$ -	\$ -	\$ 2,900,000	\$ -
Other	\$ -					
Total Resources	\$ 25,782,434	\$ 4,826,974	\$ 8,341,643	\$ 11,541,901	\$ 6,746,669	\$ 1,500,000
Expenditures (YOE \$)						
(Old Town Esc) East West connector	\$ (7,000,000)	\$ (1,100,000)	\$ (3,200,000)	\$ (2,700,000)		
Old Town Street Improvements	\$ (1,868,300)	\$ -	\$ (1,245,533)	\$ (622,767)		
Town Center Planning	\$ (118,000)	\$ (88,000)	\$ (20,000)	\$ (5,000)	\$ (5,000)	
Livability Projects	\$ (2,288,700)	\$ -		\$ (1,769,000)	\$ (519,700)	
Park Improvements	\$ (25,000)		\$ (25,000)			
Boeckman Dip Bridge	\$ (14,000,000)		\$ (1,400,000)	\$ (5,600,000)	\$ (5,600,000)	\$ (1,400,000)
Canyon Creek	\$ -					
Financing Fees	\$ (25,000)				\$ (25,000)	
Project Management and Admin	\$ (2,266,319)	\$ (627,446)	\$ (627,446)	\$ (590,446)	\$ (320,981)	\$ (100,000)
Total Expenditures	\$ (27,591,319)	\$ (1,815,446)	\$ (6,517,979)	\$ (11,287,213)	\$ (6,470,681)	\$ (1,500,000)
Ending Balance		\$ 3,011,528	\$ 1,823,664	\$ 254,688	\$ 275,988	\$ -

Source: Tiberius Solutions LLC

VI. THE ESTIMATED AMOUNT OF TAX INCREMENT REVENUES REQUIRED AND THE ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED

Table 12 shows the allocation of tax increment revenues to debt service and loans to the project fund.

It is anticipated that all debt will be retired by FYE 2023 (any outstanding debt will be repaid). The total maximum indebtedness is \$107,196,524, increased from \$92,687,423 by \$14,509,101.

The increase in maximum indebtedness requires concurrence according to ORS 457.220 which limits the increase in maximum indebtedness to 20% of the initial maximum indebtedness as increased annually by inflation. The initial maximum indebtedness of the Year 2000 Plan was \$53,851,923. To adjust the initial maximum indebtedness, the City’s consultant used a 3.0% inflation factor as used in other plans. The inflated maximum indebtedness number used for the 20% calculation was \$94,429,673, and 20% of that was \$18,885,935. That \$18,885,935 added to the original maximum indebtedness yields a potential new maximum indebtedness of \$72,737,858 that would not require concurrence. However, the maximum indebtedness of the Year 2000 Plan is already \$92,687,432, greater than \$72,737,858. This means any change to maximum indebtedness will require concurrence, as the Area’s current maximum indebtedness exceeds the 20% threshold.

Table 12 – Potential Maximum Indebtedness Increases and Concurrence

Present MI	\$92,687,432	Potential New MI	\$72,737,858
Initial MI	\$53,851,923		
Inflation factor	3%		
		Potential MI Increase	Potential MI Plus Initial MI
1-Jul-99	\$55,467,481		
2000	\$57,131,505		
2001	\$58,845,450		
2002	\$60,610,814		
2003	\$62,429,138		
2004	\$64,302,012		
2005	\$66,231,073		
2006	\$68,218,005		
2007	\$70,264,545		
2008	\$72,372,481		
2009	\$74,543,656		
2010	\$76,779,965		
2011	\$79,083,364		
2012	\$81,455,865		
2013	\$83,899,541		
2014	\$86,416,528		
2015	\$89,009,023		
2016	\$91,679,294		
2017	\$94,429,673	\$18,885,935	\$72,737,858

Source: Elaine Howard Consulting LLC

Of the \$107,196,524 maximum indebtedness, it is estimated that \$81,385,000 has been used through the end of FYE 2017. The estimated total amount of tax increment revenues required

to service the remaining maximum indebtedness of \$25,811,524 is \$23,327,472 and is made up of tax increment revenues from permanent rate levies. The reason the amount of tax increment revenues needed to service the remaining maximum indebtedness is less than the remaining maximum indebtedness is because the Tax Increment Finance (TIF) Fund has a beginning balance of \$5,478,203 which has not been converted to debt, and does not yet count against the maximum indebtedness.

The finance plans shown in Table 11 and 13 assume Inter-Agency loans from the City, as well as a new bank loan in FYE 2021 to finance a portion of the cost of the Boeckman Dip Bridge project, as well as to refinance outstanding debt. The interest rate for the new bank loan is estimated at 3.25% with a five-year term. Under this assumption, the existing 2010 Bank of America loan is estimated to be paid off in 2021. The assumed financing plan maintains a debt service coverage ratio of at least 1.5 x total annual debt service payments. Although the assumption is the new loan would have a five-year term, it is anticipated there would be sufficient tax increment finance revenues to pay off the loan early, in FYE 2023, and cease collecting tax increment revenues in that year. It may be noted that the debt service coverage ratio in 2023 is not above 1.5, but that is only because the loan is being paid off early, and the payment being made is substantially larger than the payment required.

The time frame of urban renewal is not absolute; it may vary depending on the actual ability to meet the maximum indebtedness. If the economy is slower, it may take longer; if the economy is more robust than the projections, it may take a shorter time period. The Agency may decide to issue bonds or take on loans on a different schedule, and that will alter the financing assumptions. These assumptions show one scenario for financing and that this scenario is financially feasible.

Table 13 – Tax Increment Revenues and Allocations to Debt Service

TAX INCREMENT FUND	Total	FYE 2018	FYE 2019	FYE 2020	FYE 2021	FYE 2022	FYE 2023
Resources							
Beginning Balance		\$ 8,996,568.00	\$ 9,326,632.00	\$ 7,595,411.00	\$ 1,452,178.00	\$ 250,000.00	\$ 1,403,982.00
Interest Earnings	\$ 290,248	\$ 89,966.00	\$ 93,266.00	\$ 75,954.00	\$ 14,522.00	\$ 2,500.00	\$ 14,040.00
TIF: Current Year	\$ 22,877,472	\$ 3,759,148.00	\$ 3,994,901.00	\$ 3,994,901.00	\$ 3,987,785.00	\$ 3,987,785.00	\$ 3,152,952.00
TIF: Prior Years	\$ 450,000	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
Bond and Loan Proceeds					\$ 4,785,000.00		
Total Resources	\$ 23,617,720	\$ 12,920,682.00	\$ 13,489,799.00	\$ 11,741,266.00	\$ 10,314,485.00	\$ 4,315,285.00	\$ 4,645,974.00
Expenditures							
<i>Debt Service</i>							
Series 2010 - B of A	\$ (6,562,526)	\$ (594,050.00)	\$ (594,388.00)	\$ (589,088.00)	\$ (4,785,000.00)	\$ -	\$ -
New Loan and Refinancing	\$ (8,026,076)	\$ -	\$ -	\$ -	\$ (1,690,051.00)	\$ (1,690,051.00)	\$ (4,645,974.00)
Total Debt Service	\$ (14,588,602)	\$ (594,050.00)	\$ (594,388.00)	\$ (589,088.00)	\$ (6,475,051.00)	\$ (1,690,051.00)	\$ (4,645,974.00)
<i>Debt Service Coverage Ratio</i>		6.33	6.72	6.78	2.36	2.36	0.68
Inter-Agency Loan	\$ (22,810,686)	\$ (3,000,000.00)	\$ (5,300,000.00)	\$ (9,700,000.00)	\$ (3,589,434.00)	\$ (1,221,252.00)	\$ -
Total Expenditures	\$ (37,399,288)	\$ (3,594,050.00)	\$ (5,894,388.00)	\$ (10,289,088.00)	\$ (10,064,485.00)	\$ (2,911,303.00)	\$ (4,645,974.00)
Ending Balance		\$ 9,326,632.00	\$ 7,595,411.00	\$ 1,452,178.00	\$ 250,000.00	\$ 1,403,982.00	\$ -

Source: Tiberius Solutions LLC

VII. FINANCIAL ANALYSIS OF THE PLAN

The estimated tax increment revenues through FYE 2023, as shown above, are based on projections of the assessed value of development within the Area and the consolidated tax rate that will apply in the Area. The assumptions include assumed growth in assessed value of 3.1% for real property and 1.0% for personal and manufactured property, derived from a combination of appreciation of existing property values and new construction. No change in value for utility property is assumed.

Additionally, our analysis assumes \$8,975,000 of exception value would be added to the tax roll in FYE 2021, based on a current development proposal in the Area that the City believes is likely to occur.

Table 14 shows the projected incremental assessed value, tax rates and tax increment revenues each year, adjusted for discounts, delinquencies, and compression losses. These projections of increment are the basis for the projections in Tables 11 and 13. Gross TIF is calculated by multiplying the tax rate times the excess value. The tax rate is per thousand dollars of value, so the calculation is “tax rate times excess value divided by one thousand.” The consolidated tax rate includes permanent tax rates and includes one general obligation bond issued by Clackamas Community College. This bond will be impacted through FYE 2020, which is when the bond is scheduled to be repaid in full.

In June 2007, the Agency adopted a resolution to limit future tax increment collections to \$4,000,000 annually (URA Resolution 156) in the Year 2000 Urban Renewal Area. This was originally achieved by reducing the acreage of the URA each year, but the City of Wilsonville instead began under-levying by reducing increment assessed value used when state legislation passed in 2009 to allow it.

Now, each year, the City of Wilsonville uses the UR-50 form to notify the Clackamas County Assessor how much increment value to use. Since FYE 2014, the City of Wilsonville has chosen to use \$303 million in increment each year, which results in TIF revenue of around \$4 million. However, because the consolidated tax rate is decreasing due to expiring bond rates, using \$303 million in increment will not generate \$4 million in TIF revenue in upcoming years. Therefore, our analysis assumes using \$322 million for FYE 2019 and 2020, \$325 million for FYE 2021 and beyond.

Using this increment value should provide TIF revenue very close to \$4 million per year, but the exact amount will depend on adjustments, including discounts for early payment, delinquent taxes, and truncation loss due to rounding. That number is shown in the “Increment Used” column in Table 14. To show the amount of the underlevy each year, Table 14 also includes a “Total Gross TIF” column, which is the amount of tax increment revenues that could have been collected from the “Total Increment” column. The “Total Gross TIF” column less the “Underlevy” column nets the “Gross TIF for URA” column. That gross number is then adjusted for delinquencies to arrive at a “Net TIF for URA”. It is this number, “Net TIF for URA”, that is intended to be no more than \$4,000,000 per year, per direction from the Agency.

Table 14 – Projected Incremental Assessed Value, Tax Rates, and Tax Increment Revenues

FYE	Assessed Value				Tax Rate	Tax Increment Finance				
	Total	Frozen Base	Total Increment	Increment Used		Total Gross TIF	Underlevy	Gross TIF for URA Adjustments	Net TIF for URA	
2018	\$451,880,969	\$44,087,806	\$407,793,163	\$303,000,000	13.0594	\$5,325,534	(\$1,368,536)	\$3,956,998	(\$197,850)	\$3,759,148
2019	\$465,934,467	\$44,087,806	\$421,846,661	\$322,000,000	13.0595	\$5,509,106	(\$1,303,947)	\$4,205,159	(\$210,258)	\$3,994,901
2020	\$480,425,029	\$44,087,806	\$436,337,223	\$322,000,000	13.0595	\$5,698,346	(\$1,493,187)	\$4,205,159	(\$210,258)	\$3,994,901
2021	\$504,342,110	\$44,087,806	\$460,254,304	\$325,000,000	12.9159	\$5,944,599	(\$1,746,931)	\$4,197,668	(\$209,883)	\$3,987,785
2022	\$520,017,276	\$44,087,806	\$475,929,470	\$325,000,000	12.9159	\$6,147,057	(\$1,949,389)	\$4,197,668	(\$209,883)	\$3,987,785
2023	\$536,179,643	\$44,087,806	\$492,091,837	\$256,962,100	12.9159	\$6,355,809	(\$3,036,912)	\$3,318,897	(\$165,945)	\$3,152,952

Source: Tiberius Solutions LLC

Notes: TIF is tax increment revenues. Tax rates are expressed in terms of dollars per \$1,000 of assessed value.

VIII. IMPACT OF THE TAX INCREMENT FINANCING

This section describes the impact of tax increment financing of the maximum indebtedness, both until and after the indebtedness is repaid, upon all entities levying taxes upon property in the Area.

The impact of tax increment financing on overlapping taxing districts consists primarily of the property tax revenues foregone on permanent rate levies as applied to the growth in assessed value in the Area. These projections are for impacts due to the Amendment and are estimated through FYE 2023, and are shown in Tables 15a and 15b. Tables 16a and 16b indicate projections of impacts to the taxing districts if there were no Amendment. These impacts through 2019 would have been the same with or without the Amendment, but in 2020 and beyond, there are additional impacts to taxing districts because the Amendment increases the maximum indebtedness, and increases the length of time required to pay off the debt.

The West Linn Wilsonville School District and the Clackamas Education Service District revenues from permanent tax levies are not *directly* affected by the tax increment financing, but the amounts of their taxes divided for the urban renewal plan are shown in the following tables. Under current school funding law, property tax revenues from permanent rate levies are combined with State School Fund revenues to achieve per-student funding targets. Under this system, property taxes foregone due to the use of tax increment financing, are replaced with State School Fund revenues, as determined by a funding formula at the State level.

Tables 15a and 15b show the projected impacts to permanent rate levies of taxing districts as a result of this Plan Amendment. Table 15a shows the general government levies, and Table 15b shows the education levies. Please note that impacts on these tables start in FYE 2020, when the new Maximum Indebtedness begins to be used. Tables 16a and 16b show the projected impacts to permanent rate levies of taxing districts if there were no Amendment. Table 16a shows the general government levies, and Table 16b shows the education levies.

Typically, in an urban renewal plan amendment, the increase in maximum indebtedness is equal to or less than the total impacts to taxing jurisdictions due to the amendment. However, in this Amendment that is not the case. There are two factors impacting taxing districts in a plan amendment that increases maximum indebtedness: 1) the dollars that are paying for projects (included in the maximum indebtedness number); and 2) the dollars paying the interest for the debt incurred to pay for the projects (not included in the maximum indebtedness number). Usually when a plan is amended to increase the maximum indebtedness, more debt is incurred, and as such, the amount of interest paid over the life of the Plan increases. That is not projected to be the case in this Plan. In fact, due to the refinancing of a loan, the amount of interest paid over the life of this Plan is projected to decrease, and decrease enough that it causes the overall impact to the taxing districts due to the Amendment to be less than the increase in maximum indebtedness due to the Amendment.

General obligation bonds and local option levies are impacted by urban renewal if they were originally approved by voters in an election prior to October 6, 2001, and if there are tax

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compression impacts under Measure 5. There are no local option levies approved prior to October 6, 2001 that will still be in effect in the Area at the time that tax increment revenues begin to be collected. There is one bond that will be impacted. The impact of the URA on the bond rate is estimated to be less than \$0.01 per \$1,000 of assessed value. This will result in a very minor increase in property taxes for property owners. Table 17 shows the impacts through the scheduled termination of the bond in FYE 2020. Over the three-year period, for a property with an assessed value of \$100,000, the total cumulative impact would be \$0.39 in increased taxes imposed, as shown in Table 17.

Measure 5 limits property taxes from permanent rates and local option levies to \$10 per \$1,000 real market value for general government and \$5 per \$1,000 real market value for education. For each individual property where the property tax rate exceeds these limits, the property's tax bill is reduced, or compressed, first by decreasing local option levies, and then by decreasing permanent tax rates. Although the presence of urban renewal does not increase the overall tax rate in a jurisdiction, urban renewal is considered its own line item as a general government rate when evaluating the Measure 5 limits. Therefore, all other tax rates, in both general government and education, are slightly reduced to account for this. These reduced rates are called urban-renewal adjusted rates.

When an urban renewal area expires, all the adjusted rates will return to their slightly higher unadjusted rates. The education permanent tax rates and local option levies will increase. The aggregate education tax rate in this area already exceeds the \$5 per \$1,000 of assessed value, and in recent years, many properties experienced compression losses due to the Measure 5 limits. The increase in education tax rates due to the eventual termination of the URA may further increase compression losses for education. Since local option levies are compressed first in any situation where the Measure 5 limit is exceeded, they are at the greatest risk of a reduction in revenue. Therefore, in this urban renewal area, the West-Linn Wilsonville School District local option levy has the highest risk of increased compression when the urban area expires.

The potential concern over compression loss is being monitored by the City of Wilsonville and the School District. Increases in real market values of properties in recent years has alleviated much of the compression losses the School District experienced in years past. If the closure of the URA appears as if it will have significant impact on School District compression losses, the URA is prepared to phase out the collection of TIF revenue more slowly, resulting in a more gradual financial impact on the School District.

Table 18 indicates the projected tax revenue to taxing districts in FYE 2024, once urban renewal is terminated. Table 18 breaks the excess value created by the urban renewal area into two categories, "Used" and "Not Used." The "Used" category refers to the excess value that the Agency used to generate their tax increment revenues. The "Not Used" category refers to the excess value that was created in the urban renewal area, but not used for calculations determining tax increment revenues due to the Agency's decision to under-levy on an annual basis.

Table 15a – Projected Impact of Amendment on Taxing District Permanent Rate Levies - General Government -

FYE	County									Subtotal Gen. Govt.
	Clackamas County Permanent	City of Wilsonville Permanent	Extension & 4-H Permanent	County Library Permanent	County Soil Conservation Permanent	FD64 TVF&R Permanent	Port of Portland Permanent	Srv 2 Metro Permanent	Vector Control Permanent	
2018	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2019	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2020	\$ (495,222)	\$ (519,198)	\$ (10,299)	\$ (81,857)	\$ (10,299)	\$ (314,164)	\$ (14,439)	\$ (19,898)	\$ (1,339)	\$ (1,466,715)
2021	\$ (756,258)	\$ (792,872)	\$ (15,728)	\$ (125,005)	\$ (15,728)	\$ (479,762)	\$ (22,050)	\$ (30,386)	\$ (2,045)	\$ (2,239,834)
2022	\$ (756,258)	\$ (792,872)	\$ (15,728)	\$ (125,005)	\$ (15,728)	\$ (479,762)	\$ (22,050)	\$ (30,386)	\$ (2,045)	\$ (2,239,834)
2023	\$ (600,860)	\$ (629,950)	\$ (12,496)	\$ (99,319)	\$ (12,496)	\$ (381,179)	\$ (17,519)	\$ (24,142)	\$ (1,624)	\$ (1,779,585)
Total	\$ (2,608,598)	\$ (2,734,892)	\$ (54,251)	\$ (431,186)	\$ (54,251)	\$ (1,654,867)	\$ (76,058)	\$ (104,812)	\$ (7,053)	\$ (7,725,968)

Source: Tiberius Solutions LLC – note there are no impacts due to the Amendment until FYE 2020 when new MI is used.

Table 15b – Projected Impact of Amendment on Taxing District Permanent Rate Levies – Education

FYE	West Linn- Wilsonville School District				Subtotal Education	Total All
	Clackamas Community College Permanent	Clackamas ESD Permanent				
2018	\$ -	\$ -	\$ -	\$ -	\$ -	
2019	\$ -	\$ -	\$ -	\$ -	\$ -	
2020	\$ (1,002,802)	\$ (114,979)	\$ (75,946)	\$ (1,193,727)	\$ (2,660,442)	
2021	\$ (1,531,389)	\$ (175,586)	\$ (115,977)	\$ (1,822,952)	\$ (4,062,786)	
2022	\$ (1,531,389)	\$ (175,586)	\$ (115,977)	\$ (1,822,952)	\$ (4,062,786)	
2023	\$ (1,216,714)	\$ (139,506)	\$ (92,146)	\$ (1,448,366)	\$ (3,227,951)	
Total	\$ (5,282,294)	\$ (605,657)	\$ (400,046)	\$ (6,287,997)	\$ (14,013,965)	

Source: Tiberius Solutions LLC note there are no impacts due to the Amendment until FYE 2020 when new MI is used.

Please refer to the explanation of the schools funding in the preceding section

Table 16a – Projected Impact Plan on Taxing District Permanent Rate Levies - General Government – Without Amendment

FYE	County									Subtotal Gen. Govt.
	Clackamas County Permanent	City of Wilsonville Permanent	Extension & 4-H Permanent	County Library Permanent	County Soil Conservation Permanent	FD64 TVF&R Permanent	Port of Portland Permanent	Srv 2 Metro Permanent	Vector Control Permanent	
2018	\$ (705,856)	\$ (740,030)	\$ (14,680)	\$ (116,674)	\$ (14,680)	\$ (447,788)	\$ (20,581)	\$ (28,361)	\$ (1,908)	\$ (2,090,558)
2019	\$ (749,252)	\$ (785,527)	\$ (15,582)	\$ (123,847)	\$ (15,582)	\$ (475,318)	\$ (21,846)	\$ (30,105)	\$ (2,026)	\$ (2,219,085)
2020	\$ (254,030)	\$ (266,329)	\$ (5,283)	\$ (41,990)	\$ (5,283)	\$ (161,154)	\$ (7,407)	\$ (10,207)	\$ (687)	\$ (752,370)
Total	\$ (1,709,138)	\$ (1,791,886)	\$ (35,545)	\$ (282,511)	\$ (35,545)	\$ (1,084,260)	\$ (49,834)	\$ (68,673)	\$ (4,621)	\$ (5,062,013)

Source: Tiberius Solutions LLC – note this expires when the MI is reached.

Table 16b – Projected Impact on Taxing District Permanent Rate Levies – Education – Without Amendment

FYE	West Linn- Wilsonville School District	Clackamas Community College	Clackamas ESD	Subtotal	Total
	Permanent	Permanent	Permanent	Education	All
2018	\$ (1,429,328)	\$ (163,884)	\$ (108,248)	\$ (1,701,460)	\$ (3,792,018)
2019	\$ (1,517,202)	\$ (173,959)	\$ (114,903)	\$ (1,806,064)	\$ (4,025,149)
2020	\$ (514,400)	\$ (58,980)	\$ (38,957)	\$ (612,337)	\$ (1,364,707)
Total	\$ (3,460,930)	\$ (396,823)	\$ (262,108)	\$ (4,119,861)	\$ (9,181,874)

Source: Tiberius Solutions LLC – note this expires when the MI is reached.

Table 17 - Projected Impact of GO Bonds

FYE	GO Bond Tax Rate (per \$1,000 AV)			Property Tax Paid per \$100,000 AV		
	Without UR	With UR	Impact of UR	Without UR	With UR	Impact of UR
2018	0.1422	0.1435	0.0013	\$ 14.22	\$ 14.35	\$ 0.13
2019	0.1423	0.1436	0.0013	\$ 14.23	\$ 14.36	\$ 0.13
2020	0.1423	0.1436	0.0013	\$ 14.23	\$ 14.36	\$ 0.13
Total				\$ 42.68	\$ 43.07	\$ 0.39

Source: Tiberius Solutions LLC

Table 18 – Additional Revenues Obtained after Termination of Tax Increment Financing

Taxing District	Type	Tax Rate	Tax Revenue in FYE 2024 (year after termination)				Total
			From Frozen Base	From Excess Value (Used)	From Excess Value (Not Used)		
General Government							
Clackamas County	Permanent	2.4042	\$ 105,996	\$ 617,788	\$ 605,364	\$ 1,329,148	
City of Wilsonville	Permanent	2.5206	\$ 111,128	\$ 647,699	\$ 634,673	\$ 1,393,500	
County Extension & 4-H	Permanent	0.0500	\$ 2,204	\$ 12,848	\$ 12,590	\$ 27,642	
County Library	Permanent	0.3974	\$ 17,520	\$ 102,117	\$ 100,063	\$ 219,700	
County Soil Conservation	Permanent	0.0500	\$ 2,204	\$ 12,848	\$ 12,590	\$ 27,642	
FD64 TVF&R	Permanent	1.5252	\$ 67,243	\$ 391,919	\$ 384,037	\$ 843,199	
Port of Portland	Permanent	0.0701	\$ 3,091	\$ 18,013	\$ 17,651	\$ 38,755	
Road District 15 Wilsonville	Permanent	0.0000	\$ -	\$ -	\$ -	\$ -	
Srv 2 Metro	Permanent	0.0966	\$ 4,259	\$ 24,823	\$ 24,323	\$ 53,405	
Vector Control	Permanent	0.0065	\$ 287	\$ 1,670	\$ 1,637	\$ 3,594	
<i>Subtotal</i>		<i>7.1206</i>	<i>\$ 313,932</i>	<i>\$ 1,829,725</i>	<i>\$ 1,792,928</i>	<i>\$ 3,936,585</i>	
Education							
West Linn-Wilsonville School District	Permanent	4.8684	\$ 214,637	\$ 1,250,994	\$ 1,225,836	\$ 2,691,467	
Clackamas Community College	Permanent	0.5582	\$ 24,610	\$ 143,436	\$ 140,552	\$ 308,598	
Clackamas ESD	Permanent	0.3687	\$ 16,255	\$ 94,742	\$ 92,837	\$ 203,834	
<i>Subtotal</i>		<i>5.7953</i>	<i>\$ 255,502</i>	<i>\$ 1,489,172</i>	<i>\$ 1,459,225</i>	<i>\$ 3,203,899</i>	
Total		12.9159	\$ 569,434	\$ 3,318,897	\$ 3,252,153	\$ 7,140,484	

Source: Tiberius Solutions LLC

IX. COMPLIANCE WITH STATUTORY LIMITS ON ASSESSED VALUE AND SIZE OF URBAN RENEWAL AREA

State law limits the percentage of both a municipality's total assessed value and the total land area that can be contained in an urban renewal area at the time of its establishment to 25% for municipalities under 50,000 in population. As noted below, the frozen base (assumed to be FYE 2017 values), including all real, personal, personal, manufactured, and utility properties in the Area, is \$44,499,418. The total assessed value of the City of Wilsonville less urban renewal excess is \$2,661,811,027. The percentage of assessed value in the Urban Renewal Area is 7.43%, below the 25% threshold.

The Area contains 454 acres, including public rights-of-way, and the City of Wilsonville contains 4,835 acres. This puts 24.57% of the City's acreage in an Urban Renewal Area when including the City's other urban renewal areas, which is below the 25% threshold.

Table 19 – Urban Renewal Area Conformance with Assessed Value and Acreage Limits

Urban Renewal Area	Frozen Base/AV	Acres
West Side URA	\$16,109,831	415
Year 2000 URA	\$44,499,418	454
Coffee Creek	\$99,003,704	258.35
TIF Zones		
27255 SW 95th Ave	\$17,938,434	26.07
26440 SW Parkway	\$12,582,201	24.98
26755 SW 95th Ave	\$7,675,439	9.76
Total in URAs	\$197,809,027	1188.16
City of Wilsonville	\$3,403,012,022	4,835
UR Excess	\$741,200,995	
City less UR Excess	\$2,661,811,027	
Percent of Total	7.43%	24.57%

Source: Compiled by Elaine Howard Consulting, LLC with data from City of Wilsonville and Washington and Clackamas County Department of Assessment and Taxation (FYE 2017)

X. RELOCATION REPORT

There is no relocation report required for the Plan. No specific acquisitions that would result in relocation benefits have been currently identified.

Exhibit C to Ordinance No. 817

**PLANNING COMMISSION
WEDNESDAY, DECEMBER 13, 2017
6:00 P.M.**

**Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon**

Motions

CONSIDERATION OF THE MINUTES

A. Consideration of the November 8, 2017 Planning Commission minutes
The November 8, 2017 Planning Commission minutes were accepted as presented.

III. LEGISLATIVE HEARING

A. Year 2000 URA – Boeckman Creek Bridge

Commissioner Postma moved that the Wilsonville Planning Commission finds, based upon the information provided in the staff report that the Year 2000 Urban Renewal Plan Amendment conforms to the Wilsonville Comprehensive Plan and adopts Resolution No. LP17-0005. Commissioner Millan seconded the motion, which passed unanimously.

**PLANNING COMMISSION
RESOLUTION NO. LP17-0005
A RESOLUTION MAKING CERTAIN DETERMINATIONS AND FINDINGS
RELATING TO THE YEAR 2000 URBAN RENEWAL PLAN ELEVENTH
AMENDMENT**

WHEREAS, the Urban Renewal Agency of the City of Wilsonville (“Agency”), as the duly authorized and acting urban renewal agency of the City of Wilsonville, Oregon, is proposing to undertake certain urban renewal activities in a designated area within the City pursuant to ORS Chapter 457; and

WHEREAS, the Agency, pursuant to the requirements of ORS Chapter 457, has caused the preparation of the Year 2000 Urban Renewal Plan Amendment attached hereto as Exhibit A (the “Amendment”) and incorporated herein. The Plan authorizes certain urban renewal activities within the Year 2000 Urban Renewal Area (the “Area”); and

WHEREAS, the Agency has caused the preparation of a certain Urban Renewal Report attached hereto as Exhibit B (the “Report”) and incorporated herein to accompany the Amendment as required under ORS 457.085(3); and

WHEREAS, the Agency forwarded the Amendment and Report to the Wilsonville Planning Commission (the “Commission”) for review and recommendation; and

WHEREAS, the Tenth Amendment adopted findings related to the Transportation Goal in the Wilsonville Comprehensive Plan which were added to the Year 2000 Plan; and

WHEREAS, the Eleventh Amendment adds a transportation project that conforms to this goal; and

WHEREAS, the Commission considered the Amendment and Report on December 13, 2017 and adopted a finding that the Amendment conformed with the Wilsonville Comprehensive Plan.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF WILSONVILLE HEREBY FINDS:

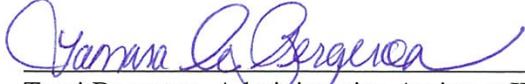
Section 1.

1. The Amendment conforms to the Wilsonville Comprehensive Plan as described in the staff report on the Amendment.

Adopted by the Planning Commission of the City of Wilsonville this 13th day of December, 2017.


Jerry Greenfield, Planning Commission Chairman

ATTEST:


Tami Bergeron, Administrative Assistant III - Planning

SUMMARY OF VOTES:

Chair Jerry Greenfield	<u>yes</u>
Commissioner Eric Postma	<u>yes</u>
Commissioner Peter Hurley	<u>yes</u>
Commissioner Al Levit	<u>yes</u>
Commissioner Kamran Mesbah	<u>AB</u>
Commissioner Phyllis Millan	<u>yes</u>
Commissioner Simon Springall	<u>yes</u>

Attachments: Exhibit A – Year 2000 Urban Renewal Plan Amendment
Exhibit B – Report on the Year 2000 Urban Renewal Plan Amendment
Exhibit C – Staff Report

Exhibit D to Ordinance No. 817

WEST LINN-WILSONVILLE SCHOOL DISTRICT, OREGON

Resolution No. 2017-4

A RESOLUTION TO CONCUR WITH TWO PROVISIONS OF AMENDMENT TO THE WILSONVILLE YEAR 2000 URBAN RENEWAL AREA

WHEREAS, the Year 2000 Plan and Report on the Plan were duly adopted and approved by the Wilsonville City Council on August 29, 1990, and has been subsequently amended; and,

WHEREAS, the Wilsonville Urban Renewal Agency (Agency) proposes the 11th Amendment to the Plan at this time to identify a new project, make changes to the Plan to address the new project, and increase the maximum indebtedness by \$14,509,101; and,

WHEREAS, the Agency pursuant to requirements of ORS Chapter 457 has caused preparation of an Amendment to the Year 2000 Plan (Amendment), attached hereto as **Exhibit A**; and,

WHEREAS, the Amendment is accompanied by a Report as required under ORS 457.085(3), attached hereto as **Exhibit B**; and,

WHEREAS, pursuant to ORS 457.220(4) and ORS 457.220(5), the Amendment to increase maximum indebtedness requires concurrence by the overlapping taxing districts as the increase in maximum indebtedness is greater than 20% of the original maximum indebtedness as adjusted by inflation; and

WHEREAS, pursuant to ORS 457.455(1), continuance of the existing revenue sharing agreement program the Wilsonville Urban Renewal Agency has been enacting will require concurrence with overlapping taxing districts; and,

WHEREAS, the concurrence provides specific authority to the Agency to enter into a revenue sharing agreement, attached hereto as **Exhibit C**; and

WHEREAS, concurrence is the approval of 75% of the permanent rate levy of the overlapping taxing districts; and

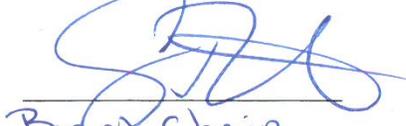
WHEREAS, the Wilsonville Urban Renewal Agency is seeking the approval of the West Linn-Wilsonville School District; and

NOW THEREFORE, BE IT RESOLVED by the City Council for the West Linn-Wilsonville School District that:

- Section 1.** By enactment of this resolution, the West Linn-Wilsonville School District concurs with the maximum indebtedness increase of \$14,509,101.
- Section 2.** By enactment of this resolution, the West Linn-Wilsonville School District concurs with the revenue sharing program and is authorized to enter into the revenue sharing agreement program as outlined in **Exhibit C**.
- Section 3.** This resolution takes effect upon its adoption.

PASSED AND APPROVED this 8 day of Jan-2018

West Linn-Wilsonville School District


Board Chair
Ginger Fitch

ATTEST:

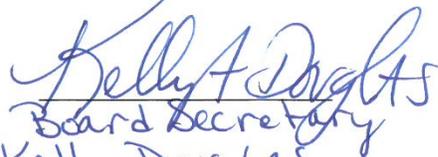

Board Secretary
Kelly Douglas
Attachments:

Exhibit A: October 30, 2017 Draft Year 2000 Urban Renewal Plan 11th Amendment

Exhibit B: October 20, 2017 Draft Report Accompanying the Year 2000 Plan 11th Amendment

Exhibit C: Revenue Sharing Agreement Program

**Note: Exhibits A and B from the
School District Resolution are not
included with Exhibit D to Ordinance
No. 817**



Exhibit C: Revenue Sharing Agreement Program

The City of Wilsonville passed Resolution No. 156 on June 18, 2007 directing staff to limit tax increment proceeds in the Year 2000 Urban Renewal Plan to \$4,000,000 per year. The substantial amendment in 2018 to add a project and increase the maximum indebtedness intends to continue using this revenue sharing formula instead of the revenue sharing as prescribed by ORS 457.470.

By concurring to the revenue sharing agreement through passage of Resolution No.2017-4 and countersigning this Revenue Sharing Program, the Board of the West Linn/Wilsonville School District agrees to the continuance of the \$4,000,000 per year limitation of tax increment proceeds in the Y2000 Urban Renewal Area in lieu of the revenue sharing detailed in ORS 457.470.

Kathy Ludwig, Superintendent
West Linn/Wilsonville School District

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

A RESOLUTION AUTHORIZING AN
AMENDMENT TO THE CITY OF
WILSONVILLE'S YEAR 2000 URBAN
RENEWAL PLAN



Resolution No. 2018-18

Page 1 of 2

WHEREAS, the Year 2000 Plan and Report on the Plan were duly adopted and approved by the Wilsonville City Council on August 29, 1990, and has been subsequently amended; and,

WHEREAS, the Wilsonville Urban Renewal Agency (Agency) proposes the 11th Amendment to the Plan at this time to identify a new project, make changes to the Plan to address the new project, and increase the maximum indebtedness by \$14,509,101; and,

WHEREAS, the Agency, pursuant to requirements of ORS Chapter 457, has caused preparation of an Amendment to the Year 2000 Plan (Amendment), attached hereto as **Exhibit A**; and,

WHEREAS, the Amendment is accompanied by a Report as required under ORS 457.085(3), attached hereto as **Exhibit B**; and,

WHEREAS, there are unincorporated properties in Clackamas County within the Year 2000 Plan Area and because of that, Clackamas County must vote to approve the Amendment; and

WHEREAS, pursuant to ORS 457.220(4) and ORS 457.220(5), the Amendment to increase maximum indebtedness requires concurrence by the overlapping taxing districts as the increase in maximum indebtedness is greater than 20% of the original maximum indebtedness as adjusted by inflation; and

WHEREAS, pursuant to ORS 457.455(1), continuance of the existing revenue sharing agreement program the Wilsonville Urban Renewal Agency has been enacting will require concurrence with overlapping taxing districts; and,

WHEREAS, the concurrence provides specific authority to the Agency to enter into a revenue sharing agreement, attached hereto as **Exhibit C**; and

WHEREAS, concurrence is the approval of 75% of the permanent rate levy of the overlapping taxing districts; and

WHEREAS, the Wilsonville Urban Renewal Agency is seeking the approval of Clackamas County;

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

A RESOLUTION AUTHORIZING AN
AMENDMENT TO THE CITY OF
WILSONVILLE'S YEAR 2000 URBAN
RENEWAL PLAN



Resolution No. 2018- 18

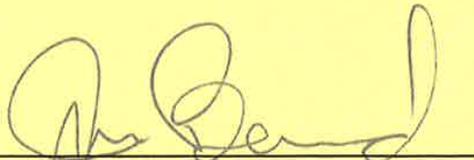
Page 2 of 2

NOW, THEREFORE, the Clackamas County Board of Commissions do hereby resolve:

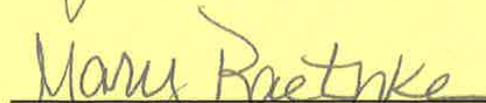
- Section 1.** By enactment of this resolution, Clackamas County approves the attached Year 2000 Plan Amendment and Report. The Amendment adds a project, increases maximum indebtedness by more than 20% of original maximum indebtedness indexed by inflation, therefore, requiring concurrence, and proposes an alternative revenue sharing scenario which also requires concurrence.
- Section 2.** By enactment of this resolution, Clackamas County concurs with the maximum indebtedness increase of \$14,509,101.
- Section 3.** By enactment of this resolution, Clackamas County concurs with the revenue sharing agreement program and is authorized to enter into the Agreement as outlined in **Exhibit C**.
- Section 4.** This resolution takes effect upon its adoption.

DATED this 29th day of March, 2018.

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS



Chair



Recording Secretary

**Note: Exhibits A and B from the
Clackamas County Resolution are
not included with Exhibit D to
Ordinance No. 817**

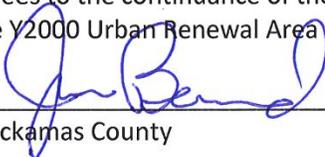
EXHIBIT C



Exhibit C: Revenue Sharing Agreement Program

The City of Wilsonville passed Resolution No. 156 on June 18, 2007 directing staff to limit tax increment proceeds in the Year 2000 Urban Renewal Plan to \$4,000,000 per year. The substantial amendment in 2018 to add a project and increase the maximum indebtedness intends to continue using this revenue sharing formula instead of the revenue sharing as prescribed by ORS 457.470.

By concurring to the revenue sharing agreement through passage of Resolution No. ²⁰¹⁸⁻¹⁸ and countersigning this Revenue Sharing Program, the Clackamas County Board of Commissioners agrees to the continuance of the \$4,000,000 per year limitation of tax increment proceeds in the Y2000 Urban Renewal Area in lieu of the revenue sharing detailed in ORS 457.470.



Clackamas County

Exhibit F to Ordinance No. 817

RESOLUTION NO. 2686

A RESOLUTION TO CONCUR WITH TWO PROVISIONS OF THE 11TH AMENDMENT TO THE WILSONVILLE YEAR 2000 URBAN RENEWAL AREA.

WHEREAS, the Year 2000 Plan and Report on the Plan were duly adopted and approved by the Wilsonville City Council on August 29, 1990, and has been subsequently amended; and,

WHEREAS, the Wilsonville Urban Renewal Agency (Agency) proposes further the 11th Amendment to the Plan at this time to identify a new project, make changes to the Plan to address the new project, and increase the maximum indebtedness by \$14,509,101; and,

WHEREAS, the Agency pursuant to requirements of ORS Chapter 457 has caused preparation of an Amendment to the Year 2000 Plan (Amendment), attached hereto and incorporated herein as **Exhibit A**; and,

WHEREAS, the Amendment is accompanied by a Report as required under ORS 457.085(3), attached hereto and incorporated herein as **Exhibit B**; and,

WHEREAS, pursuant to ORS 457.220(4) and ORS 457.220(5), the Amendment to increase maximum indebtedness requires concurrence by the overlapping taxing districts as the increase in maximum indebtedness is greater than 20% of the original maximum indebtedness as adjusted by inflation; and

WHEREAS, pursuant to ORS 457.455(1), continuance of the existing revenue sharing agreement program the Wilsonville Urban Renewal Agency has been enacting will require concurrence with overlapping taxing districts; and,

WHEREAS, the concurrence provides specific authority to the Agency to enter into a Revenue Sharing Program Agreement, attached hereto and incorporated herein as **Exhibit C**; and

WHEREAS, concurrence is the approval of 75% of the permanent rate levy of the overlapping taxing districts; and

WHEREAS, the Wilsonville Urban Renewal Agency is seeking the approval of the City of Wilsonville; and

NOW THEREFORE, BE IT RESOLVED by the City of Wilsonville City Council that:

1. The City of Wilsonville concurs with the maximum indebtedness increase of \$14,509,101.
2. The City of Wilsonville agrees to continue the existing revenue sharing agreement for the Year 2000 Urban Renewal Area and authorizes the Mayor to execute the attached Revenue Sharing Program Agreement.
3. This resolution takes effect upon its adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 7th day of May 2018, and filed with the Wilsonville City Recorder this date.

Scott Starr, Council President

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Stevens
Councilor Lehan
Councilor Akervall

Attachments:

1. Exhibit A: Year 2000 Urban Renewal Plan 11th Amendment
2. Exhibit B: Report Accompanying the Year 2000 Plan 11th Amendment
3. Exhibit C: Revenue Sharing Agreement

Note: Exhibits A and B from the Wilsonville Resolution are not included with Exhibit F to Ordinance No. 817

Exhibit C to Resolution No. 2686



Revenue Sharing Program Agreement

The City of Wilsonville passed Resolution No. 156 on June 18, 2007 directing staff to limit tax increment proceeds in the Year 2000 Urban Renewal Plan to \$4,000,000 per year. The substantial amendment in 2018 to add a project and increase the maximum indebtedness intends to continue using this revenue sharing formula instead of the revenue sharing as prescribed by ORS 457.470.

By concurring to the revenue sharing agreement through passage of Resolution No.2686 and signing this Revenue Sharing Program Agreement, the Wilsonville City Council agrees to the continuance of the \$4,000,000 per year limitation of tax increment proceeds in the Y2000 Urban Renewal Area in lieu of the revenue sharing detailed in ORS 457.470.

Tim Knapp
Mayor, City of Wilsonville



APRIL 2018 MONTHLY REPORT

From The Director's Office

April began with an informative Oregon Chapter American Public Works Association conference in Eugene. Zach Weigel gave a very interesting presentation on the Kinsman Road Extension project that was well attended by an engaged audience. Of particular interest were our soft soils, how we handled the 66-inch diameter Willamette Water Supply pipe, and habitat and wildlife protection efforts.

Talia Jacobson (ODOT planner) and I continued our road trip presenting the I-5 South Boone Bridge Facility Study (ramp-to-ramp lane) to the Washington County Coordinating Committee (WCCC), WCCC Technical Advisory Committee, Oregon Freight Advisory Committee, Region 1 Mobility Advisory Committee, French Prairie Forum, and Clackamas County Coordinating Metro Subcommittee. After a public hearing, the Planning Commission passed a resolution recommending the project to the City Council.

On April 12, Community Development staff met with the Regional Solutions Team to inform them about important projects in Wilsonville and the need for financial assistance to close the gap on Garden Acres Road funding in the Coffee Creek Industrial Area. We toured the city with special focus on Coffee Creek, Villebois, and Town Center. They were very interested in the housing choices we have provided in Villebois and the Form-Based Code we have adopted for Coffee Creek. On April 30, Jordan Vance submitted our application for a \$1 million Regional Solutions Infrastructure Fund grant for Garden Acres Road construction.

In the evening of April 12, the third French Prairie Bridge Task Force met and unanimously selected Option W1 as their preferred bridge location, the one closest to the railroad bridge. The City Council will consider this recommendation at their May 21 meeting.

On April 19, the Metro Council considered what land use should be applied to the "Central Subarea" in the Basalt Creek Concept Plan area. They unanimously supported an employment designation rather than residential based on the region's long-term intent for the land—starting from when it was added to the Urban Growth Boundary in 2004.

On April 26, our staff and their kids enjoyed "Kids to Work" Day at City Hall. Taylor Sorgenfrie from HR put together a quality experience for the kids—we hope they had fun and learned a bit more about what we do here in city government.

Last but not least, Angela Handran organized a wonderful Volunteer Appreciation Fiesta dinner on April 30. Music, children dancing, and a yummy taco bar was provided to celebrate the City's amazing volunteers. Everyone had fun! -Nancy Kraushaar, PE, Director



Building Division

Where Do You Spend Your Time?

The average American spends approximately 87% their time indoors according to the EPA.

Because we spend the majority of our time in the built environment, it is important to consider the building safety features that make our buildings safe, healthy, energy efficient, and resistant to natural disasters. It's also important to maintain these structures in order to keep our community vibrant and preserve the safety we all enjoy.



Building Safety Month — May, 2018



The City of Wilsonville is pleased to participate in Building Safety Month which is sponsored by the International Code Council (ICC), a U.S. based organization that brings together local, state, and federal officials that are experts in the built environment to create and implement the highest-quality and modern codes to protect us in the buildings where we live, learn, work, worship, and play.

We recognize that the growth and strength of our community depends on the safety and economic value of the homes, buildings, and infrastructure that serve our citizens, both in everyday life and in times of natural disaster.

Our confidence in the structural integrity of the buildings that make up our community is achieved through the devotion of building safety professionals such as building inspectors and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, and others in the construction industry—who work year-round to ensure the safe construction of buildings.

In an effort to raise awareness, the following website www.BuildingSafetyMonth.org provides helpful information based on weekly themes to remind the public about the importance of Building Safety.

Building Codes Save Lives

May 1-5, 2018

May 6-12, 2018

May 13-19, 2018

May 20-26, 2018

May 27-31, 2018



Building Division

Plans Return Project

Building Division staff recently started a “Plans Return” outreach project for owners of newly constructed homes. Under normal circumstances the City’s copy of plans are recycled after a mandatory two-year retention period from the time the home is completed.

Under the new Plans Return project, as soon as a home is completed and receives final occupancy approval, the City scans, digitizes, and retains an electronic copy of the paper plans for archival purpose as required by law. The paper set, or “city copy”, of plans is then offered to be given back to the new homeowner for future use. The plans return project also includes several items in a handy black carry tote.

So far the project is popular and being received favorably by homeowners, including Paul, the new homeowner pictured in the top right photo, who was delighted to receive plans from the construction of his home from Permit Technician Susi Korinek.

The adjacent photo shows a typical bag of shredded plans before being sent to the recycler under the old process. These plans had previously reached their maximum two-year retention period and were discarded. Adjacent to the bag of shredded plans, are a few stacks of plan sets that are slated to be returned to homeowners in a black carry tote such as the one pictured on the box.



Building Planters

After a long winter it’s wonderful to see the arrival of spring flowers. For one outreach event this month, Building Division staff will be building planters with kids during the Library’s Story Time at City Hall. This is a great opportunity for our Building staff to connect with younger folks and have fun building something really awesome! Plus the kids get to learn a little about building safety items in their homes such as emergency escape windows, smoke detectors, and fire extinguishers. Building staff are excited to host this event alongside Story Time.

For more information about Building Safety, or other Building Safety Month activities, visit: www.BuildingSafetyMonth.org or the City’s Facebook page.



Economic Development

- **Urban Renewal**

- **Year 2000 URA Maximum Indebtedness:**

- Staff has been meeting with the Year 2000 URA overlapping taxing jurisdictions (Clackamas County, School District, City of Wilsonville) to obtain formal concurrence that will allow the agency to increase maximum indebtedness of the Year 2000 URA to help finance the Boeckman Dip Bridge project.
 - School District: **Passed resolution** supporting amendment on January 8.
 - Clackamas County: **Passed resolution** supporting amendment on March 29.
 - City of Wilsonville: Council vote for concurrence resolution and ordinance approving amendment scheduled for May 7.

- **Coffee Creek Urban Renewal Area**

- Financing: Submitted response to Regional Solutions Grant on 4/30 requesting \$1 M for Garden Acres Road construction.
- Recruitment: Commerce Circle-based business Machine Sciences looking to relocate/expand to 100,000 square foot facility on 9710 SW Day Road in Coffee Creek, pending solution for sewer capabilities. Would bring 85 current jobs with plans to hire as many as 30-50 more in next five years.

- **Business Recruitment**

- The Corner Coffee Shoppe is slated to open in the old Starbucks location next to Safeway by the end of May. Coffee shop will include a bakery that offers sourdough-oriented bread products and baked goods. Currently working with same business owner to find 3,000-5,000 square foot industrial space to relocate food manufacturing business for bottled jams, jellies, and sauces to Wilsonville.
- Sherwood-based aviation supply business with 27 jobs is assessing Wilsonville relocation, looking for a 20,000 square foot building on two to three acres.

- **Business Retention**

- Conducted business site visit to SWIRE Coca Cola with Clackamas Community College to discuss workforce development and training programs. SWIRE Coca Cola is interested in having CCC potentially administer DDI leadership training for their workforce.

Engineering Division, Capital Projects

5th Street / Kinsman Road Extension (4196)

Public open house was held on April 10; approximately 25 citizens attended. 90% design level plans have been received and are under review. The project cost is estimated at \$15.86M, which is \$4.49M more than is currently budgeted. Staff have initiated meetings with the landowners to discuss the budget shortfall and various ways it can be addressed. *The decision has been made to push back construction by a year; it would start in spring 2019 and be completed in fall 2020.*

Charbonneau High Priority Utility Repair Phase II (2500/7500)

This project continues the replacement and repair of the most deficient sewer and storm pipes within Charbonneau. This project represents the second of three planned phases to construction over three years. Construction is complete with the exception of a conflicting PGE conduit, which will be completed in spring 2018.

Charbonneau High Priority Utility Repair Phase III (7500)

This project continues the replacement and repair of the most deficient storm pipes within Charbonneau. This project represents the last of three planned phases to construction over three years. Construction work is underway (see right). Completion is expected in July 2018.

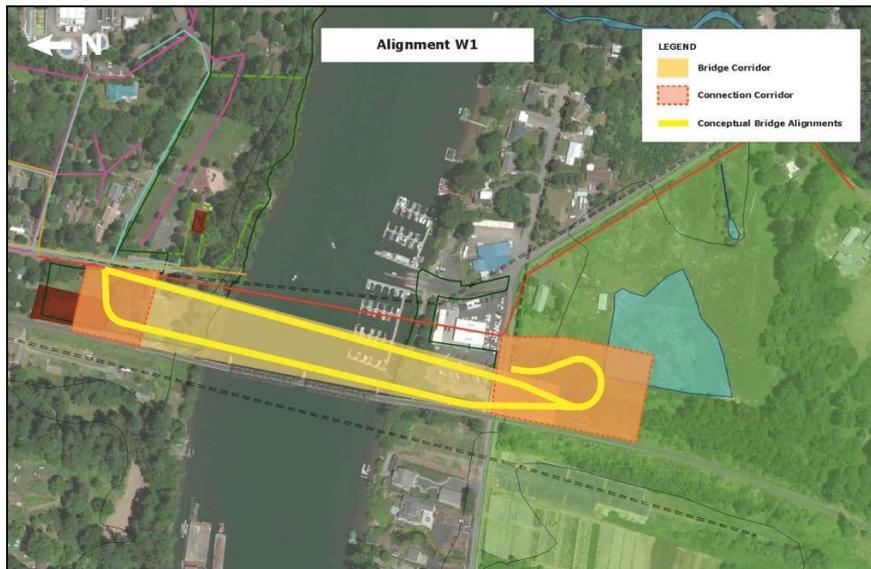


Exit 283 Southbound Ramps (4199)

Pavement has been installed for the third queuing lane. In May, the retaining wall, fencing, and roadway striping will be installed. The new ramp meter signal will be installed in June. Work is expected to be complete in June.

French Prairie Bridge (9137)

This project will determine the final location, alignment, and design type and includes preparation of preliminary construction and environmental documents for a new pedestrian, bike, and emergency vehicle bridge over the Willamette River in the vicinity of Boones Ferry Road. Staff is coordinating with ODOT to determine the Environmental Assessment scope of work and cost. At their meeting on April 12, the project Task Force evaluated the proposed bridge locations and recommended Alignment W1 (pictured below) as the preferred bridge location to the City Council. The project team is scheduled to bring the final bridge location recommendation to City Council for consideration on May 21.



Engineering Division, Capital Projects (Cont.)

Garden Acres Road (4201)

The project involves the design and construction of Garden Acres Road from a rural local access road to an urban industrial roadway as part of the Coffee Creek Industrial Area plan. HHPR is continuing with construction plans and preparing legal descriptions for property acquisition. 90% design plans are expected within the next two months and property acquisition is anticipated to begin this month.

I-5 Pedestrian Bridge (4202)

This project involves the design and preparation of construction documents for a pedestrian and bicycle bridge over Interstate 5 from Town Center Loop West to Boones Ferry/Barber Street. Currently checking with Metro on options for use of grant funds. Design of the bridge will begin after completion of the Town Center Plan.

Memorial Park Sewer Pump Station (2065)

The pump station replacement and upgrade project design continues. Design flows, pump sizing, pipe alignment, and building layout have been determined. Building architecture design begins in May.

Surge Tank—Water Treatment Plant (1111)

90% plans have been prepared. Discussion is now focused on project constructability. Of greatest concern is making sure we have certainty about how the surge tank piping gets connected to the existing finished water supply pipe. Care must be taken to assure the connection can be made using a method and within a time frame that will not detrimentally impact our customers' water supply and quality.

Tooze Road to Grahams Ferry Road (4146)

To allow for reconstruction of Tooze Road, the contractor has four periods of time where the road will need to be closed and a detour will be established through Villebois. The first period of road closure is scheduled to be 24/7 for May 7—May 20. When circumstances allow safe passage, the road will be open during the weekends.



Photo from the Wooden Shoe Tulip Festival by Nancy Kraushaar.

Engineering Division, Capital Projects (Cont.)

WWSP Coordination (1127)

Ongoing coordination efforts are occurring for the Garden Acres Road project (4201), the 5th/Kinsman project (4196), and the Kinsman/Wilsonville Road truck turning improvements. City staff have reviewed and provided comments on the WWSP 60% design plans for the 5th/Kinsman project and Kinsman/Wilsonville Road truck turning improvements. Submittal of 90% design plans for City review is anticipated within the next month.

Willamette River Stormwater Outfalls (7053)

No change. Due to a lack of funding in the Stormwater accounts, this project has been postponed to summer 2019. We will work to complete the plans and have them ready to go out for bid in January 2019.

WWTP Outfall Replacement (2095)

The Wilsonville Wastewater Treatment Plant is under a directive from DEQ to replace the damaged outfall pipe with a new, upsized outfall that meets current discharge compliance requirements. Council awarded the construction contract to Northbank Civil and Marine for \$1,123,560.00 in April. A pre-construction meeting with the contractor was held on April 25. Construction is anticipated to begin mid-June and finish at the end of October.

Engineering Division, Private Developments

Construction is ongoing at the **Villebois Calais East** subdivision, where much of the infrastructure work is completed and roadways are paved, as well as at **Marion's Carpets.**

Frog Pond—Morgan Farm

Staff is also working with West Hills Development and Pahlisch Homes in drafting development agreements. Both projects are anticipated to receive DRB hearings in May.

Natural Resources

Backyard Habitat Certification Program

To further the goals of the Bee Stewards Program, the City has established a partnership with the Backyard Habitat Certification Program (BHCP). The BHCP, co-managed by Columbia Land Trust and Audubon Society of Portland, provides technical assistance, advice, and incentives to community members to improve wildlife habitat, controls noxious weeds, manage stormwater onsite, and garden naturally. The program is offered to private residences (under one acre), as well as to schools, community groups, public institutions, and businesses.

In 2017, the BHCP began an expansion in Clackamas County. To date, the BHCP partners have worked with more than 4,500 program participants. To launch the program in Wilsonville, as well as Damascus, Gladstone, Happy Valley, Oregon City, and Rivergrove, a kickoff event took place on Monday, April 23 at the home of Lisa Brice and Steve Benson, Chair of the Parks and Recreation Advisory Board. Their backyard became the first certified property in Wilsonville. Over the upcoming years, BHCP staff will work with other community members in Wilsonville to assist them in getting their properties certified through the program.

For more information, visit the BHCP webpage: <http://backyardhabitats.org/>



From left to right, Susie Peterson (Columbia Land Trust), Steve Benson, Lisa Brice, and Nikkie West (Audobon).

Planning Division, Current

Projects Being Prepared for DRB Hearings

- 10 Unit Detached Condo Development 4th Street and Fir Avenue-Old Town
- Stafford Meadows—46 lot subdivision in Frog Pond (West Hills Development)
- Morgan Farm—82 lot subdivision in Frog Pond (Pahlisch Homes)
- EyeHealth Northwest—New medical office building in Town Center
- Aspen Meadows II—6 lot subdivision off Canyon Creek Road South
- Family Fun Center remodel and expansion

Administrative Land Use Decisions Issued

- 1-Year Extension of Land Use Approvals for SORT Bioenergy
- Replacement antenna on cell tower at Wastewater Treatment Plant
- Remodel of McDonald's on Town Center Loop West
- 2 Class I Administrative Reviews
- 2 Class I Temporary Use Permits
- 1 Final Subdivision Plat
- 7 Type A Tree Permits
- 4 Type B Tree Permits
- 3 Class I Sign Permits
- 2 Class II Sign Permits
- 2 Zoning Verification Letters
- New Single-family building permits

Board and Commission Updates

Development Review Board (DRB)

The DRB Panel A met on April 9 from 6:30 to 6:59 pm. A public hearing for Resolution No. 350, a Republic Services Temporary Use Permit Extension, was heard and was unanimously approved. The applicant requested approval of a Class III Temporary Use Permit Extension for up to two (2) years to allow Republic Services to continue use of a modular office building adjacent to the maintenance facility at the center of the property.

The DRB Panel B meeting scheduled for April 23 was cancelled. The next regularly scheduled Panel B meeting would be Monday, May 28, which is the Memorial Day holiday. This meeting has been rescheduled for Thursday, May 31.

Planning Commission

On April 11, Community Development Director Nancy Kraushaar presented a hearing on the Southbound I-5 Boone Bridge Congestions Study (aka Southbound I-5 Boone Bridge Auxiliary Lane Study) project. Resolution No. LP18-0004 was unanimously adopted.

In the work session, Parks and Recreation Director Mike McCarty introduced the Park & Recreation Master Plan update. The commissioners asked pertinent questions and provided feedback. This project is scheduled to have a hearing before the Planning Commission on May 9.

The informational session updated Commissioners on the newly formatted and published Annual Housing Report, the Town Center Plan, and the Basalt Creek Concept Plan.

Planning Division, Long Range



Basalt Creek Concept Plan

On April 19, the Metro Council made a decision resolving the arbitration pertaining to the land use of the Central Subarea of the Basalt Creek Planning Area. The Metro Council unanimously voted to adopt a resolution in support of the COO's recommendation directing the two cities to adopt a Basalt Creek Concept Plan with the Central Subarea designed with an employment use.

General project information is available on the project website <http://www.basaltcreek.com/>.

Grande Pointe Neighborhood

New park play amenities were installed in the Grande Pointe neighborhood.



Regional Solutions Team Tours Wilsonville

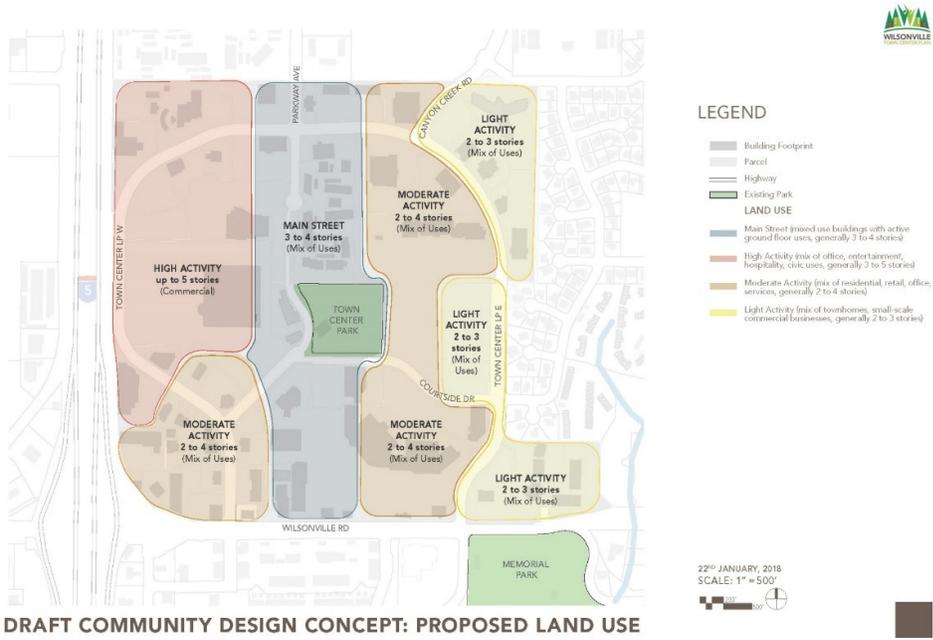
City staff hosted the Regional Solutions Team on April 12. We conducted a brief presentation touching on various aspects of Wilsonville's Planning and Community Development efforts. Thereafter, we conducted a tour via SMART bus to the Coffee Creek, Villebois, and Town Center areas. The Regional Solutions Team is composed of a representative from each of five state agencies: the Department of Environmental Quality (DEQ), the Department of Land Conservation and Development (DLCD), the Department of Transportation (ODOT), the Department of Housing and Community Services (OHCS), and the Business Development Department (OBDD). We received compliments as they departed stating that the City of Wilsonville knows what we are doing!

Sign Design and Wayfinding Signage Plan

April 16, the City finalized the contract with Alta Planning and Design to complete the sign design and wayfinding signage plan. We recruited and held a focus group meeting on Wednesday, April 18. There, Alta Planning asked questions about sign style, design, colors and materials the participants preferred. This information will be compiled and presented in three distinct options at the Sign and Wayfinding Open House open to the public on June 26. The in-person open house will be followed by an online open house to broaden opportunities for feedback and input.

The project is anticipated to be completed over the next eight months.

Planning Division, Long Range



DRAFT COMMUNITY DESIGN CONCEPT: PROPOSED LAND USE

As part of the public outreach, we continued to partner with Meridian Creek Middle School 7th grade classes regarding land use planning and the Town Center project. You can read more about this fun partnership in the April Boones Ferry Messenger <https://or-wilsonville.civicplus.com/DocumentCenter/View/13086>

The Town Center Project Team met on April 18 to refine the Town Center Design Concept, based on community input, into a draft Town Center Plan. This in-depth work session focused on built form, character, land use, street classifications and cross sections. The draft plan will be presented to Planning Commission and City Council this summer.

The next Town Center Task Force Meeting is scheduled for June 5 at 6:00 pm in City Hall. For additional information about the Town Center Plan project, visit the project website www.wilsonvilletowncenter.com.



**Wilsonville Public Library
Monthly Report to Council
May 2018**

Library Renovation Update

Substantial completion of the library renovation project is now scheduled for the first week of June. Over the last month, the contractor has been able to make up for the delayed carpet. This is very close to the original scheduled end to the project.

All collection areas are complete, and work has focused on the central area of the library. Because work is focusing on these areas, the library is opening at 2pm starting the week of May 14th. This will inconvenience the public, but is necessary. The closure will give the library staff the opportunity to finish reshelving the Library's collections, moving furniture into place and to do other cleanup projects to help put the building back together.

We have begun planning for a grand opening celebration for July 13th or 14th. (Tentatively) mark your calendars.

Project Summary:

Construction will touch just about every square inch of the library and should be complete by the end of June. Notable elements of the renovation include new carpet and paint throughout the Library, replacing the heating units in the 'old' part of the library (these units were originally installed in 1988 when the original building was constructed), remodeling bathrooms by the non-fiction collection to make them ADA accessible, and replacing the Library's Adult and Children's Reference desks as well as the Circulation desk to reduce their overall footprint and open the central core of the Library.

The next Library Board meeting will be May 23rd at 6:30pm at the Library.

I have added a couple of pictures from our renovation below.



The new library entrance



There used to be a Reference Desk in this space.



APRIL 2018 MONTHLY REPORT

Recreation Updates:

Activity Guide Completed:

The Summer Activity Guide was mailed out to Wilsonville Residents, and registration opened on April 16th. A wide variety of programs are being offered this summer, including new programs like Code to the Future's video game design, the YMCA's young chef and Star Wars camps, and a variety of DIY classes including a Make Your Own Wine Barrel Ring Sign.

Movies in the Park Subaru Sponsorship Agreement:

The Parks and Recreation department received a sponsorship agreement with Wilsonville Subaru for \$1000 to be the title sponsor for Movies in the Park. This year's movies will include: A Dog's Purpose, Coco, Early Man, & Beauty and the Beast.

Dog Park Survey:

A total of 80 responses were collected for the Wilsonville Memorial Park-Dog Park Survey, 82 percent of which were Wilsonville residents. Over 50 percent of our users at the dog park visit 6 or more times per month with 38 percent visiting more than 10 times per month—demonstrating that our dog parks users are quite dedicated. Several voiced that their favorite current aspects of the park included; size, separate areas for small and large dogs, and the gravel walking path. When asked what users would like to see improved, responses included; less mud, more shade, and adding a water feature. The responses from the survey were very insightful and helpful, and will be used during the design phases of the relocated dog park.

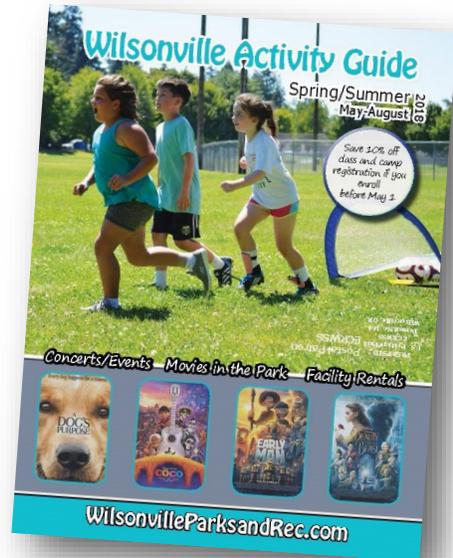
Community Garden Now Open:

The Wilsonville Community Garden is now open! Garden registrations began on April 5th. A total of 134 garden plots were available and only 18 plots remain available (as of 5/1/). This year the garden will undergo some programming changes including additional programming such as youth and all abilities gardening classes, gatherings, and a community Facebook page to help spread news and reminders about the garden.

Board Updates:

WCSI: Wilsonville Community Seniors Inc. did not have enough members present to hold an official meeting. Updates will be given during next month's report.

Parks and Recreation Advisory Board: The Parks and Recreation Advisory Board met on Thursday 4/19 to award the 2018 Community Opportunity Grant. A total of \$12,645 was awarded; \$1,974.25 to Charbonneau Arts Association; \$2,224.25 to West Linn/Wilsonville Music and Arts Partners; \$3,724.25 to West Linn/Wilsonville School District—Inza Wood Middle School; \$2,498.00 Wilsonville Little League; and \$2,224.25 to World of Speed Motorsports Museum.



Parks Maintenance Updates



Continued Ivy Removal at Arrowhead Creek Park



Prepared Community Garden for the season



Cleared Boeckman Creek Easement Trail



Installed fresh Engineered Wood Fiber at Murase Plaza



Prepared Stein-Boozier Barn for rental season



Wilsonville March 2018



City of Wilsonville Police Department

30000 SW Town Center Loop E
Wilsonville, OR 97070

In Partnership with

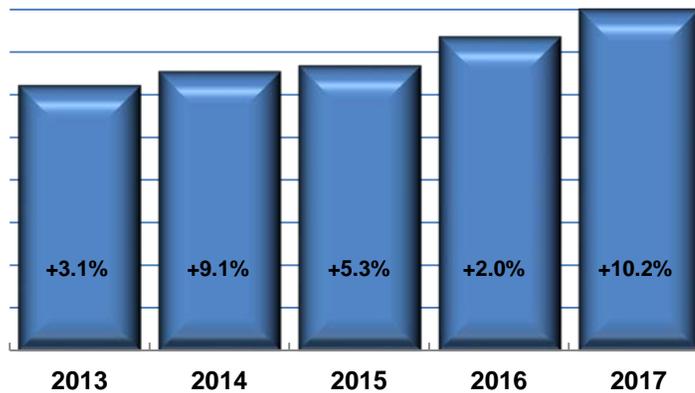


Monthly Summary

During March 2018, the Clackamas County Sheriff's Office provided law enforcement service to the City of Wilsonville on a 24 hour a day basis. During this time deputies assigned to Wilsonville responded to 661 calls for service, which was an average of 21.3 calls a day.

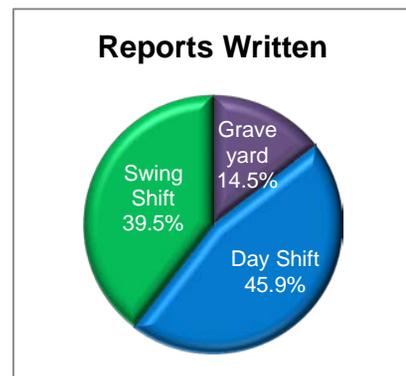
Below is a chart showing the number of calls for service in the City during the last 5 years.

<u>Year</u>	<u>Number of Calls</u>	<u>Monthly Average</u>	<u>Daily Average</u>
2013	6,230	519.2	17.1
2014	6,558	546.5	18.0
2015	6,689	557.4	18.3
2016	7,369	614.1	20.2
2017	8,021	668.4	22.0



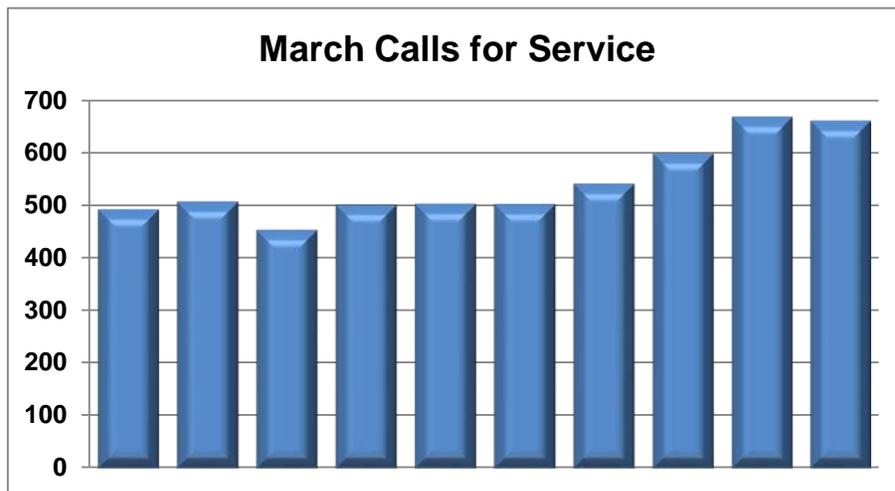
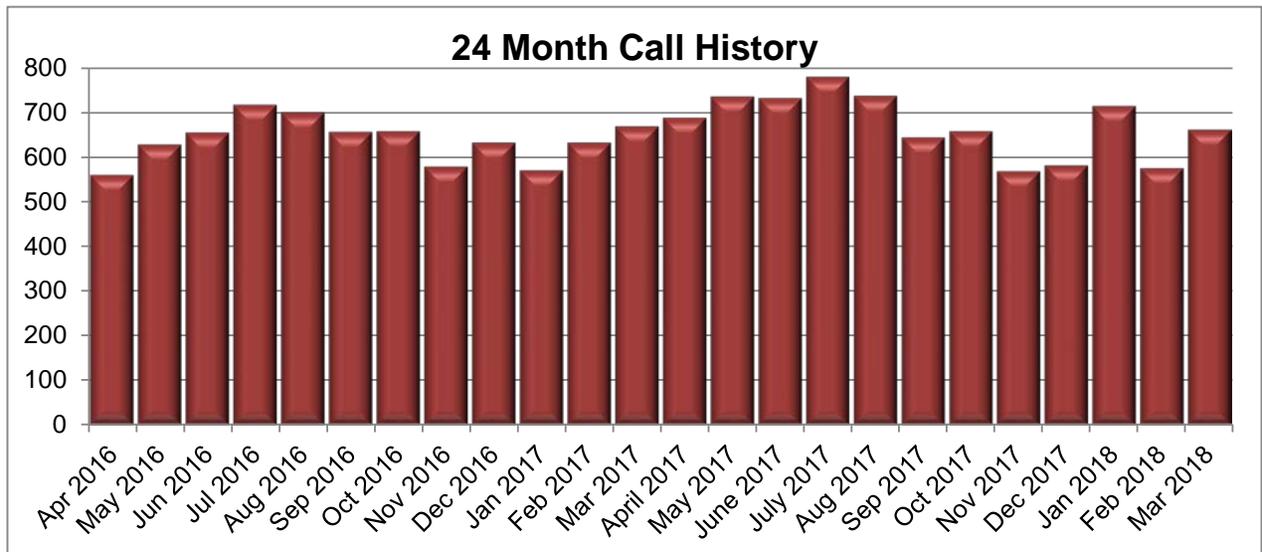
An overall look at the shift activity shows the following percentages of calls taken, traffic stops made and reports written for March.

	<u>Percentage of Calls Taken</u>	<u>Percentage of Traffic Stops</u>	<u>Percentage of Reports Written</u>
Graveyard	17.5%	24.7%	14.5%
Day Shift	45.5%	35.5%	45.9%
Swing Shift	36.9%	40.0%	39.5%



Calls for Service

Number of Calls Per Shift	March 2018	March 2017	Monthly Average 2017
Graveyard (2100-0700)	116	136	131.4
Day Shift (0700-1700)	301	324	320.3
Swing Shift (1100-0300)	244	209	216.7
Monthly Total	661	669	668.4
Daily Average	21.3	21.6	22.0



Types of Calls

This chart shows the types of calls for service during the month. These calls do not reflect actual criminal activity. In some cases the call was dispatched as a particular type of incident, but it was later determined to be of a different nature.

Type of Call	March 2018	March 2017	2017 Monthly Avg.
Alarm	66	76	66.8
Parking Complaint	59	58	51.6
Assist Public	47	46	42.8
Theft	42	38	42.0
Disturbance	41	38	34.5
Suspicious Person	38	28	33.2
Traffic Complaint	38	33	35.0
Welfare Check	36	24	27.9
Traffic Crash	28	28	27.8
Assist Agency	27	26	30.5
Suspicious Vehicle	25	13	16.2
Juvenile Problem	24	20	17.0
Unwanted / Trespass	24	13	20.5
Fraud	16	22	18.6
Property Investigation	14	13	16.2
Provide Information	14	13	13.5
Suspicious Circumstances	14	16	13.8
Criminal Mischief	10	9	12.1
Fire Services	10	15	9.7
Threat / Harassment	10	23	20.0
Other	9	14	11.2
Mental	8	3	6.1
Animal Complaint	6	6	12.4
Burglary	6	4	5.0
Hazard	6	9	10.3
Suicide Attempt / Threat	6	10	8.2
Abandoned Vehicle	5	2	3.5
Noise Complaint	5	6	7.7
Stolen Vehicle	5	8	5.7
Unknown / Incomplete	5	6	9.0
Runaway	4	8	5.3
Missing Person	3	5	3.9
Vice Complaint	3	10	8.7
Death Investigation	2	5	1.8
Extra Patrol Request	1	1	2.1
Open Door / Window	1	1	1.2
Recovered Stolen Vehicle	1	1	1.9
Robbery	1	2	0.8
Sex Crimes	1	4	2.7
Assault		5	5.3
Minor in Possession		1	1.9
Promiscuous Shooting		5	1.1
Prowler			0.5
Shooting			0.1
Viol. Restraining Order		1	2.3
Total Calls:	661	669	668.4

Other / Self-Initiated Activity

Type of Call	March 2018	March 2017	2017 Monthly Avg.
Traffic Stop	465	353	339.8
Follow-Up Contact	95	113	92.3
Suspicious Veh. Stop	88	56	53.4
Premise Check	23	6	8.8
Subject Stop	23	29	28.2
Detail	16	26	32.7
Training	7	15	15.5
Court	5	3	4.8
Suspect Contact	5	4	4.6
Warrant Service	4	14	7.7
Foot Patrol	3	5	4.2
Meeting	1	15	10.6
Total Calls:	735	639	602.6

Reports Written

During March, 173 reports were written. 14.5% were written by the graveyard shift, 46.2% by the dayshift units and 39.3% were written by the swing shift units.

Type of Report	March 2018
Traffic Crash	5
Theft	43
Criminal Mischief	3
Burglary	6
Stolen Vehicle	3
Assault	4
Identity Theft	4
Drug Crimes	3
Other Reports	101
Total Calls:	172

March 2017	2017 Monthly Avg.
8	10.9
25	31.1
6	9.0
6	3.2
5	3.6
2	4.9
2	2.5
4	6.3
127	114.4
185	185.9

Shift Totals	March 2018
Graveyard	25
Day Shift	79
Swing Shift	68

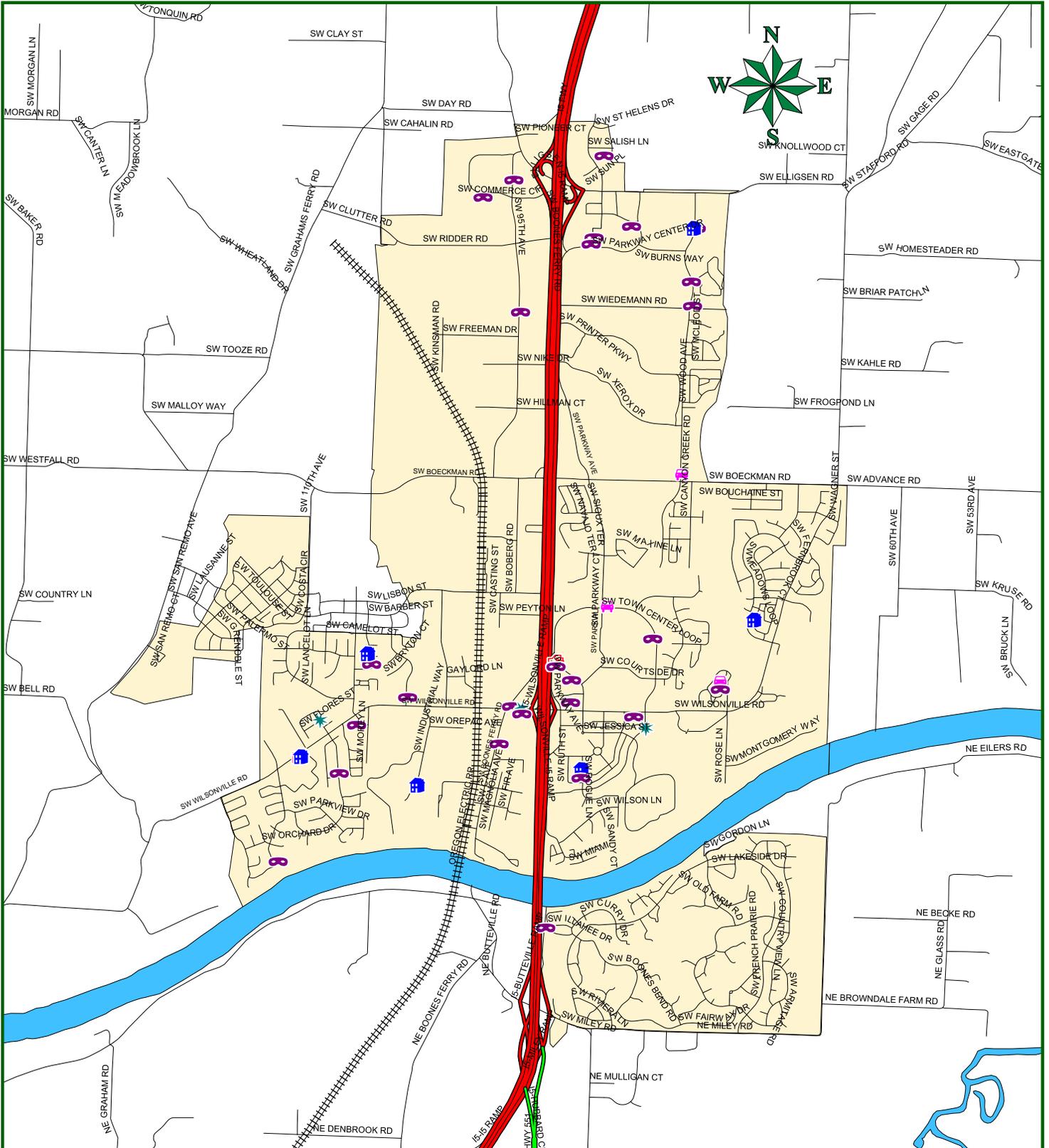
March 2017	2017 Monthly Avg.
40	38.2
79	86.0
66	61.7



Wilsonville March 2018



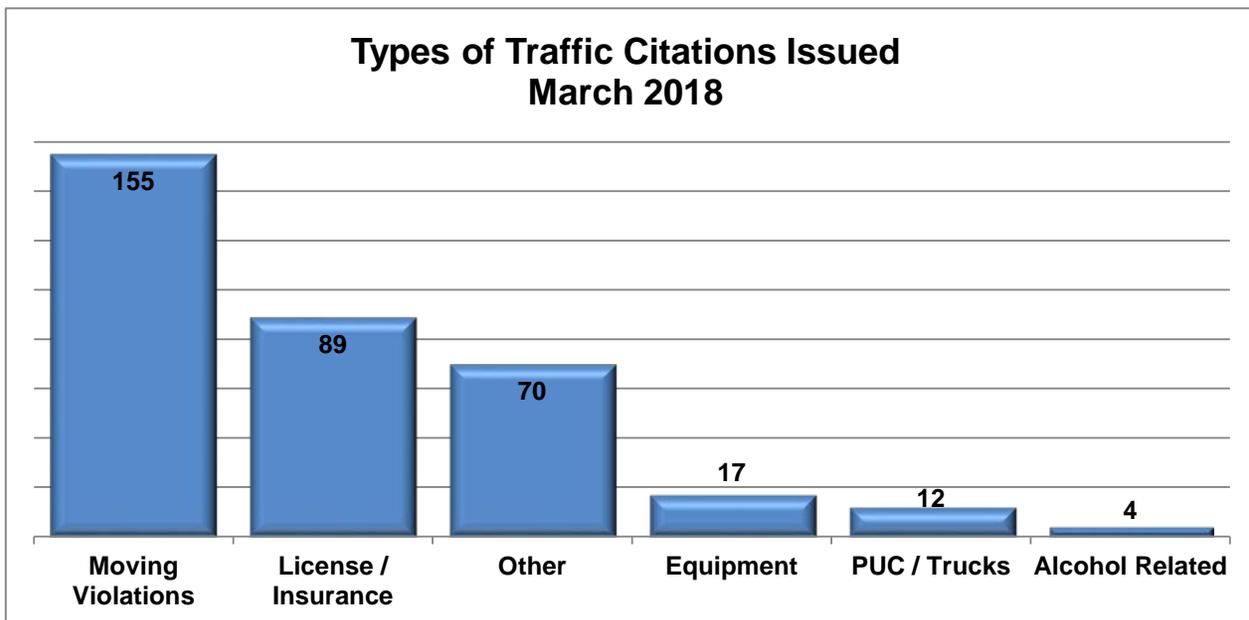
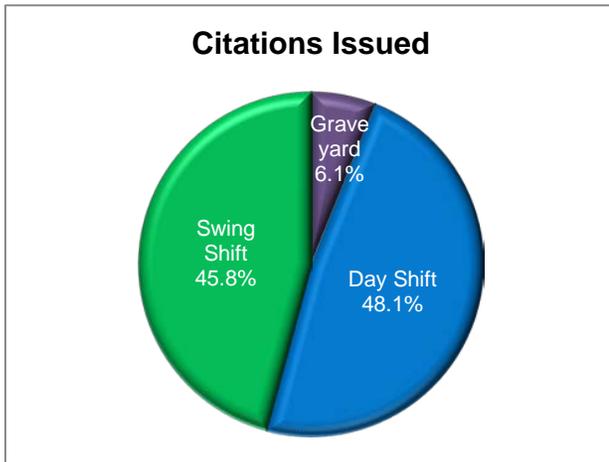
- Assault
- Burglary
- Criminal Mischief
- Stolen Vehicle
- Theft



During March 2018, 465 traffic stops were made in the City and 347 traffic citations were issued. Included in these totals are 193 traffic stops (41.5%) and 260 (74.9%) citations issued by the traffic deputies.

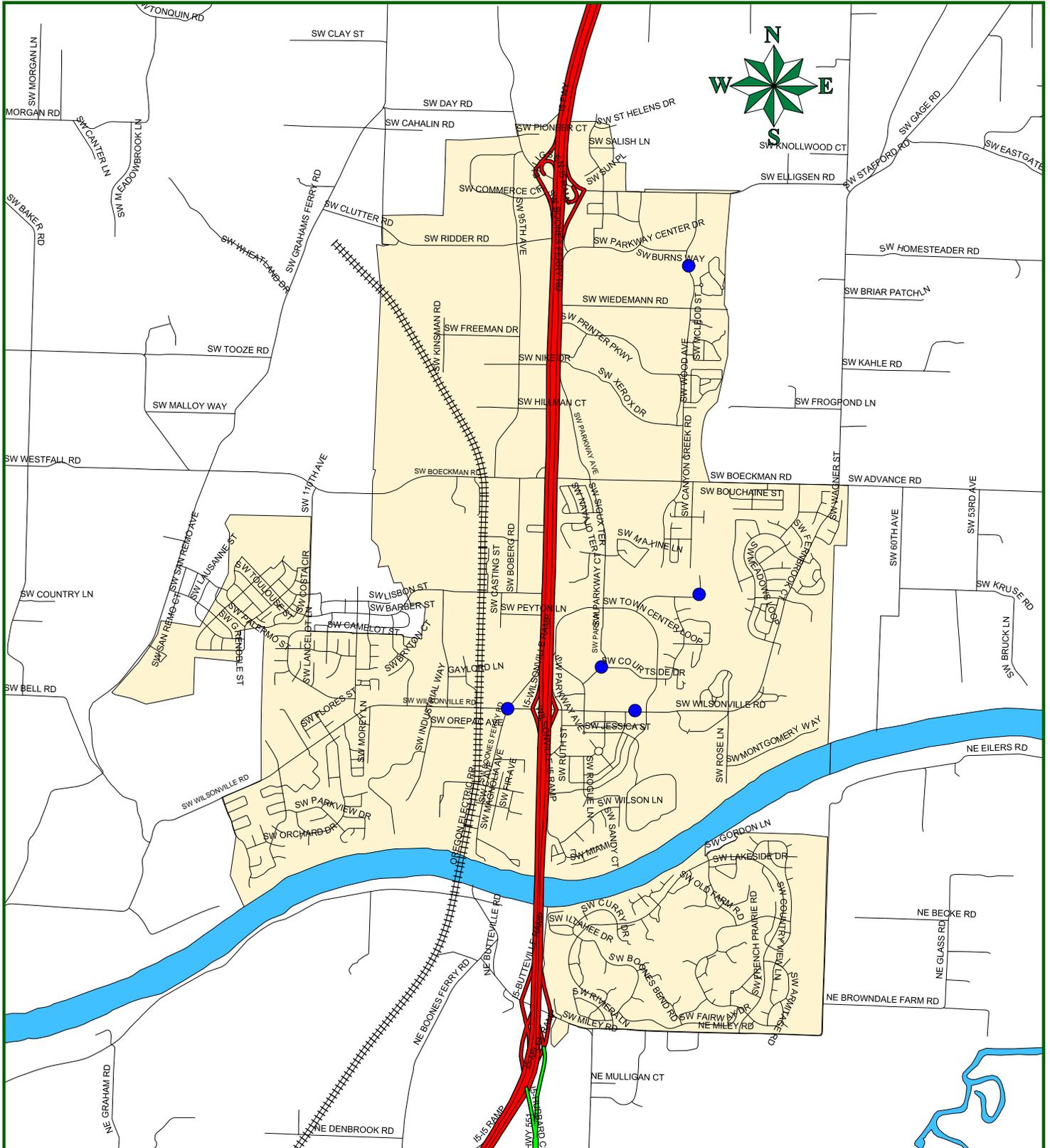
There were 6 arrests for Driving Under the Influence of Intoxicants (DUII).

Shift	Traffic Stops	Citations Issued
Graveyard	115	21
Day Shift	164	167
Swing Shift	186	159
Total:	465	347





Wilsonville Traffic Crashes March 2018



PUBLIC WORKS IN APRIL

May 8, 2018

UTILITIES~WATER DISTRIBUTION

Preventive Maintenance - Hydrant painting

Utilities Maintenance Specialist Sam Kinnaman paints a hydrant on Canyon Creek Road near Boeckman Road. In addition to the mechanical service performed on fire hydrants each year, a fresh coat of paint is sometimes needed to protect the exterior surfaces.



UTILITIES ~ SEWER & STORM WATER

The sewer crew continues to make good progress on cleaning sewer mains. They are currently working just west of I-5. Water Distribution Tech Ian Eglitis and Vactor Operator II Paul Havens clean a main line at Casting and Barber Streets. Root cutting was necessary on Casting Street due to minor root intrusion from large trees in the area.



The storm water maintenance crew worked on outfall maintenance this month, including maintaining the Morey's Landing outfall at the east end of Edgewood Ct. The crew removed blackberries and other vegetation, trash and woody debris from the outfall channel. The sewer crew also maintained the water quality manhole just upstream of the outfall structure.



Seasonal worker Jeremy Ward uses a weed trimmer to control vegetation surrounding the manhole.



ROAD MAINTENANCE

OREGON ROAD SCHOLAR RECIPIENTS

Roads Maintenance Specialists Sean Byrne and Manny Ghiselline were awarded the Oregon Road Scholar Level 1 Certification.

Local governments in Oregon maintain over 33,000 miles of roads and streets, 60% of the total public road mileage in the state.

The Oregon Roads Scholar Program provides local agencies with the latest information on road maintenance procedures and technologies, helping local government personnel to enhance their maintenance skills and knowledge.

Roads Scholar classes are offered on a regular basis throughout Oregon. Courses are taught by training specialists well versed in the latest developments and technologies. In most instances, this training is provided free of charge to local government agencies.



Road Maintenance Specialists Manny Ghiselline & Sean Byrne

The Roads Scholar Program is designed to acknowledge local agency maintenance personnel who are committed to learning new skills and expanding their knowledge of road maintenance technology.

The Oregon Roads Scholar program consists of a Level 1 and a Level 2 component. To receive a Level 1 certificate, participants must complete 10 classes, eight hours each, within five years. A Level 2 certificate requires completion of eight more classes within a five year period.

Upon completion of each Level 1 and Level 2, graduates receive a Roads Scholar certificate to document their continuing education and professional development. Sponsoring agencies receive a plaque listing their employees who have successfully completed the programs.

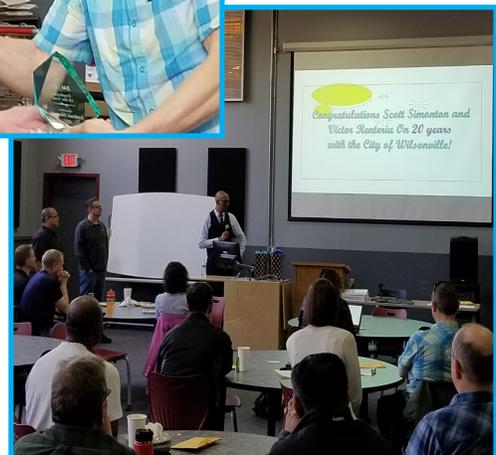
Sean and Manny have already begun taking the set of classes required to obtain a Level 2 Roads Scholar.

Director's Report
Dwight Brashear, Transit Director

Spring...A Time for Planning

April ushered in a continuation of feverish planning activities. The SMART team is carefully preparing the Programs Enhancement Strategy Project List (a.k.a. Transit Master Plan Amendment) for the public involvement phase. HB2017 requires extensive public outreach, and SMART needs the public to serve as architects in the development of a project priorities list.

The Spring All Staff Meeting took place on April 21. Twice annually, spring and fall, the SMART leadership team conducts a day of training for both operations and fleet team members. Representatives from HR and the Police Department conducted informative training sessions dealing with relevant topics. Performance and longevity awards found deserving recipients and the team members celebrated their selection of J. Slough as Employee of the Year.



Operations Report

Eric Loomis, Operations Manager

SMART employs 35 full, part-time, and on-call drivers. First and foremost comes safety for a driver, as to be expected when operating a 40,000 pound machine on wheels. However, what makes SMART truly special are the people that work here and the culture that has been created. SMART follows a philosophy called SMART CARES, which represents communication, accountability, responsiveness, empathy, and solutions. Drivers interact with customers several hundreds of times a day. However long or short these interactions are, they strive to be as helpful and accommodating as possible. SMART has on-boarded nine drivers in the month of April who carry this same philosophy. They are currently going through a six week training period to learn about safe driving, obtain a commercial driver license, and learn SMART's routes. If you see SMART bus driver passing by make sure to give them a wave, you will be sure to get a smile and wave in return.

Ridership by Route

Route	1X Salem	2X Barbur	2X Sat Barbur	3 Canby	4 Wilsonville	4 Sat Wilsonville	5 95th Commerce	6 Argyle Square	7 Villebois	Villebois Shop Shuttle	Total
April 2017	4457	5745	258	979	7250	370	865	1648	243	1441	23256
April 2018	3314	6222	189	701	9283	384	1542	1686	169	1479	24969
% Change	-34.5%	7.7%	-36.5%	39.7%	21.9%	3.6%	43.9%	2.3%	-43.8%	2.6%	6.9%

Fleet Report

Scott Simonton, Fleet Manager

While our mechanics generally focus on preventive maintenance, brakes, and engine related repairs, they need to have a broad set of skills. We recently discovered dry rot in the flooring of two buses.

There is a steel structure under the wood flooring, which in this case, had developed stress cracks. The substructure was welded prior to the installation of new wood flooring.



Outreach-Data-Grants-Travel Training

Michelle Marston Transit Outreach Program Coordinator

Oregon Tech Health Fair Each term Oregon Tech hosts an information fair of somekind for students and faculty and staff. This years event was the most widely attended by students. Individualized trip planning was provided and we learned that several students are looking forward to the increase in 3X trips to/from Canby coming soon.

Bike Month & Walk Smart prep Prep work for the upcoming Bike Month and Walk Smart activities were underway with posters and advertising materials being created and distributed. Bike Faries will be out on National Bike to School Day, May 9th for those who rode their bikes. April 25 Walk at Lunch was attened by 27 walkers.



April Grant & Procurement Report

SMART to Receive ODOT Grant

The 2018 Bus and Bus Facilities 5339(b) grant, awarded to SMART pending OTC approval, is for four vehicles and an expansion to the CNG refueling station. The four vehicles are one Trolley, two cutaways, and one supervisor's van.

Bus Shelter Improvements Update

The improvements for the bus stop at Shari's, awarded to Brown Construction, includes a new bus shelter and associated concrete work. It also includes two new shelters on Brown Road and four new shelters and concrete work at other locations. All work will be completed by June 15.

FTA Grants Pending

- Hostler/Maintenance Worker
- One maintenance vehicle
- One electric bus
- Six cutaway buses
- Marketing & Outreach
- TDM Technician
- Preventative Maintenance
- Technology
- Parking lot expansion
- Staff vehicles



THINK SMART OPTIONS