

AGENDA

**WILSONVILLE CITY COUNCIL MEETING
OCTOBER 17, 2016
7:00 P.M.**

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

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Julie Fitzgerald
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 [15 min.]**
A. Pursuant to ORS 192.660(2)(a) Employment of Public Officers
ORS 192.660 (2)(e) Real Property Transactions
ORS 192.660(2)(f) Exempt Public Records
ORS 192.660(2)(h) Litigation
- 5:15 P.M. REVIEW OF AGENDA [5 min.]**
- 5:20 P.M. COUNCILORS' CONCERNS [5 min.]**
- 5:25 P.M. PRE-COUNCIL WORK SESSION**
- A. Judge Gleeson – Municipal Court Judge [20 min.]
B. Basalt Creek Concept Plan (Bateschell) [20 min.] Page 1
C. French Prairie Bridge Council Liaison (Weigel) [15 min.] Page 11
D. I-5 Wilsonville Road Update (Mende) [15 min.] Page 29
- 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, October 17, 2016 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on October 4, 2016. 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 therewith 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. MAYOR'S BUSINESS

- A. Appointment of Karla Tovar to the Tourism Committee to fill the unexpired term of Margaret Usher, term to expire June 30, 2018. Page 32
- B. Upcoming Meetings Page 34

7:10 P.M. COMMUNICATIONS

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

7:25 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. COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

- A. Council President Starr – (Park & Recreation Advisory Board Liaison)
- B. Councilor Fitzgerald – (Development Review Panels A & B Liaison)
- C. Councilor Stevens – (Library Board and Wilsonville Seniors Liaison)
- D. Councilor Lehan– (Planning Commission and CCI Liaison)

7:45 P.M. CONSENT AGENDA Page 35

- A. Minutes of the September 19, 2016 Council Meetings. (staff – King)

7:45 P.M. PUBLIC HEARING

- A. **Ordinance No. 800** – 1st reading Page 45
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 7 By Adding A New Section 7.570 To Impose Time, Place, And Manner Regulations On Medical Marijuana Processors And Dispensaries And Recreational Marijuana Retailers, Wholesalers, Producers, And Processors Within The City. (staff – Jacobson/Neamtzu)
- B. **Ordinance No. 799** - 1st reading Page 65
An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Facility (PF) Zone To The Village (V) Zone On Approximately 1.29 Acres Located In The Villebois Village Center At The Northeast Corner Of SW Costa Circle West And

10/10/2016 12:04 PM Last Updated

SW Barber Street. Comprising Tax Lot 3300 Of Section 15AC, T3S, R1W, Clackamas County, Oregon, RCS-Villebois LLC, Applicant. (staff – Pauly)

The links to the DRB-Panel B record on this matter are below.

[SR.Exhibits.pdf](#)

[Exhibit B1.pdf](#)

[Exhibit B2.pdf](#)

[Exhibit B3.pdf](#)

8:15 P.M. CONTINUING BUSINESS

- A. **Ordinance No. 796** – 2nd reading Page 84
An Ordinance Making Certain Determinations And Findings Relating To And Approving The Coffee Creek Urban Renewal Plan And Directing That Notice Of Approval Be Published. (staff – Kraushaar)

Note, the Plan is not included in the packet on second reading.

- B. **Ordinance No. 797** – 2nd Reading Page 88
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 4, Section 4.800 By Modifying Section 4.800 Through 4.804 And Adding New Sections 4.805 Through 4.810 To Clarify And Expand City Regulation And Control Of Wireless Communications Facilities In Recognition Of Changing Laws And Wireless Technology. (staff – Jacobson)

8:30 P.M. CITY MANAGER’S BUSINESS

8:35P.M. LEGAL BUSINESS

- A. Municipal Court Judge Appointment

Information items – no Council action needed.

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8:45 P.M. ADJOURN

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 king@ci.wilsonville.or.us



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: October 17, 2016		Subject: Basalt Creek Land Use Concept Map and Concept Plan Update Staff Member: Miranda Bateschell Department: Community Development	
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:			
Recommended Language for Motion:			
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>			
<input checked="" type="checkbox"/> Council Goals/Priorities Basalt Creek Concept Plan Thoughtful Land Use	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Staff will provide Council with a refined Basalt Creek Land Use Concept Map and an update on the progress of the Basalt Creek Concept Plan, including the Ten Considerations for Success.

EXECUTIVE SUMMARY:

At the June 6, 2016 City Council Work Session, Council provided feedback for final revisions to the land uses proposed on the Basalt Creek Land Use Concept Map. Specifically, City Council advised staff to reduce the amount of land designated specifically for warehouse uses and

instead, extend the High Tech Employment District along Day Road. Council also wanted to ensure four-to-six story office buildings could locate in the High Tech Employment District given its location adjacent to I-5. The updated Basalt Creek Land Use Concept Map is included as Attachment A.

Working in collaboration with the City of Tualatin, as well as partner agencies, considerable progress has been made on the Ten Considerations for Success (memo provided as Attachment B), and the written draft of the Basalt Creek Concept Plan is underway. Staff seeks the Council's concurrence on the final draft of the Basalt Creek Land Use Concept Map in order for the project team to complete the Concept Plan.

EXPECTED RESULTS:

Council feedback will be integrated into the Basalt Creek Concept Plan.

TIMELINE:

The project team anticipates completing the draft Basalt Creek Concept Plan, to be reviewed by the project's Agency Review Team, by the end of 2016. Planning Commission and City Council will be scheduled to review and conduct public hearings on the Concept Plan in early 2017. A Wilsonville/Tualatin Joint City Council will follow shortly thereafter to approve the Concept Plan. Once approved, the City can update its Urban Planning Area Agreement (UPAA) with Washington County and amend the Comprehensive Plan to incorporate the Basalt Creek Concept Plan.

CURRENT YEAR BUDGET IMPACTS:

None. The City of Tualatin received approximately \$350K from Metro's Construction Excise Tax (CET) grant program to perform concept planning. The City of Wilsonville has, and will continue to, invest staff time into the process.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: Date:

LEGAL REVIEW / COMMENT:

Reviewed by: BJ Date: 10/6/16

COMMUNITY INVOLVEMENT PROCESS:

The project includes participation from affected residents, businesses, and property owners. Two open houses, the last held in April 2016, were held to engage and inform the public about the project. Additionally, the website is updated to reflect the most recent work and staff sends out monthly updates to an interested parties list and property owners via email and U.S. postal mail.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The Basalt Creek area is important for the long-term growth of Tualatin, Wilsonville, and the Metro region. Conducting a thorough and thoughtful planning process will identify and resolve each city's vision for the area and potential impacts on the community. The Basalt Creek area presents an opportunity to maximize assessed property value, integrate jobs and housing, develop efficient transportation and utility systems, create an attractive residential and business

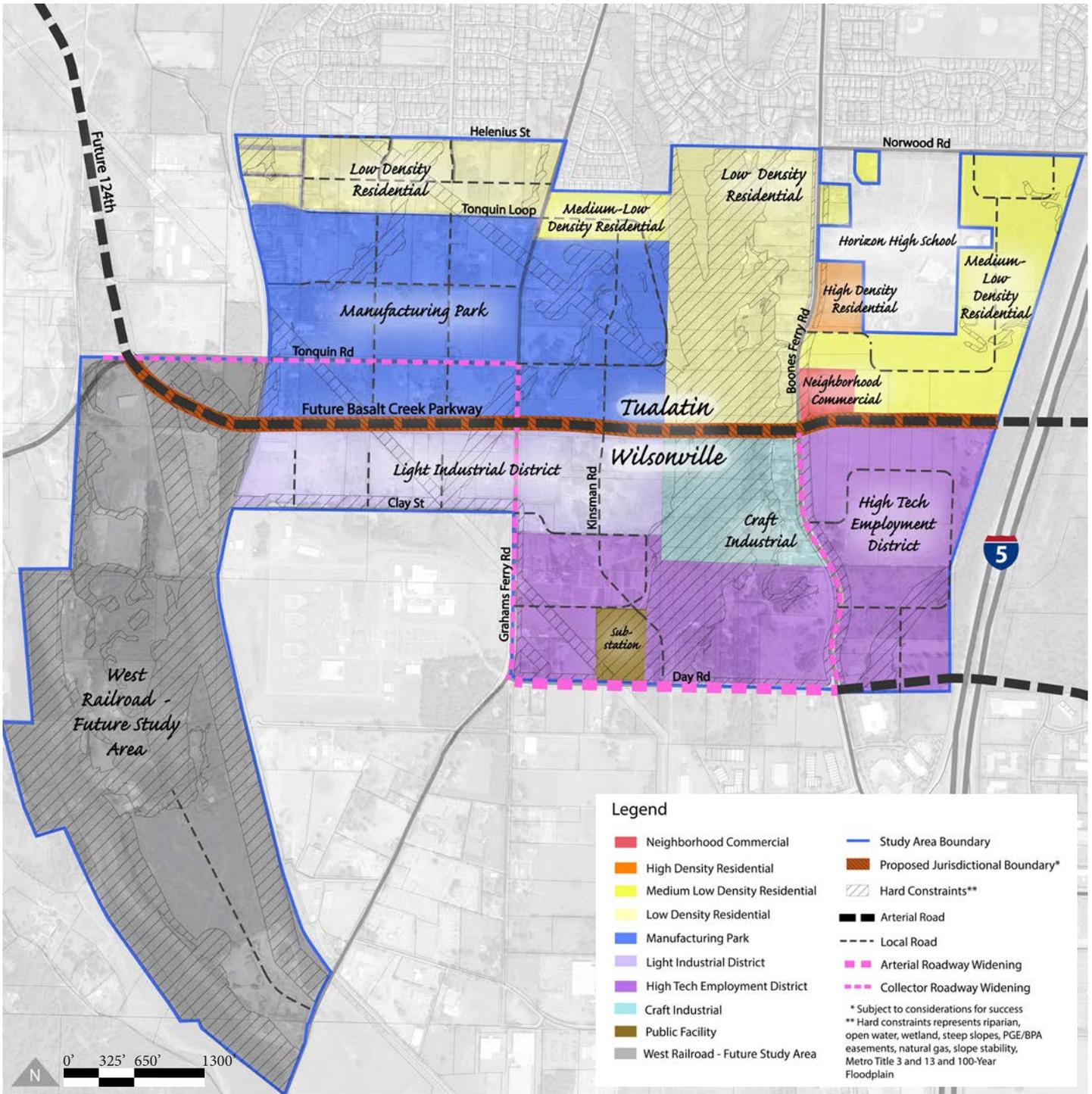
community, incorporate natural resource areas, and provide recreational opportunities as community amenities and assets.

ALTERNATIVES:

CITY MANAGER COMMENT:

ATTACHMENTS:

- A. Basalt Creek Land Use Concept Map
- B. Ten Considerations for Success Update Memo



Basalt Creek Land Use Concept Plan

DRAFT September 16, 2016

**TEN CONSIDERATIONS FOR SUCCESS TO BE INCORPORATED
INTO THE BASALT CREEK CONCEPT PLAN
(DRAFT with Status and Next Steps updated 9/22/16)**

**May 25, 2016 DRAFT with changes from May 2, 2016 meeting between Wilsonville,
Tualatin and consultant team staffs**

The Cities agree to cooperatively work on the next phases of the Basalt Creek Concept Plan, including public involvement and integrating the elements that the Cities have identified as considerations for success.

These considerations for success were discussed at the December 2015 Tualatin and Wilsonville Joint City Council Work Session as part of the boundary selection. These considerations, as generally described below, will be incorporated into the Concept Plan as it is completed.

The Cities understand these considerations are a starting point and will be subject to further review by both cities. The Cities will work in good faith to carry out the intent of these elements with the opportunity to modify and refine them as needed as the concept plan is completed.

1. **Sewer.** Each City will serve its own jurisdiction area independently, to the extent reasonably possible with the understanding that future agreements may address potential cooperative areas. **(WILSONVILLE AND TUALATIN STAFF AGREE ON THIS LANGUAGE.)**

Deliverable needed to implement this Consideration: Narrative in the Concept Plan and a service map. A sentence or acknowledgement in the Concept Plan that if in the future shared services are deemed to be needed, the Cities will cooperatively review and discuss the need at that time.

Team Assigned to work on this Deliverable: Consultant, City staff and CWS staff.

- o **Status: In Progress.** Working group met August 12, 2016. Produced and sent out for comment a draft letter to CH2M Hill in response to Feb.-April 2016 Memo and minor revisions to draft narrative. *Anticipating receipt of updated CH2M Hill technical memo in Sept. 2016.*
 - o **Next Steps:** Obtain revised CH2M Hill memo and then reconvene working groups to complete work (1-2 additional meetings anticipated).
2. **Storm water.** The Cities and Clean Water Services (CWS) acknowledge that they must follow requirements established in their respective Storm water MS4 permits. Much of the area is in a basin that drains toward Wilsonville. Each City will serve its own jurisdiction area independently. The Cities and Clean Water Services will adopt an Intergovernmental

Agreement that addresses areas where cooperative storm water management is needed. (TUALATIN, WILSONVILLE AND CLEAN WATER SERVICES STAFF AGREE ON THIS LANGUAGE.)

Deliverable needed to implement this Consideration: Narrative in the Concept Plan and service map. An IGA between Wilsonville, Tualatin and Clean Water Services before the first annexation in the Basalt Creek Area.

Team Assigned to work on this Deliverable: Consultant, City Staff and CWS staff.

- **Status: In Progress.** Working group met August 12, 2016. Produced and sent out for comment a draft letter to CH2M Hill in response to Feb.-April 2016 Memo and minor revisions to draft narrative. Anticipating receipt of updated CH2M Hill technical memo in Sept.2016.
- **Next Steps:** Obtain revised CH2M Hill memo and then reconvene working groups to complete work (1-2 additional meetings anticipated).

3. **Industrial Lands.** The Basalt Creek Concept Plan area is already mapped and identified as an “Industrial Area” in Metro’s Title 4 Code. This designation will need to be removed from residential land already identified in the northern portion of the Basalt Creek area upon adoption of the Concept Plan, to allow for the residential land use buffer between Tualatin’s current southern boundary and the Basalt Creek employment area. Recognizing the regional need for employment land, all remaining Title 4 “Industrial areas” should remain available for industrial development and land uses into the future. (WILSONVILLE AND TUALATIN STAFF AGREE ON THIS LANGUAGE.)

Deliverable needed to implement this Consideration: Narrative in the Concept Plan, recognizing the current Title 4 mapping and the need to remove the Title 4 designation for those lands on the north part of Basalt Creek, adjacent to current Tualatin, that will serve as a residential buffer.

Team Assigned to work on this Deliverable: Cities staff to determine the sequence needed for these activities and then will provide direction to the consultant team.

- **Status:** Received email confirmation from Brian Harper/ Metro that no action is needed to remove industrial designation in Metro Title 4 from residential lands planned for northern portion of the Basalt Creek area. PMT agreed no working group is necessary.
- **Next Steps: This item is done.**

4. **Transportation Funding.** The Cities acknowledge that significant improvements will be needed to the existing and future transportation network in the Basalt Creek Concept Plan area. In order to achieve the vision established by the Cities and Washington County in the 2013 Basalt Creek Transportation Refinement Plan (TRP), particularly given the impacts of regional traffic from the Basalt Creek Parkway, Tualatin and Wilsonville agree to begin

working together now to prioritize those network improvements. The Cities acknowledge that success of the Basalt Creek Concept Plan area depends on being served by an adequate transportation system as identified in the TRP. The Cities will work together to identify a cooperative funding strategy that considers local, county, regional, state, and federal funding tools. (WILSONVILLE AND TUALATIN STAFF AGREE ON THIS LANGUAGE.)

Deliverable needed to implement this Consideration: Narrative in the Concept Plan to acknowledge the need for a cooperative funding strategy between Wilsonville, Tualatin and Washington County. The Concept Plan narrative will acknowledge the general sequence of transportation improvements needed to implement the build-out of the Plan, as identified in the Plan and also the Transportation Refinement Plan. The cooperative funding strategy will follow the Concept Plan and will identify funding sources and a strategy for building out the transportation network. The Cooperative Funding Strategy needs to be completed prior to the first annexation in the Basalt Creek area.

Team Assigned to work on this Deliverable: Consultant, Cities staff and Washington County staff. The team will also include a Metro staff member.

- **Status: In Progress.** The PMT agreed on 8/25/16 that this consideration will be addressed initially through the South Industrial Area Study process overseen by Washington County that is underway. Following that, a working group will be formed to complete the cooperative funding strategy prior to annexation. Coordination between Tualatin and Wilsonville on sequencing/prioritization of Basalt Creek projects in preparation for South Industrial Study meetings is occurring.
- **Next Steps:** Schedule project phasing meeting to include PMT staff and other city staff as needed.

5. **Future Regional Transportation Projects in the Basalt Creek Area.** To maintain the integrity of the transportation network in this employment area, the Cities will also work cooperatively to evaluate future regional transportation projects and decisions, beyond those identified in the TRP, which could direct additional traffic to the Basalt Creek Concept Plan Area. These projects will be evaluated to ensure that system capacity and adequate regional funding is available for needed improvements to mitigate additional regional traffic. (WILSONVILLE AND TUALATIN STAFF AGREE ON THIS LANGUAGE. TUALATIN AND WILSONVILLE STAFF ARE STILL DETERMINING THE BEST WAY TO IMPLEMENT THIS SECTION. THIS SECTION SHOULD BE DISCUSSED WITH THE WASHINGTON COUNTY LAND USE AND TRANSPORTATION DIRECTOR FOR HIS AWARENESS ONCE BOTH CITY COUNCILS HAVE AGREED TO THE LANGUAGE AT TUALATIN AND WILSONVILLE'S RESPECTIVE WORK SESSIONS.)

- **Status:** No working group is necessary at this time. *We need to document this agreement and what a “future review” of transportation impacts will entail...The language will answer the question about the required process for Washington County, ODOT and Each City.*
- **Next Steps:** This section should be discussed with Andrew Singelakis once both City Councils have agreed to the language. The Cities will work together as needed again.

6. **Trips.** To date, the Cities have developed a mixture of land uses that do not exceed the trip total outlined in the TRP. The Cities will retain and maintain land uses that are consistent with the Concept Plan. Any land proposed for a change in land use designation should be reviewed for impacts to the transportation systems. **(TUALATIN AND WILSONVILLE STAFF ARE STILL WORKING ON LANGUAGE FOR THIS SECTION AND DETERMINING THE BEST WAY TO IMPLEMENT THIS SECTION. WILSONVILLE STAFF WISHES TO RE-EVALUATE THEIR LAND USES AND JOB TYPES IN THE ENVISION MODEL TO ENSURE THAT THEY HAVE CAPTURED USES THAT FIT THE CITY’S DESIRED FUTURE INDUSTRIAL LAND USE AND DEVELOPMENT TRENDS. WILSONVILLE WANTS TO HAVE A WORK SESSION WITH THE CONSULTANT TEAM TO DISCUSS THIS FURTHER. THIS MEETING WITH THE CONSULTANT TEAM MAY NOT OCCUR BEFORE WILSONVILLE AND TUALATIN’S WORK SESSIONS WITH THEIR CITY COUNCILS ON JUNE 6TH AND JUNE 13TH.**

- **Status: In Progress.** *The PMT has been working together on this item including revisions to the Dev Types and acreage. PMT sought to find out if a margin of error is acceptable with the trips and could result in a workable solution. An allowable margin of error has been confirmed by Alice through Andrew Singelakis, Washington County. Cities are okay between them on trips as they are now within the allowable margin of error.*
- **Next Steps:**
 1. *Confirm whether to remove the first sentence of this consideration, which reads: “To date, the Cities have developed a mixture of land uses that do not exceed the trip total outlined in the TRP.”*
 2. *Alice and Nancy to work with ODOT to confirm greenlight.*
 3. *PMT to determine when to schedule next Advisory Review Team meeting.*
 4. *Staff (AHR,MB,KPF) to advise on how to review land use designation changes.*

7. **Basalt Creek Parkway and I-5 Crossings.** The Cities acknowledge that the Basalt Creek Parkway and I-5 crossings identified in the TRP will become critical to successful industrial and employment growth in the Basalt Creek Planning Area. The Cities agree to jointly seek a timely regional investment in these crossings to achieve regional industrial objectives. **(WILSONVILLE AND TUALATIN STAFF AGREE ON THIS LANGUAGE.)**

Deliverable needed to implement this Consideration: Narrative in the Concept Plan. The consultants can refer back to the TRP for guidance. This will also be addressed in

the Cooperative Funding Strategy. The funding strategy will be completed prior to the first annexation in the Basalt Creek area.

Team Assigned to work on this Deliverable: Consultant to take the lead on the narrative. Cities staff, Washington County Land Uses and Transportation Director and other assigned staff will incorporate this section into the Cooperative Funding Strategy, to be completed prior to the first annexation in the Basalt Creek area.

- **Status:** *In Progress. The timeframe for these projects is being addressed in part at this time through the S. Industrial Area Study.*
- **Next Steps:** *Identify timing for regional investment.*

8. **North-South Collector (Kinsman Road).** An extension of Kinsman Road, designated as a proposed collector north of Day Road and between Grahams Ferry Road and Basalt Creek Canyon should be evaluated for efficient use of developable land and limited transportation funds. The Cities will review whether eliminating that roadway and associated costs may provide better transportation results by investing in other TRP improvements. (WILSONVILLE AND TUALATIN STAFF AGREE ON THIS LANGUAGE.)

Deliverable needed to implement this Consideration: Analysis from transportation consultant to measure the transportation network performance when assuming the removal of the Kinsman Road collector. Summary of results of transportation consultant analysis and summary of overall issue in the Concept Plan.

Team Assigned to work on this Deliverable: Consultant team with review of transportation consultant analysis report by the Basalt Creek PMT.

- **Status:** *PMT discussed and agreed 8/18/16 to a local road instead of a collector on each side of the jurisdictional boundary. PMT functioned as the working group.*
- **Next Steps:** *This item is done.*

9. **Basalt Creek Canyon.** The Cities recognize the Basalt Creek Canyon natural resource value and will work together to reach agreement on joint management practices for the canyon. The Cities also recognize the benefits of locating north to south trails near the Basalt Creek Canyon and bicycle connections that would connect the cities and other trail systems and be an asset for both residents and employees in the area. (WILSONVILLE AND TUALATIN STAFF AGREE ON THIS LANGUAGE)

Deliverable needed to implement this Consideration: City Councils had originally talked about an IGA. Wilsonville and Tualatin staff are proposing that it would be better to develop and list Joint Management Practices for protection of the Canyon in the Concept Plan. Then the Concept Plan should also acknowledge all existing

regulations that would implement these Joint Management Practices into the future. The Concept Plan should also acknowledge that one of the values of this canyon is to allow for public access to the area in appropriate locations in order to serve the bicycle, pedestrian and recreational needs of the area.

Team Assigned to work on this Deliverable: Consultant, Miranda, Kerry Rappold, Aquilla, Karen Fox, Jeff and Andy Braun

- **Status:** *In Progress. To be addressed along with consideration #2 Stormwater.*
- **Next Steps:** *Continue in #2 Stormwater working group*

10. Public Transportation. Robust transit services are critical to the high-quality employment envisioned in Basalt Creek. The Cities support SMART service in the City of Wilsonville, including all land to be annexed into Wilsonville. The Cities agree to coordinate efforts on how the two transit providers (SMART and TriMet) can best provide service throughout the area. (WILSONVILLE AND TUALATIN STAFF AGREE ON THIS LANGUAGE)

Deliverable needed to implement this Consideration: Nancy and Stephan Lashbrook will think about the deliverable needed for this section and get back to Alice and team.

Team Assigned to work on this Deliverable: TBD

- **Status:** *In Progress. PMT discussed and agreed on 8/25/16 that it would be best if the transit providers (Trimet and Smart) work together on how they can best provide service throughout the area. Nancy and Alice discussed and determined updated next steps.*
- **Next Steps:** *Wilsonville (Mayor and Nancy) will submit Letter of Interest with intent of obtaining an IGA between Smart, Trimet, Tualatin and Wilsonville. Alice will schedule preliminary discussion with the Mayors, Nancy and Alice to discuss this conceptual idea. After this, a formal meeting with all of these parties and Trimet representatives, including Neil McFarlane, will be scheduled.*



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: October 17, 2016		Subject: French Prairie Bridge Project Advisory Task Force Council Liaison Appointment Staff Member: Zachary Weigel, P.E., Civil Engineer Department: Community Development	
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 checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input checked="" 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: N/A			
Recommended Language for Motion: N/A			
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>			
<input checked="" type="checkbox"/> Council Goals/Priorities Multi-Modal Transportation Network; Community Amenities and Recreation		<input checked="" type="checkbox"/> Adopted Master Plan(s) Transportation System Plan (Project RT-06)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Appoint a member of City Council to act as ex-officio Chair of the French Prairie Bridge Project Advisory Task Force and as City Council Liaison.

EXECUTIVE SUMMARY:

In August 2016, kickoff began for the planning and preliminary design phase of the French Prairie Bridge Project -- a pedestrian, bike, and emergency-access bridge crossing the Willamette

River. This phase of the project work determines the most suitable bridge location, alignment, and design while identifying project risks and impacts and help refine bridge cost estimates to help guide future decision making and funding strategies.

Included as part of this project is a robust public involvement program that provides focused opportunities for public deliberation and input to help guide the project decision-making process. The plan includes formation of a Project Management Team, Technical Advisory Committee, and an Advisory Task Force to help facilitate the public involvement and inform decision makers. A diagram showing the relationship of review, input, and decision making between each of these groups is included in Attachment 1.

- **The Project Management Team** – provides professional oversight of the project scope, schedule and budget and is primarily composed of the City, ODOT, Clackamas County and consultant staff.
- **The Technical Advisory Committee** - provides advice to the Task Force and the Project Management Team on regulatory and technical issues relevant to bridge siting, design, permitting, authorization and funding. Members may include ODOT, Metro, Federal Highway Administration (FHWA), Clackamas County, and City staff.
- **The Advisory Task Force** – reviews information provided by the Project Management Team and Technical Advisory Committee and makes recommendations to the City Council -- the decision-making body -- at key milestones in the process. The Task Force's membership composition is to provide a balanced representation of a wide range of local and regional stakeholder values and interests and may include members from affected neighborhoods and businesses, walking and cycling advocates, regional parks and trails interests, tourism associations, river users, emergency service personnel and others.

In accordance with standard City operating procedure, an advisory task force is appointed by the City Manager and is typically chaired in an ex-officio fashion by a member of the City Council who also acts as Council Liaison for the task force. As a result, a City Council member needs to be appointed to chair the French Prairie Bridge Advisory Task Force. The Task Force is scheduled to meet at four key milestones over the next two years to make recommendations to the City Council regarding bridge evaluation criteria, bridge alignment, bridge type refinement, and a final preferred bridge type.

EXPECTED RESULTS:

The project is to be guided by a detailed public involvement plan, which is appended. The purpose of the public involvement plan is to help:

- provide a transparent decision making process
- provide meaningful opportunities for the public to participate in the evaluation and selection of a preferred bridge alignment and type
- proactively inform and engage a wide range of local, regional, and state level stakeholders

- encourage participation of potentially affected people of color, people of low income, seniors, and people with disabilities.
- raise public awareness of the project and foster understanding of opportunities, constraints, and decisions.

This approach will allow for decision making that thoughtfully considers stakeholder priorities, interests, and concerns.

TIMELINE:

The planning and project development phase of the French Prairie Bridge project is anticipated to last approximately two years, with completion scheduled for Summer 2018.

CURRENT YEAR BUDGET IMPACTS:

CIP Project #9137 is a grant funded project with City match paid by Parks System Development Charges.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: S. Cole Date: 10/5/2016
The project is in the City's FY 2016-17 budget.

LEGAL REVIEW / COMMENT:

Reviewed by: B. Jacobson Date: 10/5/2016

COMMUNITY INVOLVEMENT PROCESS:

In addition to the Technical Advisory Committee and Advisory Task Force, the project includes a website that serves as the primary public information portal for the French Prairie Bridge project. Three public meetings will be held at key milestones and include companion two-week online events hosted on the project website.

The City will maintain a stakeholder's contact list and comment log throughout the duration of the project, providing interested parties with project materials. Also, the project team will conduct stakeholder interviews and briefings to help identified key stakeholder goals and concerns and engage a wide range of regional interest groups in the project.

Additional community-involvement work includes use of the City's Website, Twitter and Facebook accounts web-posts, Boones Ferry Messenger articles, media outreach and site tours.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups):

The French Prairie Bridge Project public involvement plan will provides for broad-based community involvement in the recommendation process for siting and design of the pedestrian, bike, and emergency access bridge.

ALTERNATIVES: N/A

CITY MANAGER COMMENT:

The French Prairie Bridge Project is in alignment with City Council goals and priorities and City master plans.

ATTACHMENTS:

- A. French Prairie Bridge Project Public Involvement Plan - 9/28/2016
- B. French Prairie Bridge Decision Making Structure

FRENCH PRAIRIE BRIDGE PROJECT PUBLIC INVOLVEMENT PLAN



Prepared for:
City of Wilsonville

Prepared by:



MASON, BRUCE & GIRARD, INC.
Natural Resource Consultants Since 1921

Mason, Bruce & Girard, Inc.
707 SW Washington Street, Suite 1300
Portland, Oregon 97205
(503) 224-3445

and



Quinn Thomas
5 Centerpointe Drive, Suite 570
Lake Oswego, Oregon 97035
(503) 709-3172

September 28, 2016

OVERVIEW

The City of Wilsonville, in partnership with the Oregon Department of Transportation, is undertaking a project to plan and develop preliminary designs for the French Prairie Bridge, a proposed bicycle/ pedestrian/emergency vehicle crossing of the Willamette River west of the Interstate 5 Boone Bridge. The project will address key questions about the bridge location, alignment, and design and thereby help position the community and the region to decide whether to pursue final bridge design and construction.

This Public Involvement Plan summarizes the approach and specific tools that we recommend to involve stakeholders and the public at-large in addressing bridge planning and design questions. It also outlines a proposed schedule of public outreach activities for the anticipated two-year duration of the project.

GOALS

The following goals will guide the project team:

- Conduct a transparent decision making process with meaningful opportunities for the public to participate in the evaluation and selection of a preferred bridge alignment and type.
- Proactively inform and engage a wide range of local, regional, and state-level stakeholders.
- Provide tailored outreach to encourage participation of potentially affected people of color, people with low income, seniors, and people with disabilities.
- Raise public awareness of project and foster understanding of opportunities, constraints, and decisions.

STAKEHOLDERS

There is a wide range of stakeholders for the project due to the potential regional significance of the French Prairie Bridge. Table 1 lists general stakeholder categories and examples of whom the categories include. City staff will develop and maintain a comprehensive stakeholder contact list to facilitate outreach throughout the project.

Table 1. Example Stakeholders

Stakeholder Category	Examples
Directly Impacted	Old Town/Boones Ferry Historic District Neighborhood, River Vista Lane/Butteville Road Neighborhood, Boones Ferry Marina Operator, Clackamas County
Residents and Community Groups	Wilsonville Residents, Wilsonville Planning Commission, Charbonneau HOA, Wilsonville Boones Ferry Historical Society
Business Community	Wilsonville Chamber of Commerce, Neighboring Businesses, Mentor Graphics, Microsoft, Marriot

Stakeholder Category	Examples
Elected Officials	Wilsonville City Councilors, Clackamas County Board of Commissioners, Metro Commissioners, State Senators for Districts 9, 13, and 20, State Representatives for Districts 19, 26, and 39, Federal Delegation
Walking and Cycling Advocates	Bicycle Transportation Alliance, Wilsonville Wheelers, Wilsonville Volkswalkers, Cycle Oregon, ODOT Bicycle and Pedestrian Program
Parks and Trails Interests	Wilsonville Parks and Recreation Advisory Council, Oregon Parks and Recreation, Champoeg State Park, Metro Parks, Clackamas County Parks and Trails, Oregon State Parks Foundation
Emergency Service Providers	Tualatin Valley Fire and Rescue, Clackamas County Sheriff, Wilsonville Police, Clackamas County 9-1-1 (C-COM), ODOT Emergency Operations, Oregon State Police
Tourism Interests	Wilsonville Tourism Task Force, Clackamas Tourism and Cultural Affairs, Travel Oregon, Oregon Travel Information Council, Willamette Valley Visitor's Association, Travel Salem
Communities and Groups South of Willamette River	Marion County, French Prairie Forum, City of Donald, Friends of French Prairie, City of Woodburn
River Interests	Marina users, Willamette RiverKeeper, Oregon Marine Board, US Coast Guard, Oregon Department of Fish and Wildlife, NW Steelheaders
Roads and Transit	ODOT, TriMet (WES and SMART), Portland & Western RR, Clackamas County Transportation and Development Department
Utilities	Bonneville Power Administration, NW Natural, Portland General Electric, Kinder Morgan, City of Wilsonville Water & Wastewater

DECISION MAKING PROCESS AND STRUCTURE

The process of planning and developing preliminary designs for the bridge will be organized around five milestones:

1. Finalize Evaluation Criteria
2. Select Bridge Landing Points
3. Select Top Two Preferred Bridge Types
4. Select Preferred Bridge Type
5. Complete Preliminary (30%) Design Plans

Focused opportunities for public deliberation and input will occur before decisions are made at each milestone. This approach will allow for decision making that thoughtfully considers stakeholder priorities, interests, and concerns. Figure 1 displays the schedule of project milestones in relation to the meetings and online events that form the cornerstones of the public involvement process. Figure 2 illustrates the project roadmap. The roadmap provides additional detail on the sequence of meetings and key technical deliverables that will inform discussions, recommendations, and decisions.

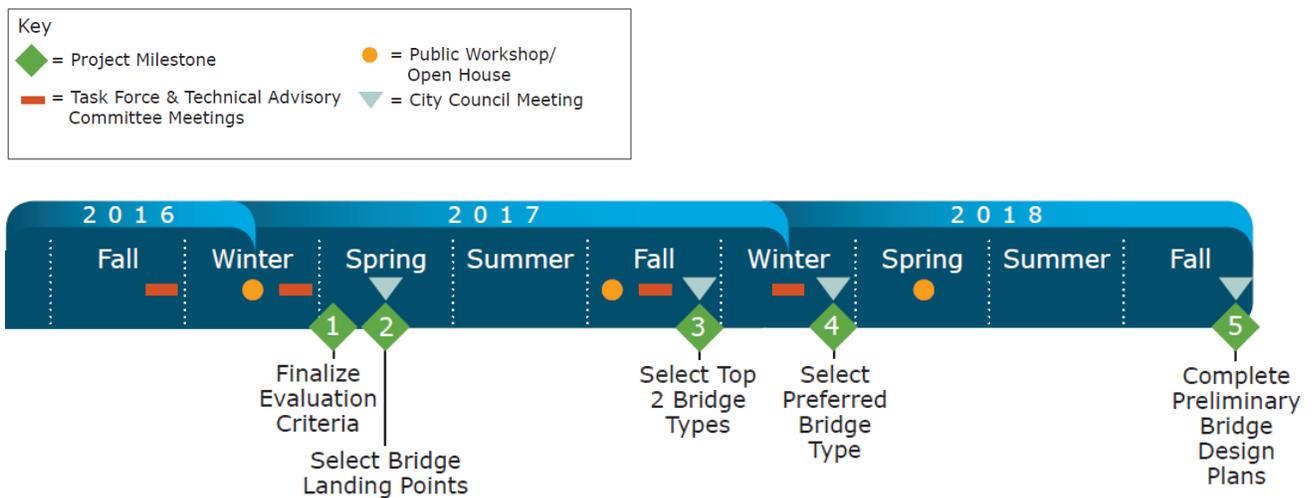


Figure 1. Decision Making Milestones

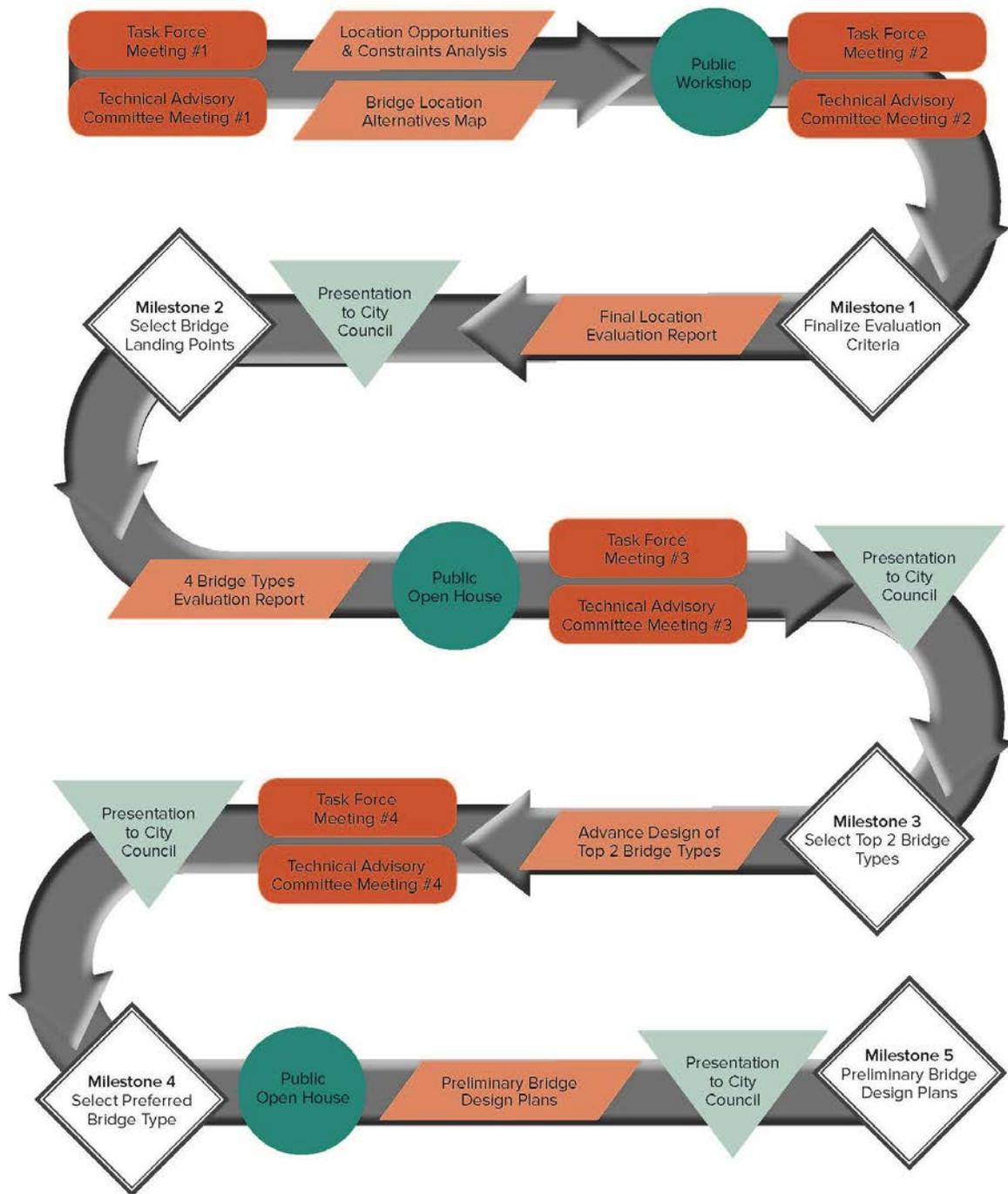


Figure 2. Roadmap

The proposed decision making structure for the project is illustrated below (Figure 3), along with descriptions of the groups that will be integrally involved in making project recommendations and decisions. Clarity regarding the roles of these groups will help interested members of the public identify who will consider their input and who will make decisions.

- *City Council:* The Wilsonville City Council will make decisions about the bridge landing points (alignment) and the bridge type to be advanced to the 30% design stage.
- *Task Force:* The Task Force will provide recommendations to the decision-makers (City Council) at key milestones in the planning and design process. The group's membership will provide a balanced representation of a wide range of local and regional stakeholder values and interests. Members will represent affected neighborhoods and businesses, walking and cycling advocates, regional parks and trails interests, tourism associations, river users, and emergency service personnel.

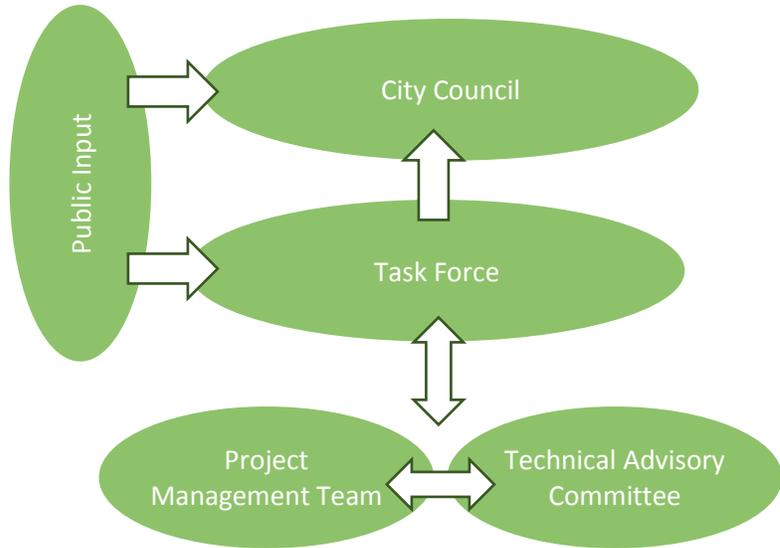


Figure 3. Decision Making Structure

- *Technical Advisory Committee (TAC):* The TAC will provide advice to the Task Force and the Project Management Team on regulatory and technical issues relevant to bridge siting, design, authorization, and funding. Members represent public agencies and organizations who have technical expertise and/or would have implementation authority. Members may include ODOT, Metro, FHWA, Clackamas County, and City of Wilsonville staff.
- *Project Management Team:* The Project Management Team will provide oversight of the project scope, schedule, and budget. The team is composed of City, ODOT, Clackamas County, and Consultant staff.

KEY MESSAGES

The French Prairie Bridge has been discussed in the Wilsonville community for more than a decade, and the concept is part of the City's adopted 2013 and 2016 Transportation System Plan, which includes work completed in the 2006 Bicycle and Pedestrian and 2007 Parks and Recreation Master Plans. Initial concept planning efforts have yielded widely published bridge renderings, planning-level cost estimates, and the identification of the general area in which the bridge would be located. Given this context, there may be confusion on the part of the public and the media about what decisions the City has already made and what decisions the public can still expect to influence.

The Project aims to address the following questions:

- *What community values and priorities will guide decisions about the bridge design?*
- *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?*

Clear communications about the purpose of the planning and preliminary design project will help establish appropriate community expectations and foster productive public involvement. A set of plain language questions is proposed to frame the project purpose. Communications on the history of the French Prairie Bridge concept will also be used to put the current project in context as a valuable and necessary next step in the bridge's development.

Further, we recommend that the term "feasibility study" be used to distinguish the City's 2015 study from the current planning and preliminary design project. The City concluded as a result of the 2015 feasibility study that locating the bridge on the east side of I-5 was not worth pursuing; an area on the west side of the I-5 Boone Bridge was identified as the City's preferred location for the French Prairie Bridge.

Given both the range of project stakeholders and the range of technical, social, and environmental considerations in project development, communications about the bridge should be responsive to stakeholders' unique interests in the project. A Messaging Platform that identifies specific messages by audience will be developed as an appendix to this Public Involvement Plan. The Messaging Platform will be reviewed and revised as needed during the course of the project.

PUBLIC INVOLVEMENT TOOLS

The public involvement approach aims to provide engagement opportunities that appeal to and reach a broad range of interested stakeholders. As such, a variety of tools will be used throughout the project. Brief descriptions of the proposed outreach and involvement tools follow. Responsibilities of the respective project team members—City staff, Mason, Bruce & Girard (MB&G), Quinn Thomas, and OBEC Consulting Engineers (OBEC)—are also identified. All materials prepared by the consultant team will be submitted to City Project Manager Zach Weigel for approval prior to public distribution.

Best practices will be followed to encourage involvement of seniors and people with disabilities. This includes publicizing the project through organizations and networks that serve these communities; providing accessible information materials and meeting formats; and seeking to address traditional barriers to involvement, such as transportation to meetings, through resources such as Ride Connection.

Website

The website will serve as the primary public information portal for the French Prairie Bridge Project. It will act as a repository of project materials and act as a key access point for interested stakeholders wanting to learn about or engage with the project. The website will be updated on average once a month and as needed to communicate about decision making milestones. Quinn Thomas will manage the project website.

The website will also be used to offer online versions of public workshops and open houses for a two week period following the meetings. The online workshops and open houses will be introduced by a video and will feature the same displays presented at the meetings. Visitors will also be able to submit comments and questions through the online events.

Stakeholder Contact List

The City will develop and maintain a stakeholder contact list throughout the course of the project. The City will send interested stakeholders email and/or mail notifications of upcoming events, project decision points, and project materials. The project team shall review stakeholder contact list periodically to evaluate outreach effectiveness and needed adjustments.

Social Media

The City of Wilsonville has both a Facebook and Twitter account. We recommend that the City leverage these social media tools to advertise the project's public workshops and open houses, as well as to direct traffic to the project website when updates are made regarding decision making milestones.

Boones Ferry Messenger

The City's Boones Ferry Messenger (BFM) newspaper is reportedly read by 80% of the Wilsonville community and offers an excellent way to reach potentially impacted or interested residents. We recommended that the City use this publication to provide regular updates on the project development and to highlight opportunities for public involvement.

Stakeholder Interviews

Up to 18 stakeholders will be interviewed at the outset of the project. The interviews will be conducted to help the project team identify stakeholder goals and concerns, engage stakeholders in the planning and preliminary design process, and obtain input on public involvement process and additional stakeholders. MB&G and Quinn Thomas will summarize the results of the stakeholder interviews in a memorandum to the Project Management Team.

Task Force

An advisory task force will be convened to provide a forum for stakeholders to build consensus on the key project questions. The task force will meet at least four times and will provide recommendations to the City Council prior to the decision making milestones. City staff will appoint members so that the task force represents a balanced range of stakeholder interests and values. We recommend that the City place a notice in the BFM and on the City website at the outset of the project, notifying interested community members of the opportunity to apply to serve on the task force.

The focus of each of the anticipated task force meetings is outlined in Table 2. The table also includes a potential fifth meeting that would allow the task force to have a more substantial role in determining the evaluation criteria and its relative weighting. The task force will also be asked to actively participate in the first public workshop. OBEC and MB&G will lead and facilitate the task force meetings.

Table 2. Task Force Meetings

Meeting	Focus
#1	<ul style="list-style-type: none"> • Introduce Project, Approach and Timeline • Group Charter • Discuss Goals and Objectives (basis of Evaluation Criteria)
#2	<ul style="list-style-type: none"> • Review Public Workshop Comments and TAC Input • Finalize Evaluation Criteria • <i>Screen Alignment Alternatives based on Evaluation Criteria</i> • <i>Recommend Alignment</i>
<i>Contingency</i>	<ul style="list-style-type: none"> • <i>Screen Alignment Alternatives based on Evaluation Criteria</i> • <i>Recommend Alignment</i>
#3	<ul style="list-style-type: none"> • Review Public Open House Comments and TAC Input • Screen 4 Bridge Types Using Evaluation Criteria • Recommend Preferred 2 Bridge Types for Further Design
#4	<ul style="list-style-type: none"> • Review Refined Designs and Analysis for 2 Bridge Types, and TAC input • Recommend Preferred Bridge Type

Public Meetings

Public meetings will be held prior to the decision making milestones to share the results of technical analysis and obtain public input. Table 3 outlines the anticipated focus of three planned public meetings. MB&G will prepare memorandums at least two weeks prior to each event outlining the proposed format, objectives, materials, and staffing for each meeting. MB&G will also prepare postcards to advertise the meetings; the City will coordinate printing and mailing. The Planning Commission in their capacity as the Committee for Citizen Involvement could host the public meetings. The three public meetings will

scheduled in conjunction with City Board meetings so that the project team can give a 10 to 15 minute presentation updating a City Board on the project status.

As noted above, each public meeting will have a companion two-week online event hosted on the project website. The online event will allow visitors to view the same information presented at the in person event, and to submit comments and questions to the project team. MB&G will prepare summaries of the input received through each set of public meetings and online events for review by the task force, TAC, and Project Management Team.

Table 3. Public Meetings/Online Events

Meeting	Focus
#1: Public Workshop (Task Force in attendance)	<ul style="list-style-type: none"> • Introduce Project, Approach and Timeline • Solicit Input on Issues, Concerns, Goals and Objectives • Present Alignment Constraints and Opportunities • Solicit Input on Alignments
#2: Public Open House	<ul style="list-style-type: none"> • Present 4 Bridge Types and Analysis • Solicit Input on Options
#3: Public Open House	<ul style="list-style-type: none"> • Review Selection of Preferred Bridge Type (Refined Designs and Analysis) • Solicit Input on Terminus Elements to be Developed in 30% Designs

Stakeholder Briefings

To engage the wide range of regional stakeholders, the project team will conduct briefings with interested groups to inform them of the project purpose, public involvement opportunities, and progress to date. Organizations that we suggest the project team seek to meet with include, but are not limited to, the Aurora - Butteville - Barlow CPO, C-COM Regional Emergency Responder Meeting, French Prairie Forum, Clackamas County Board of Commissioners, and Metro’s Joint Policy Advisory Committee on Transportation. The project team will also make presentations to community groups at their request.

Fact Sheets

Fact sheets will tell the story of the project and will be used to engage local and regional stakeholders. Fact sheets will be developed in conjunction with project milestones to provide information and context that will support meaningful public participation. Table 4 outlines the focus of each fact sheet. MB&G will prepare the fact sheets and the City will coordinate printing and distribution to the stakeholder list. Fact sheets will also be used at stakeholder briefings, public meetings, and on the project website. We recommend that the City also distribute fact sheets at community events (e.g., Fun in the Park) and gathering places.

Table 4. Fact Sheets

Fact Sheet	Focus
#1	Project Introduction—Purpose, Process, & Schedule
#2	Evaluation of Bridge Alignment Alternatives
#3	Comparison of Four Bridge Types

#4	Selection of the Preferred Bridge Type and Next Steps
----	---

Public Contact and Comment Tracking

City Project Manager Zach Weigel will be identified in project outreach materials as the public’s point of contact. The City will maintain a comment tracking spreadsheet to document questions and comments that are received and the responses that are provided. We recommend that the comment tracking spreadsheet be reviewed by the Project Management Team on a regular basis to ensure that public input is factored into ongoing communications and technical work.

Media Outreach

To support and amplify the public involvement efforts, it is recommended that the City leverage earned media to raise awareness and interest in this project. This includes distributing press releases at key project milestones to relevant local papers, including the Wilsonville Spokesman, Clackamas Review, Canby Herald and Woodburn Independent, and The Oregonian.

Additionally, because regional bike interests are key stakeholders in this process, we suggest that the City reach out to Bike Portland blogger Jonathan Maus at the outset of the project for a site visit and tour with project leadership. This site visit would provide the City with an opportunity to fully brief this influential blogger and raise awareness of the project among regional cyclists and bike advocates. Additionally, the team recommends including Bike Portland on the media contact list to receive press releases at key milestones and opportunities for public comment, including open houses.

The City’s Public/Government Affairs Director and Community Relations Coordinator will coordinate the media outreach and serve as the designated points of contact for media inquiries about the project.

Site Tours

Site tours are an excellent tool to demonstrate the project need. It could benefit project awareness for the City to look for opportunities to add the French Prairie Bridge Project to existing bike tours planned for groups, such as the Westside Economic Alliance’s annual Economic Development Bike Tour, the Annual Policymaker Ride, or similar. Alternately, the City could utilize a bike tour format to engage relevant elected officials in a discussion about the site. This could create a media interest point to drive strategic coverage to the regional conversation about this project.

Schedule

The proposed schedule for outreach materials and public involvement activities is based on the decision making milestones. Table 5 lists the public outreach tasks associated with each phase of the project, along with the proposed timeframe and a designation of the group(s) within the project team primarily responsible for each task. Ongoing activities, such as website updates and social media posts, are not detailed in Table 5. Briefings to existing groups and organizations are also not detailed as they will be scheduled in consultation with these groups. The schedule will be revisited and updated as needed as the project advances.

Table 5. Public Involvement Schedule

Task	Schedule	Responsibility
<i>Startup</i>		
Post Task Force Applications Notice in BFM October Edition and on City website	September 10-16, 2016	City
Stakeholder Interviews	September 12- October 7, 2016	MB&G/Quinn Thomas
Website Summary	September 12, 2016	Quinn Thomas
Messaging Platform	September 19, 2016	Quinn Thomas
Beta Website	October 17, 2016	Quinn Thomas
Finalize Task Force Membership	October 18, 2016	City
Fact Sheet #1	October 24, 2016	MB&G
Website Goes Live	October 31, 2016	Quinn Thomas
<i>Establish Evaluation Criteria and Select Bridge Location</i>		
Task Force Meeting #1	November 2016	MB&G/OBEC
BFM Article for January edition	December 10, 2016	City
Public Workshop Invitation Postcard	January 2017	MB&G
Press Release	January 2017	City
Public Workshop-Online and In Person	January 2017	MB&G
Task Force Meeting #2	February 2017	MB&G/OBEC
Fact Sheet #2	March 2017	MB&G
Presentation to City Council	April 2017	City/OBEC
BFM Article for June edition	May 10, 2017	City
<i>Select Top Two Bridge Types</i>		
BFM Article for September edition	August 10, 2017	City
Fact Sheet #3	August 2017	MB&G
Public Workshop Invitation Postcard	September 2017	MB&G
Press Release	September 2017	MB&G
Public Open House- Online and In Person	September 2017	MB&G
Task Force Meeting #3	October 2017	MB&G/OBEC
Presentation to City Council	November 2017	City/OBEC
BFM Article for December edition	November 10, 2017	City

<i>Select Preferred Bridge Type</i>		
Task Force Meeting #4	January 2018	MB&G/OBEC
Presentation to City Council	February 2018	City/OBEC
Fact Sheet #4	March 2018	MB&G
BFM Article for May edition	April 10, 2018	City
<i>Development of Preliminary Bridge Designs (schedule pending consultant contract amendment)</i>		
Public Open House Invitation Postcard	Spring 2018	MB&G
Press Release	Spring 2018	City
Public Workshop	Spring 2018	MB&G
Presentation to City Council	Summer 2018	City/OBEC
Press Release	TBD	City
BFM Article	TBD	City

ATTACHMENT B
FRENCH PRAIRIE BRIDGE
DECISION MAKING STRUCTURE

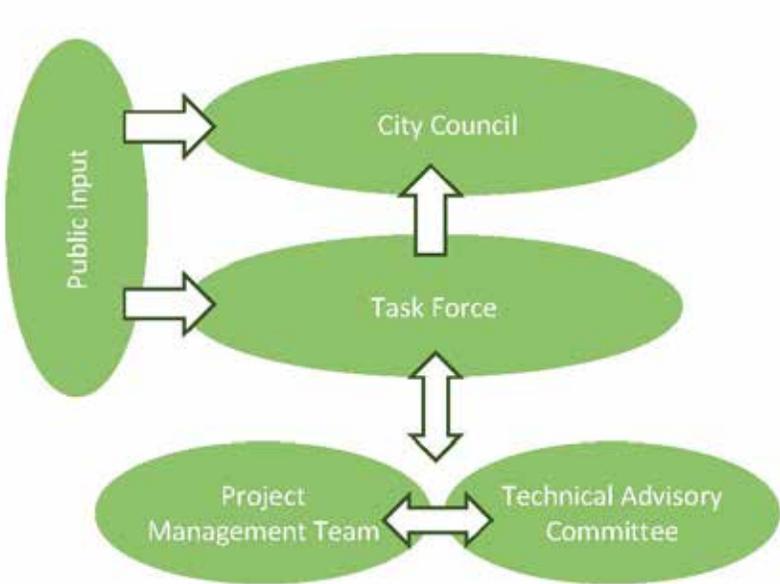


Figure 3. Decision Making Structure



**CITY COUNCIL WORK SESSION
STAFF REPORT**

Meeting Date: October 17, 2016		Subject: UPDATE AND DIRECTION - I-5 Exit 283 Congestion Improvements – Projects to Pursue Staff Member: Eric Mende, PE, Capital Projects Engineering Manager Department: Community Development	
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 checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input checked="" 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:			
Recommended Language for Motion:			
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>			
<input type="checkbox"/> Council Goals/Priorities		<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Staff will update Council on recent communications with ODOT and is seeking direction for prioritizing projects to initiate design for implementation.

EXECUTIVE SUMMARY:

At the July 18, 2016 work session, staff presented six alternatives for possible improvements to the I-5/Wilsonville Road interchange area to reduce congestion. For the follow-up September 08, 2016 Work Session, the staff report for the topic included Attachment A, which provided

conceptual diagrams, feedback from ODOT and approximate costs for alternatives that appeared to have merit, and added a new alternative (Project 4) for re-striping Boones Ferry Road north.

A summary of each alternative's status, ODOT's input, and Staff's recommendations are as follows:

1. Change the northbound center-through lane on Boones Ferry Road to a through/right lane at the Wilsonville Road intersection. **Staff recommended this alternative be eliminated on July 18th.**
2. Modify Boones Ferry Road to be two northbound lanes starting at the signalized (southernmost) driveway to the Fred Meyer development (9/8/16 Attachment A – Project 2). This alternative can be implemented by Wilsonville without ODOT involvement; layout refined; cost estimate lowered. (\$100K-\$150K). **Staff recommendation: Initiate design effort for implementation.**
3. Provide signage to clarify use of outside eastbound through lane on Wilsonville Road as a through-right at the southbound on-ramp. Alternative was presented to ODOT staff and they do not support, but instead recommend a “No Right Turn” sign be placed for the lane. **Staff Recommendation: Revisit after other projects implemented.**
4. Create fourth Wilsonville Road eastbound lane between SW Boones Ferry Road and I-5 southbound on-ramp by modifying the median. Alternative was presented to ODOT staff and they reported that a design exception for reduced lane width will be needed. It is unclear whether this will be approvable. **Staff Recommendation: Contract for required traffic modeling and design exception submittal before starting more detailed design work.**
5. Add a third storage lane for the I-5 southbound ramp meter. Alternative was presented to ODOT and they reported that a design exception for reduced shoulder width will be needed, but is likely to be granted. **Staff Recommendation: Contract for required preliminary on-ramp layout and design exception submittal before starting more detailed design work.**
6. (NEW in 9/8/16 Attachment A – Project 4) Re-stripe southbound Boones Ferry Road, north of Wilsonville Road, to create longer left turn pockets. This alternative can be implemented by Wilsonville without ODOT involvement. Cost is nominal (less than \$10K). **Staff Recommendation: Implement now.**

EXPECTED RESULTS:

All of these projects, either singly or in combination, has the potential of helping reduce congestion, however, none of these projects, singly or in combination, will solve the Exit 283 congestion issues.

TIMELINE:

Alternative 6 can be implemented almost immediately. Design work for Alternative 2 can begin in less than a month with construction within 6 to 9 months. Design Exception submittals for Alternatives 4 and 5 can be prepared within 3 months. The Design Exception review timeframe is unknown.

CURRENT YEAR BUDGET IMPACTS:

None of the above projects are currently identified or budgeted in the Capital Improvement Program. However, project #4198, Wilsonville Truck Turning Lane Improvements, will not be proceeding this year, freeing up resources to apply to one or more of the above alternatives.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 10/5/16

LEGAL REVIEW / COMMENT:

Reviewed by: BJacobson Date: 10/6/16

COMMUNITY INVOLVEMENT PROCESS:

n/a

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups): Projects that potentially reduce congestion in the vicinity of Exit 283 and Boones Ferry Road are estimated to be of benefit to the overall community.

ALTERNATIVES:

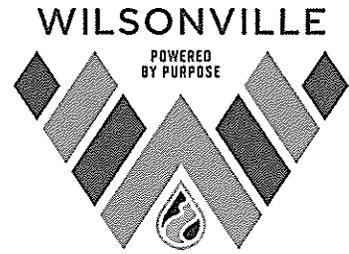
As described.

CITY MANAGER COMMENT:

ATTACHMENTS:

None: The primary reference document for this staff report is the September 08, 2016 Staff Report and Attachment A, which have not been copied for this staff report.

TOURISM PROMOTION COMMITTEE APPLICATION FOR APPOINTMENT



Name: TOVAR KARLA SELENE Date: 09.01.2016
Last First Middle

Business Name: World of Speed Motorsport Museum

Business Address: 27490 SW 95th Ave

City/ State/Zip: Wilsonville, OR 97070

Telephone No.: 503.563.6449
Home Work Cell/Mobile

E-Mail Address: Karla@worldofspeed.org

Present Occupation: Marketing Communications & Tourism Specialist

Home Address: 3229 SW ~~B~~ Luradel St

City/State/Zip: Portland, OR 97219

Is this address within the City? No

Wilsonville Resident: No Yes - since year: _____

Are you a registered Voter in the State of Oregon? yes

1. Employment, professional, and volunteer background:

I've been in marketing for the last 15 years & currently working w/ World of Speed as their Marketing & Tourism Specialist
My volunteer background includes Bevisible (Portland Ambassador)
~~my~~ various marketing program assisting & most currently

PTA boardmember.

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2016

Items known as of 10/10/16

OCTOBER

DATE	DAY	TIME	EVENT	LOCATION
10/17	Monday	7 p.m.	City Council Meeting	Council Chambers
10/24	Monday	6:30 p.m.	DRB Panel B	Council Chambers
10/26	Wednesday	6:30 p.m.	Library Board	Library

NOVEMBER

DATE	DAY	TIME	EVENT	LOCATION
11/7	Monday	7 p.m.	City Council Meeting	Council Chambers
11/9	Wednesday	6 p.m.	Planning Commission	Council Chambers
11/9/	Wednesday	6 p.m.	Wilsonville Community Seniors Inc Advisory Board.	Community Center
11/11	Friday	Veterans Day, City offices and Library Closed		
11/14	Monday	6:30 p.m.	DRB Panel A	Council Chambers
11/21	Monday	7 p.m.	City Council Meeting	Council Chambers
11/24 11/25	Thursday & Friday	Thanksgiving Holiday City Offices Closed		
11/28	Monday	6:30 p.m.	DRB Panel B	Council Chambers

COMMUNITY EVENTS

Library Foundation Benefit

Saturday, October 22, 7-9:30 p.m. Wilsonville Public Library

Fall Harvest Fest – Stein-Boozier Barn, Murase Plaza

Saturday, Oct. 29, 9:30 -11:30 a.m.

November 8 – Election Day

Ballots due by 8 p.m. The Library is an official drop off site.

Fall Leaf Drop Off Day

Saturday November 19th, 9:00 a.m. – 2:00 p.m. City Hall Parking Lot

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, September 19, 2016. Mayor Knapp called the meeting to order at 7:10 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

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

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Barbara Jacobson, City Attorney
Sandra King, City Recorder
Miranda Bateschell, Long Range Planner
Holly Miller, IT Manager
Nancy Kraushaar, Community Development Director
Steve Adams, City Engineer
Angela Handran, Community Outreach Specialist
Jon Gail, Community Relations Coordinator

Motion to approve the order of the agenda.

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

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

Mayor Knapp reported on the meetings he attended on behalf of the City.

COMMUNICATIONS

A. City Health Fair Update – 2016 Leadership Academy Graduates

Carrie Finnegan a graduate of the 2016 Leadership Academy presented a report on the success of the City Health Fair held this past August. Ms. Finnegan estimated 350 plus community members attended the event and \$275 was raised for Wilsonville Community Sharing.

B. Leadership Academy Update

Angela Handran and Jon Gail provided a recap of the 2016 Leadership Academy activities.

Mr. Gail explained the goal for the Academy is to prepare citizens for leadership positions, educate them on local government and improve engagement between city staff and the public.

Ms. Handan identified the accomplishments and volunteer activities undertaken by the graduates of the 2015 and 2016 academy sessions.

They introduced the changes made for the 2017 Citizens Academy and shared information on how to apply for the 2017 Citizens Academy.

C. NCS Survey Results

Angela Handran introduced Ashley Perez de Tejada from The National Citizen Survey National Research Center who presented the results of the third city-wide survey via a Go To Meeting/Skype connection.

Using a PowerPoint presentation Ms. Perez de Tejada explained 1500 households received mail in surveys, and 151 responded to the online survey. Overall most residents rated the quality of life in Wilsonville as excellent or good. Respondents identified these items as priority issues: traffic, roads and transportation (38%); planning, growth, and expansion (24%); and housing and affordability (18%).

The entire report is included in the record.

Mayor Knapp asked if staff will make specific recommendations to Council, and what the next steps were for Council to take.

Mr. Cosgrove indicated he liked the benchmarking aspects of the survey which would indicate over time fluctuations in services provided. The survey will be included in Council goal setting, and staff will work on finding ways to be proactive during the course of the year to educate the public about the traffic situation in Wilsonville, as well as communicate with residents on what staff is trying to do locally to combat those issues. The data is used in multiple ways both for staff and for Council in terms of policy and goal setting.

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.

Jan Johnson, 6591 Landover Drive thanked Council for taking seriously the neighborhood's concerns about semi-trucks and the large trucks on Wilsonville Road and for trying to do something for the residents in the neighborhood

Mayor Knapp explained Ms. Johnson was referring to the number of large trucks on Wilsonville Road, and Council has asked staff to implement a 90-day program of signage to prohibit semi-trucks from traveling that part of Wilsonville Road; the program will be implemented after an ordinance is written and adopted.

Jeoffrey DeWaele, 28620 SW Terrene Lane, raised the issue of problem parking at Brenchley Estates which has occurred for the past 2 ½ years. The adjacent apartment complex uses the neighborhood for overflow parking and the residents are concerned about safety, speeding, random cars parked in front of homes and strangers in the neighborhood. Some cars are parked overnight and have been towed after 72 hours. The neighborhood is also concerned about resale value of their homes particularly with the adjoining apartment complex cars parking on the street. Mr. DeWaele asked the City to look at the situation and suggested privatizing the street, or implementing a parking permit program.

Jarrold Prater, 28599 Greenway Drive indicated he worked for a city that has permit parking in their neighborhoods. He explained permits are issued to specific vehicles for on-street parking, and guests receive a guest permit to park on the street. A private party impound tow truck company comes through the neighborhood a couple of times per night and impounds the illegally parked vehicles. Mr. Prater also expressed concern about speeding at Terrene and Greenway through his neighborhood.

Ryan Reese, 28626 SW Terrene Lane, expressed concern that emergency responders cannot get into the neighborhood due to the cars parked on both sides of the street close to the stop sign. He was concerned with the length of time cars are parked in the neighborhood and although the police have been contacted, they cannot do anything until the car has been there for 72 hours. Parking for guests is not available due to the overflow parking from the apartment complex.

Michael Abernathy, 28549 Greenway Drive, stated he is the HOA president and he has been contacted by the fire marshal who told him TVFR experienced a delay in emergency response due to the parking. Residents of the neighborhood have emailed the City planning department who said they would “look into it”. He said the manager of Jory Trail apartments has told tenants that overflow parking should be on the street. There is no visitor parking. Mr. Abernathy has watched people move trash cans onto the sidewalk so they can park, if the trashcans are not in the street, the trash company will not pick up the trash. He has approached those people and asked them not to do that but they become disrespectful. He is aware the street is a public street, but the homeowners are moving due to the parking.

Jill Moore, 7259 SW Meadows Court, was concerned about the parking along both sides of Meadows Loop as it comes out from the high school which leaves no place for kids to ride their bikes to school. She was worried about children going to and from the nearby park and darting into the street from between parked cars and asked if a bike lane could be installed.

Henry Taylor, 28451 SW Meadows Loop, commented parking overflows from Boulder Creek Apartments onto Meadows Loop and services such as mail delivery, trash pickup; street sweeping and landscapers cannot access their customers. He noted the problem began about six months ago in addition there has been noise late at night and trash left on the lawns. Mr. Taylor asked the City to verify the Boulder Creek Apartments is in compliance with all of their parking regulations and insure they provide adequate parking for their tenants and guests. Meadows Loop was designed as a residential neighborhood street and not an overflow parking area for an apartment complex.

Jason Culp, 28456 SW Meadows Loop, displayed the trash he collected during the past week. He did not agree with a parking permit program, and believed the problem was a parking numbers issue for the apartment complex. The Boulder Creek Apartment complex manager has told them they have 296 units with 92% currently rented, or 272 units occupied. There are 277 reserved parking spots, 159 visitor spots, and 140 garage spaces. These garage spaces were used in the determination of whether there was adequate parking. Mr. Culp stated there is not enough parking in the apartment complex with 272 occupied units and 277 reserved spaces, that works out to one space for every occupied unit, and the 159 visitor spaces means half of the tenants can have two cars. The garages are predominantly used for storage and not for parking vehicles. Mr. Culp says he has not seen any action by the City.

Frances Taylor, 28451 SW Meadows Loop, indicated she has been a resident of Meadows subdivision for the past 22 years, and there has not been a parking problem until six months ago. She felt the parking problems have caused neighbors to move. Many are no longer comfortable in their homes with the cars and trucks parking all hours day and night. Late night arrivals, doors slam; beer cans are thrown onto lawns. The vehicles block mail delivery and emergency vehicles have difficulty negotiating the street. She felt there were too many people in each unit and not enough parking.

Scott Edwards, 28448 SW Meadows Loop spoke about the late night noise from the people parking on Meadows Loop, particularly between the hours of 11 p.m. and 3 a.m. with cars coming and going during that time. He has asked people to move on three to four times around one o'clock in the morning, and he has found beer cans in his yard, seen people smoking pot in front of his home and his children have been awakened by the noise and inappropriate language and conversations outside their bedroom windows.

Mary Ott, 28444 Meadows Loop agreed with the previous comments. She felt it has reached a level that cannot be tolerated any longer. She is ready to go to legal counsel to see if anything can be done. The apartment management tells her the problem is the construction work. Ms. Ott has never experienced this problem in the 25 years she has lived on Meadows Loop until this February when new management took over Boulder Creek. Although the Boulder Creek management claims nothing has changed, something has caused the tenants to park on Meadows Loop. The apartment manager has asked for license plates to check if the vehicle owners are residents of Boulder Creek, when the information is submitted, management says none of the vehicles is registered to a resident. Ms. Ott believed the people who lease garages are using them for storage, and not used for parking. She wanted to see an action item list with dates of completion, and what the outcomes should be from the actions, and hold Boulder Creek responsible, but the manager says the situation is temporary.

Kelly Culp, 28456 SW Meadows Loop stated she has been a Meadows resident for the past three years based on the great things she had heard about the Meadows neighborhood. She loves the town, and the Meadows neighborhood made it feel like "home". Since late winter when the Boulder Creek cars started to park in her neighborhood the feeling has been replaced with frustration and uneasiness and loss of security since the street is being used as a parking lot for people who do not have a stake in the neighborhood. The Meadows neighborhood experiences inconvenience, garbage collection, street sweeping, mail delivery are hampered, and guests have

nowhere to park. Safety is an issue with people coming and going; cars park at the entrance and exit of the neighborhood blocking crosswalks and access. There has been an increase in vandalism, noise disturbances, break-ins and excessive litter. During their meeting earlier this spring, the apartment manager referred to the parking situations as “this is how it is in Portland”. Unauthorized parking is now occurring in the Boeckman Creek school parking lot which impacts school staff and parents.

Laura Gibino, 28447 SW Meadows Loop commented she is a new resident to the Meadows neighborhood, and had she known about the parking situation she would not have purchased her home. Vehicles are encroaching over her driveway, blocking garbage collection, and there is no visitor parking during the weekends.

Joseph Nietupski, 28457 Meadows Loop indicated he is a new resident to Wilsonville and he agreed with the previous comments and experiences. He understood parking was allowed at the school through an agreement and asked if that was correct.

Mr. Cosgrove responded there had been an agreement for a short period of time but the School District rescinded the agreement; however he did not know why.

Mr. Nietupski continued, many of the vehicles are from out of state, and some wait in their cars until someone comes to pick them up. He sees beer cans in the elementary school parking lot, and suggested installing “no overnight parking” signs. He complimented the police department for their response.

Jolene Cowan, 28645 SW Crestwood Drive said she was a 23 year resident of the Meadows subdivision. Ms. Cowan has noticed that vehicles are parking in the no parking area on Meadows Parkway and Wilsonville Road and nothing is being done which is a main walkway for children going to Boeckman Creek School. Cars parked at the entrance to the apartments block visibility for traffic going into and out of the apartment complex. Ms. Cowan says the overflow parking has spilled onto Crestwood Drive so close to the stop sign, that the intersection is blocked and visibility is obstructed. She has filled out two online complaint reports to the City, and one received a response, but not the second. She felt the situation needed constant monitoring.

Kristin Roche, 28405 SW Willow Creek Drive, a twenty year resident of the Meadows subdivision stated this spring and summer the parking problems have become a big issue. She provided photos to the Council explaining cars were parked by the crosswalk blocking her visibility and requiring her to pull forward and almost hit a child on a tricycle. Ms. Roche went to the Boulder Creek apartment manager who was in her office but declined to speak with her. Ms. Roche spoke with the manager’s assistant and asked if a note could be given to tenants asking them not to park in the neighborhood, but she was told it was a public street and they would not do so. Ms. Roche said a meeting was held between the Boulder Creek apartment representatives, city staff and her but nothing happened. She did not believe any of the statements from the Boulder Creek management. Crime has increased in the neighborhood with people in private yards, break-ins, mailbox graffiti, and car burglaries. Ms. Roche would like to

see the City Council mandate all the parking structures for Boulder Creek be used for parking and not storage, or to implement a permit parking system.

Chuck Smith, 28651 SW Crestwood Drive a resident of Wilsonville the past 43 years and a 22 year resident of Meadows subdivision became aware of the parking problem in March of this year. His initial reaction was to be irate at the people who are disrespecting the homeowners and who are causing the parking problem, but lately he feels empathy for the residents of Boulder Creek who are receiving the ire of the neighborhood. The new Boulder Creek management company has contracted with a towing company who regularly patrols the parking lot and the residents are afraid of being towed, so they park in the neighborhood to avoid being towed. A meeting was held between city staff, the police chief and manager of the apartment complex, but nothing is getting through to the apartment manager and they are not taking ownership of contributing to the problem. One resident provided a letter received from the apartment manager coaching them on parking legally in the Meadows neighborhood so they have the 72 hour window and they won't receive a ticket or be towed.

Mr. Smith stated Meadows Loop had been designed as a dead end at Meadows Court. Wilsonville Meadows Loop was to have parking on one side of the street and no parking signs on the other side. Sometime since the no parking signs have disappeared and no one in City Hall knows where the no parking signs went. Mr. Smith raised the issue of the density throughout the City due to the number of apartments. He pointed out originally Willow Creek was to be an emergency fire entrance into the Meadows neighborhood and not a full street. He was concerned the development of Frog Pond would cause Willow Creek to become a thoroughfare. Mr. Smith was concerned with the development over the past ten years and the lack of single family homes being built. He recommended a permit parking system or overnight parking regulation. Homeowners are concerned about the quality of life and the value of their property. The responsibility should be placed back on the apartment developer to provide adequate parking for the modern apartment dweller to accommodate the number of vehicles for each apartment.

Joseph Mohr, 7259 SW Meadows Court expressed his concern about safety at the intersection of the high school and Meadows Loop. He asked that on street parking be returned to one side of Meadows Loop, and including a bike lane since sight distance is limited.

Ava Plass, 28497 SW Meadows Loop agreed with the prior testimony. She wanted the City to take action since residents have been meeting since July and they have not seen any action. Ms. Plass suggested implementing a building moratorium before building anymore apartment complexes and homes in the city limits.

Michael Walker, 28616 Greenway Drive in Brenchley Estates said residents in his neighborhood are experiencing the same parking issues. He cannot imagine why these people are so disrespectful to the property owners. It is a continuing issue that needs to be resolved to help homeowners feel comfortable again living in Wilsonville and take pride in it. It is terrible to see what they are going through and now Brenchley Estates is experiencing the same parking situation.

Mayor Knapp asked if the City Manager for advice or process information at this point.

Mr. Cosgrove observed there were two different neighborhoods and the situations are distinct. He is in tune with the Meadows Loop issue in talking with Ms. Kraushaar. He did not know what was triggering the problem, because up until eight- nine months ago, everything was fine. He suspects it may be a combination of the construction activity and perhaps more people living in units than otherwise would have been, although the apartment manager says it is basically the same as it always has been. However, with the economy and the rents the way they are intuitively tells him something else going on. There are a lot of these comments to sift through and see what the commonalities are. We need to figure out what the options are, because the streets are public. Portland has a robust neighborhood parking permit program. Staff can look at what other cities have done and bring back recommendations.

The Mayor agreed it was clear some action needed to be taken and the Council needs to understand what their options are. At the same time, he cautioned no matter what action Council may take it won't be a cure all for every single problem, Council needs to understand what actions can be taken that will have a positive effect.

Mr. Cosgrove noted he had worked at two other cities with parking permit programs, and they are not inexpensive to run; there will be costs involved in regulating, citing, and to pay for the program. Any recommendation will have to identify the resources necessary to institute a program should the Council decide to move in that direction.

Mayor Knapp thought looking into the historical context and where parking is allowed should be reviewed as a possible option and whether changes that were made in the past were made with appropriate process or if they just happened. He was especially concerned with the stories about the emergency vehicles not being able to access areas.

Mr. Cosgrove indicated he would need to investigate the anecdotal comments and to review the record to determine what happened and why it happened.

Mayor Knapp thanked the residents for coming and speaking, and noted staff would be working on the issue.

Mr. Cosgrove offered himself, Mr. Gail and Ms. Kraushaar to answer questions and keep people informed. He suggested each neighborhood have one spokesperson that staff can contact directly who will then share the information with the residents.

Councilor Lehan stated having additional information from TVF&R, the post office and Republic Services would be helpful to see what they have been experiencing. In addition the conditions of approval should be reviewed; where the City requires parking as a condition of approval, management should not have the ability to take that away.

Mr. Cosgrove stated that issue has been reviewed by the Planning Department but he did not have what they found. A review of the parking standards may also be in order. He noted the Frog Pond area will not have apartments or high density housing developed.

Councilor Starr thought the Boulder Creek conditions of parking should be upheld, and if they are violating that standard, the City needs to step in and do something right away. If the garages

are not being used for parking, they need to find a way to increase parking or shut down a percentage of the apartments they are renting to provide adequate parking. He has asked the city to conduct background checking for parking on one side of Meadows Loop between Wilsonville Road and Meadows Parkway because of the park. There are also landscaping trucks, box trucks, and large trailers that should not be parked on the street. The Councilor thanked the residents for their comments and attending the meeting.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (Park & Recreation Advisory Board Liaison) noted the Parks and Recreation Advisory Board’s next meeting is set for October 13, and the Farmers Market in Sophia Park will be open the next two Thursdays until September 29.

Mayor Knapp reported on the decisions made by the DRB in Councilor Fitzgerald’s absence.

Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) reported the Library summer programs have concluded and the adult classes have begun. The Wilsonville Community Seniors heard a briefing on the Swim and Recreation Center ballot measure that is on the November ballot. She invited the public to attend the Fall Harvest Fest scheduled for October 29.

Councilor Lehan– (Planning Commission and CCI Liaison) announced the actions taken by the Planning Commission during their last meeting. She invited the public to attend the Boones Ferry Road to Brown Road Connector Open House scheduled for September 21 at City Hall.

Miranda Bateschell noted the Town Center Redevelopment Plan public involvement process will begin in October.

Mayor Knapp declared a recess at 9:28 p.m. and reconvened the meeting at 9:33 p.m.

CONSENT AGENDA

Ms. Jacobson read the title of Resolution No. 2602 into the record. She noted that an email had been received this evening from Grace Lucini, which has been made a part of the record.

A. **Resolution No. 2602**

A Resolution Of The City Of Wilsonville Authorizing The Mayor To Enter Into A Memorandum Of Understanding On Behalf Of The City Of Wilsonville With Washington County And The City Of Tualatin For Concept Planning The Urban Growth Boundary Expansion Area (Basalt Creek/West Railroad Planning Area). (Staff – Bateschell)

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

Vote: Motion carried 4-0.

PUBLIC HEARING

Ms. Jacobson explained the reason for the continuation of the ordinance to the October 3, 2016 meeting.

- A. **Ordinance No. 797** 1st and 2nd reading
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 4, Section 4.800 By Modifying Section 4.800 Through 4.804 And Adding New Sections 4.805 Through 4.810 To Clarify And Expand City Regulation And Control Of Wireless Communications Facilities In Recognition Of Changing Laws And Wireless Technology, And Declaring An Emergency.

Motion: Councilor Lehan moved to continue Ordinance No. 797 to the October 3, 2016 Council meeting. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

NEW BUSINESS

The title of Resolution No. 2603 was read into the record by the City Attorney.

- A. **Resolution No. 2603**
A Resolution Of The Wilsonville City Council Adopting The Wilsonville Information Technology Strategic Plan, September 2016.

Ms. Miller explained the goal of the Wilsonville Information Technology Strategic Plan project is to create a plan for prioritizing technology investments into the future while providing a framework for Wilsonville to become a leader in efficient and innovative IT service delivery. The final report identifies additions and enhancements to technologies that the City can make in order to provide improved service to residents, businesses, and visitors in Wilsonville.

Mayor Knapp said the proposal is well thought out and well considered and is part of the ongoing evolution of technology and data to better serve the community.

Motion: Councilor Lehan moved to approve Resolution No. 2603. Councilor Stevens seconded the motion.

Councilor Lehan stated it is important to be update on technology for our safety and clients

Vote: Motion carried 4-0.

CITY MANAGER'S BUSINESS – There was no report.

LEGAL BUSINESS

Ms. Jacobson asked Councilors to provide their comments and preferences from the options previously provided to them on the proposed time, place and manner ordinance for marijuana before the ordinance comes to them on October 17, 2016.

ADJOURN

Mayor Knapp adjourned the meeting at 9:41 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: October 17, 2016		Subject: Ordinance No. 800 Marijuana – Time, Place, and Manner Regulations Staff Member: Barbara Jacobson, Chris Neamtzu, Miranda Bateschell, and Stacey Gibbons Department: Legal and Planning	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" 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 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: Approve Ordinance No. 800 on First Reading			
Recommended Language for Motion: I move to Approve Ordinance No. 800 on First Reading			
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>			
<input type="checkbox"/> Council Goals/Priorities		<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

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

EXECUTIVE SUMMARY:

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

EXPECTED RESULTS:

Time place and manner regulations are intended to address health, safety, and nuisance concerns that could otherwise result from an unregulated proliferation of marijuana facilities within the City.

TIMELINE:

If the voters decide to lift the ban on marijuana facilities, reasonable time, place, and manner regulations will enable the City to place some restrictions on marijuana businesses operating within the City, to be effective immediately upon lifting of the ban.

CURRENT YEAR BUDGET IMPACTS:

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

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____ Date: _____

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 9/27/16

COMMUNITY INVOLVEMENT PROCESS:

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

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

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

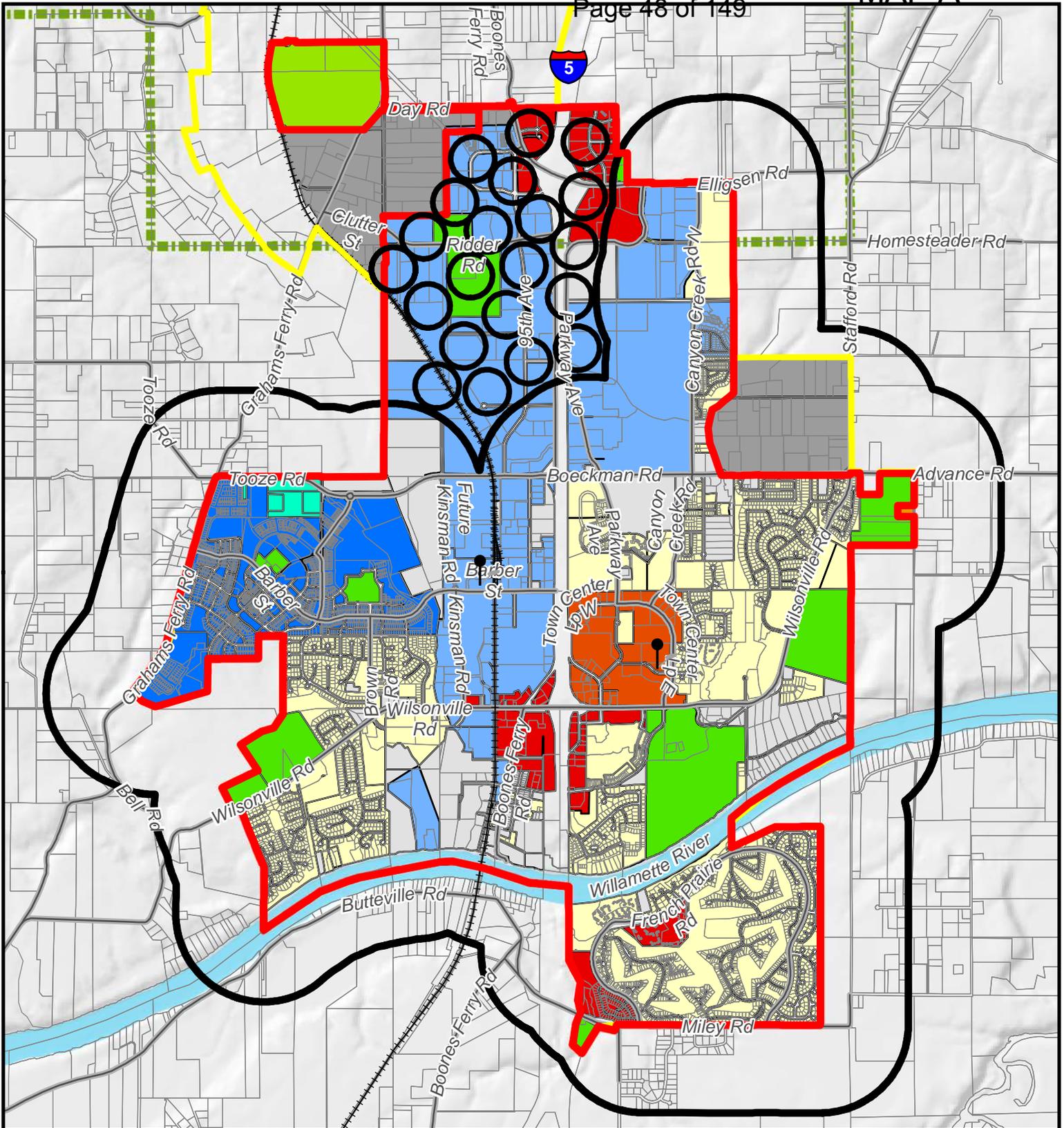
ALTERNATIVES:

Ignore State law and continue the ban based on current federal law. Adopt a reasonable time, place, and manner ordinance but revise some of the provisions.

CITY MANAGER COMMENT:

ATTACHMENTS:

- Map A – 500 foot buffer
- Map B – 1,000 foot buffer
- Proposed Ordinance No. 800

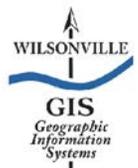


The City of Wilsonville, Oregon
 Clackamas and Washington Counties

**Recreational Marijuana
 Discussion Map
 DRAFT**

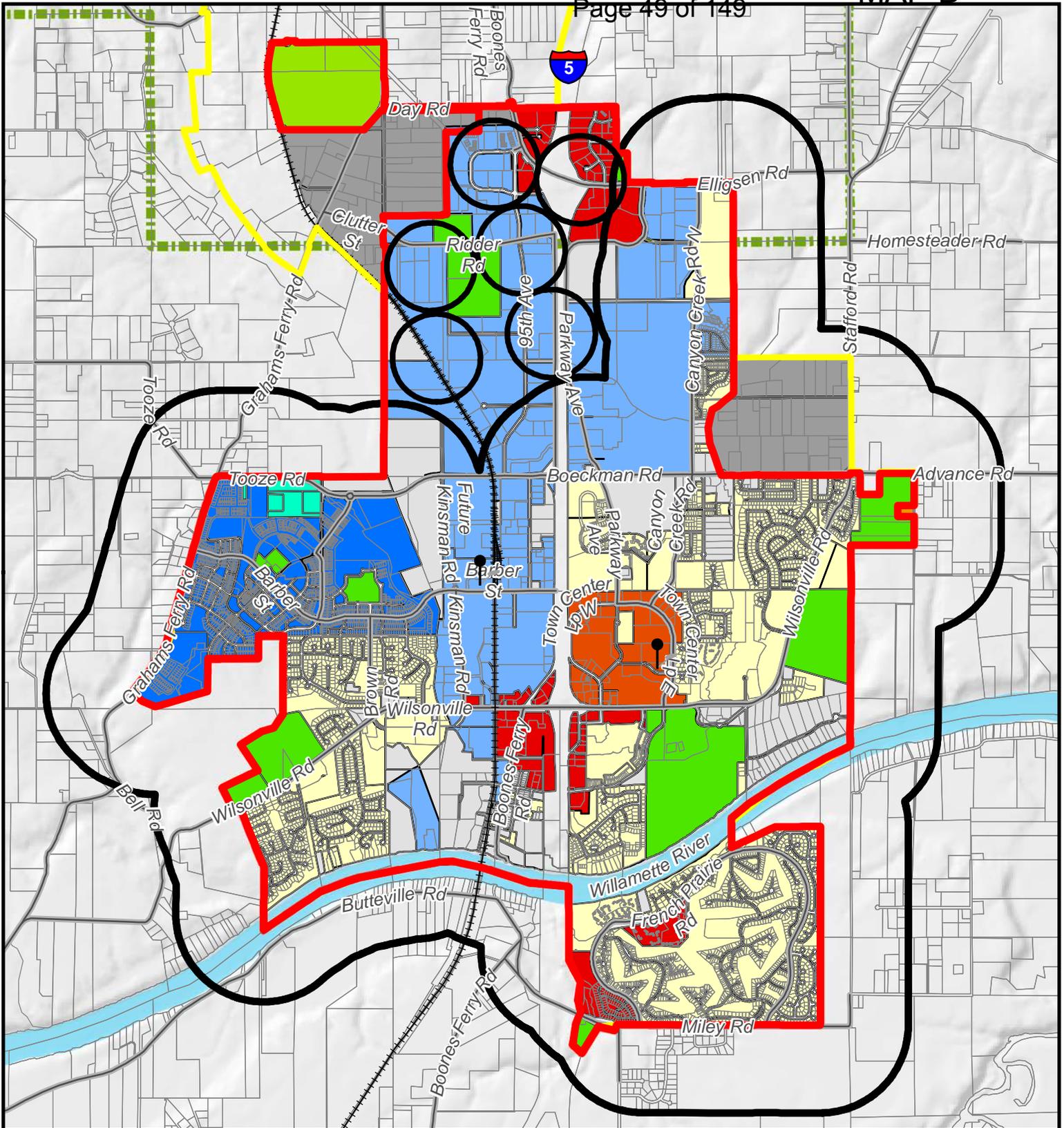
- 200' Buffer
- 500 Feet Buffer From Center Point
- City Limits
- UGB
- City Hall & WES
- Residential Zoning,
- Parks & WWL Schools

- Exclusive Farm Use
- Planned Development Commercial
- Planned Development Industrial
- Planned Development Residential
- Public Facilities
- Residential
- Residential Agriculture Holding
- Urban Growth Boundary
- Village



9/30/2016

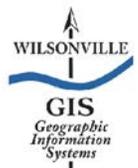




The City of Wilsonville, Oregon
 Clackamas and Washington Counties

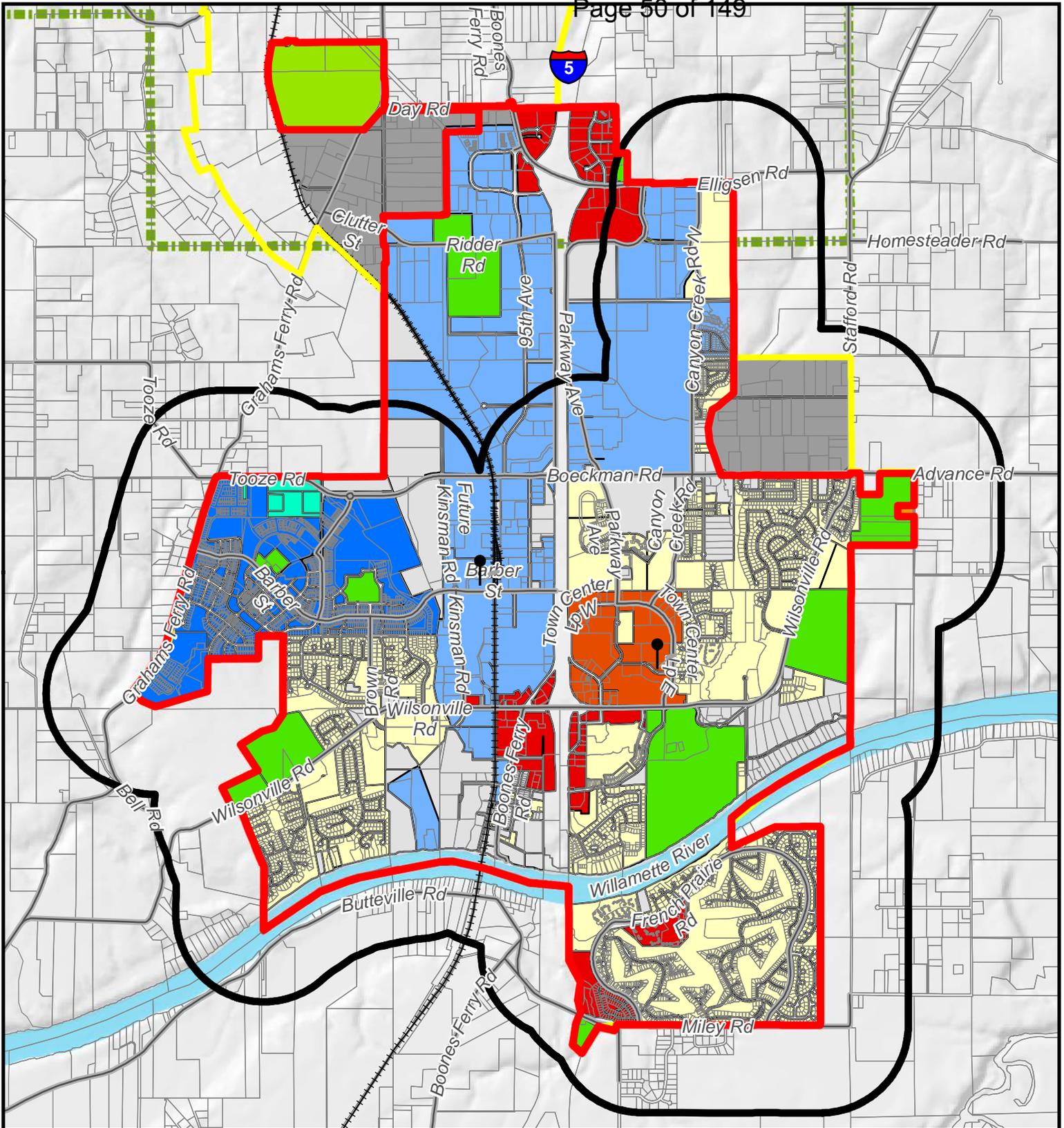
**Recreational Marijuana
 Discussion Map
 DRAFT**

- 2000' Buffer
- 1000 Feet Buffer From Center Point
- City Limits
- UGB
- City Hall & WES
- Residential Zoning, Parks & WWL Schools
- Exclusive Farm Use
- Planned Development Commercial
- Planned Development Industrial
- Planned Development Residential
- Public Facilities
- Residential
- Residential Agriculture Holding
- Urban Growth Boundary
- Village



9/30/2016





The City of Wilsonville, Oregon
Clackamas and Washington Counties

**Recreational Marijuana
Discussion Map
DRAFT**

Legend

- City Limits
- UGB
- 2000' Buffer

City Hall & WES
Residential Zoning,
Parks & WWL Schools

- Exclusive Farm Use
- Planned Development Commercial
- Planned Development Industrial
- Planned Development Residential
- Public Facilities
- Residential
- Residential Agriculture Holding
- Urban Growth Boundary
- Village



9/2/2016

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ORDINANCE NO. 800

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 7 BY ADDING A NEW SECTION 7.570 TO IMPOSE TIME, PLACE, AND MANNER REGULATIONS ON MEDICAL MARIJUANA PROCESSORS AND DISPENSARIES AND RECREATIONAL MARIJUANA RETAILERS, WHOLESALERS, PRODUCERS, AND PROCESSORS WITHIN THE CITY

WHEREAS, state law authorizes the operation of medical and recreational marijuana businesses and provides those businesses with immunity from state criminal prosecution; and

WHEREAS, although the State of Oregon has passed legislation authorizing marijuana businesses and providing criminal immunity under state law, the operation of those businesses remains illegal under federal law; and

WHEREAS, the City Council has home rule authority to decide whether, and under what conditions, certain commercial conduct should be regulated within the City and subject to the general and police powers of the City, except when local action has been clearly and unambiguously preempted by state statute; and

WHEREAS, whether a certain business should operate within a local jurisdiction is a local government decision, and local governments may enforce that decision through the general and police powers of that jurisdiction; and

WHEREAS, the City Council wishes to regulate the operation of marijuana businesses in the City in ways that protect and benefit the public health, safety, and welfare of existing and future residents and businesses in the City;

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

1. The following is adopted and made part of the Wilsonville Code to impose time, place, and manner regulations on medical marijuana processors and dispensaries, and recreational marijuana retailers, wholesalers, producers, and processors within the City:

“7.570 Time, Place, and Manner Regulations

- (1) Findings. The City Council adopts as findings and conclusions all of the foregoing recitals. The City Council also finds as follows:

(a) The City’s licensing and regulatory system should not be construed to constitute an authorization to engage in any activity prohibited by law nor a waiver of any other license or regulatory requirement imposed by any other provisions of City ordinance or local, regional, state, or federal law.

(b) This Ordinance is intended to impose restrictions, not provide authorizations.

(c) The operation of a Marijuana Business without proper authority from either the Oregon Liquor Control Commission or the Oregon Health Authority is prohibited within the City.

(2) Definitions.

(a) “City Manager” means the City Manager of the City of Wilsonville or his/her designee.

(b) “CFR Schedule I or Schedule II” means those controlled substances designated in the Code of Federal Regulations Title 21, Chapter II, Part 1308.

(c) “Code Enforcement Officer” means the Clackamas County Sheriff or City employee designated by the City Manager to ensure compliance with local laws.

(d) “Consumer” means a person who purchases, acquires, owns, holds, or uses Marijuana Items other than for the purpose of resale.

(e) “Convicted” means found guilty by verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.

(f) “Felony” means a crime designated as a felony in any Oregon statute or a crime for which a person convicted under an Oregon statute may be sentenced to a maximum term of imprisonment of more than one year.

(g) “Financial Interest” exists when a person, the person’s immediate family, or a legal entity of which the person is a principal (1) receives or is entitled to receive, directly or indirectly, any of the benefits of the Marijuana Business; (2) rents or leases real property to the operator for use by the business; (3) rents or leases personal property to the operator at a commercially unreasonable rate; or (4) lends or gives money, real property, or personal property to the operator for use in the business. For purposes of this Section, monies owed to suppliers and contractors for the reasonable cost of goods and services received do not constitute a Financial Interest in a Marijuana Business.

(h) “Licensee” means a person who holds a license issued by the City to engage in a Marijuana Business in accordance with this Section.

(i) “Marijuana” means all parts of the plant cannabis family *Moraceae*, whether growing or not, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(j) “Marijuana Business” means (1) any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, testing, wholesaling, or selling Marijuana or Marijuana Items, or (2) any business registered with the Oregon Health Authority for the growing, processing, or dispensing of Marijuana or Marijuana Items.

(k) “Marijuana Dispensary” means a medical marijuana dispensary.

(l) “Marijuana Items” means Marijuana, including all cannabis and products, concentrates, extracts, and edibles.

(m) “Marijuana Processor” means a person who processes Marijuana Items and is licensed by the state.

(n) “Marijuana Producer” means a person who produces Marijuana and is licensed by the state.

(o) “Marijuana Retailer” means a person who sells Marijuana to Consumers and is licensed by the state.

(p) “Marijuana Wholesaler” means a person who purchases Marijuana Items in Oregon for resale to a person other than a Consumer.

(q) “School” means a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school teaching children as described in ORS 339.030 (1)(a).

(3) Rulemaking. The City Manager or the City Manager’s designee has authority to adopt administrative rules and procedures necessary for the proper administration and enforcement of ordinances relating to the operation of a Marijuana Business.

(4) Licensing.

(a) Local License Required. Marijuana Businesses must possess a valid license issued under this Section to operate within the City. The license required by this Section facilitates the registration and the City’s oversight of a Marijuana Business. The license required by this Section should not be construed to constitute

an authorization to engage in any activity prohibited by state, federal, or local law nor a waiver of any other regulatory or license requirement imposed by any other provision of City ordinance or local, regional, state, or federal law. By issuance of a license, the City is complying with state law and is not aiding nor abetting in a violation of federal law. If federal law preempts, the license may immediately be revoked.

(b) State Registration Required. To be eligible to apply for a license under this Section, Marijuana Businesses must be either registered with the Oregon Health Authority or licensed by the Oregon Liquor Control Commission and otherwise authorized by state law to operate a Marijuana Business.

(5) License Application.

(a) Application/Renewals. Applications for new and renewed licenses must be submitted to the City Finance Department on a form provided by the City. A separate application must be submitted for each proposed Marijuana Business. The initial or renewal application must include the following information:

1. Certification that the proposed Marijuana Business is licensed at that location as a Marijuana Business with the Oregon Health Authority or the Oregon Liquor Control Commission;
2. The applicant's name, residence address, and date of birth, and a copy of the applicant's current state issued photo identification;
3. The names and residence addresses of:
 - A. Any person or legal entity that has an ownership interest in the Marijuana Business, including all principals of the applicant;
 - B. Any person or legal entity with a Financial Interest in the proposed Marijuana Business within the preceding year;
 - C. Any person or legal entity that has leased or intends to lease real property to the applicant for use by the Marijuana Business and any person who manages that property; and
 - D. Any person who is anticipated at the time of the application to be an employee or volunteer at the proposed facility.
4. The business name;
5. The address and telephone number of the proposed Marijuana Business;
6. The mailing address for correspondence about the license;

7. A detailed description of the type, nature, and extent of the business, including a description of the category of Marijuana Business to be operated;

8. The proposed days and hours of operation;

9. A detailed description of the proposed accounting and inventory system of the Marijuana Business;

10. Certification that the licensed premises for the proposed Marijuana Business have met all applicable requirements of the City development and sign code;

11. Certification that all applicable taxes and fees have been paid;

12. A complete application for a criminal background check for the applicant and all principals, persons with a Financial Interest, employees, and volunteers of the proposed Marijuana Business;

13. The names of at least three natural persons who can give an informed account of the Marijuana Business and moral character of the applicant and principals;

14. The signature, under penalty of perjury, of the applicant if a natural person, or the signature of an authorized agent of the applicant if the applicant is other than a natural person;

15. Other information deemed necessary by the City Manager to complete review of the application or renewal; and

16. The City may inspect the proposed licensed premises prior to issuing a license and at any time during normal business hours following the issuance of a license. If, during the inspection, the City determines that the applicant or the licensed premises are not in compliance with this Section or any other section of the City's building, development, zoning, nuisance, or other City ordinance or code, the applicant will be provided with a notice of the failed inspection and that the requirements of this Section have not been met.

(b) Continuing Obligation to Update Information. All information provided in an initial or renewal application must be kept current at all times, including after a license is issued. Each Licensee shall notify the City Manager in writing within ten (10) business days of any change in the information provided to obtain the license.

(6) Issuance of License.

(a) Determination. Within one hundred eighty (180) days after receiving a complete initial or renewal application and license fee for a Marijuana Business license, the Finance Department will issue the license if the City Manager finds that the facility is licensed as a Marijuana Business with the Oregon Health Authority or the Oregon Liquor Control Commission and that all other requirements under this Section have been met. The City license will list the specific category of Marijuana Business license being issued.

(b) Denial. In addition to denial for failure to meet the requirements of this Section, the City Manager may deny a license if:

1. The applicant made an untrue, misleading, or incomplete statement on, or in connection with, the application for the license or a previous application for a license;

2. Notwithstanding the federal Controlled Substances Act, the applicant fails to meet all requirements of local, state, and federal laws and regulations, including, but not limited to, other permitting or licensing requirements and land use regulations; or

3. The applicant, principals, employees, volunteers, or persons with a Financial Interest in the facility have been Convicted of a Felony, except the City may not consider a Conviction for the manufacture or delivery of Marijuana if the date of the Conviction is two (2) or more years before the date of the initial application or renewal.

(c) Notice of Denial. The City shall issue a notice of denial to an applicant in writing, specifying the reasons for the denial.

(7) Fee. An initial license application or renewal application must be accompanied by a license fee. The fee amount will be One Hundred Dollars (\$100) for the initial and each renewal application.

(8) Display of License. When requested, the Licensee shall show the license issued under this Section to any person with whom the Licensee is dealing as part of the licensed activity or to the City Manager, City Code Enforcement Officer, or any Clackamas County Sheriff.

(9) Term, Renewal, and Surrender.

(a) Termination. A license terminates automatically after one (1) year, unless a license renewal application has been approved.

(b) Renewal. A license may be renewed for additional one (1) year terms, as provided by this subsection (9).

(c) Renewal Application. Renewal applications shall be submitted, with the required license fee, to the Finance Department not less than sixty (60) days prior to the expiration date of the existing license.

(d) Termination Due to Change in Law. A license terminates automatically if federal or state statutes, regulations, or guidelines are modified, changed, or interpreted in such a way by state or federal law enforcement officials as to prohibit operation of the Marijuana Business under this Ordinance.

(e) Termination Due to Suspension, Revocation, or Termination by State Authority. A license terminates automatically upon the suspension, revocation, surrender, or termination of an Oregon Health Authority registry or an Oregon Liquor Control Commission issued Marijuana Business license for any reason.

(f) Surrender. A Licensee may surrender a Marijuana Business license by delivering written notice to the City that the Licensee thereby surrenders the license. A Licensee's surrender of a license under this subsection does not affect the Licensee's civil or criminal liability for acts the Licensee committed before surrendering the license.

(10) Transferability. Licenses issued under this Section shall not be transferred to any other person by operation of law or otherwise.

(11) Indemnification.

(a) Waiver. By accepting a Marijuana Business license issued under this Section, the Licensee waives and releases the City, its officers, elected officials, employees, volunteers, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of a Marijuana Business owner or operator, principal, person, or legal entity with a Financial Interest in the Marijuana Business, or any person or entity that has leased real property to the Marijuana Business, employee, volunteer, client, or customer, for a violation of federal, state, or local laws and regulations.

(b) Indemnification. By accepting a Marijuana Business license issued under this Section, the Licensee(s), jointly and severally if there is more than one, agree to defend, indemnify, and hold harmless the City, its officers, elected officials, employees, volunteers, agents, insurers, and self-insurance pool against all liability, claims, and demands on account of any injury, loss, or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the Marijuana Business that is the subject of the license.

(12) Criminal Background Checks.

(a) Background Check Required / Disqualification. All applicants, principals, employees, and persons with a Financial Interest in the Marijuana Business must submit to a criminal background check performed by the City Police Chief before a license will be issued. If any of the foregoing persons has been Convicted of a Felony, the license will be denied or revoked, unless the Conviction was for the manufacture or delivery of Marijuana and the date of the Conviction is at least two (2) years prior to the date of the application or renewal.

(13) Standards of Operation.

(a) Registration and Compliance with State Law. The Marijuana Business's state license or authority must be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission and the Marijuana Business must comply with all applicable laws and regulations administered by the respective state agency, including, without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.

(b) Compliance with Other Laws. The Marijuana Business must comply with all applicable laws and regulations, including, but not limited to, development, land use, zoning, building, and fire codes.

(c) Hours of Operation. Operating hours for a Marijuana Business must be as follows: for a business engaged in sales or transfer of Marijuana or Marijuana Items to a Consumer, no earlier than 10:00 a.m. and no later than 6:00 p.m., Monday through Saturday. Marijuana Businesses engaged in sales or transfer of Marijuana or Marijuana Items to a Consumer shall not operate on Sundays. General industrial uses with no on-site retail activity are exempt from this restriction.

(d) Odors. The Marijuana Business must use an air filtration and ventilation system which is certified by an Oregon Licensed mechanical engineer to ensure, to the greatest extent feasible, that all objectionable odors associated with the Marijuana are confined to the licensed premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities, after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

(e) Lighting. Marijuana Businesses must maintain adequate outdoor lighting over each exterior exit, consistent with Wilsonville Code Section 4.199.10.

(f) Sales. Sales or any other transfers of Marijuana must occur inside the licensed premises and must be conducted only between the Marijuana Business and individuals 21 years of age and older. Every customer must have their valid identification checked, regardless of appearance with respect to age.

- (g) Retail Facility Size. A Marijuana Dispensary or Marijuana Retailer may not occupy a retail space larger than 3,000 square feet.
- (h) On-Site Use. Marijuana and tobacco products must not be smoked, ingested, consumed, or otherwise used on the licensed premises.
- (i) On-Site Manufacturing. With the exception of Marijuana Processors, manufacturing or processing of any extracts, oils, resins, or similar derivatives of Marijuana is prohibited at any licensed premises. Marijuana Processors may engage in processing in industrial zones only.
- (j) Outdoor Storage. Outdoor storage of merchandise, raw materials, or other material associated with the Marijuana Business is prohibited.
- (k) Secure Disposal. The Marijuana Business must provide for legal and secure disposal of Marijuana remnants or byproducts, and Marijuana remnants or byproducts shall not be placed within the Marijuana Business's exterior refuse containers.
- (l) Home Occupation. A Marijuana Business may not be operated as a home occupation.
- (m) Drive-Through, Walk-Up. A Marijuana Business may not have a walk-up window or a drive-through.
- (n) Labeling. All products containing Marijuana intended to be ingested (i.e., edibles) must be labeled with the product's serving size and the amount of tetrahydrocannabinol in each serving, in accordance with Oregon Health Authority and Oregon Liquor Control Commission rules. Packaging and naming of products cannot be attractive to minors and must not be packaged, labeled, or marketed featuring cartoons, design or brand names that resemble a non-cannabis Consumer product of the type that is typically marketed to minors, symbols or celebrities that are commonly used to market products to minors, or images of minors.
- (o) Accounting Systems. The Marijuana Business must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash and sufficient to maintain detailed, auditable financial records. If the City Manager finds the books and records of the facility are deficient in any way, or if the Marijuana Business's accounting system is not auditable, the Marijuana Business must modify the accounting system to meet the requirements of the City Manager.
- (p) Accounting Records. Every Marijuana Business must keep and preserve, in an accounting format established by the City Manager, records of all sales made by the Marijuana Business and such other books or accounts as may be

required by the City Manager. Each Marijuana Business must keep and preserve for a period of at least six (6) years records containing at least the following information:

1. Daily wholesale purchases (including grow receipts) if licensed as a Marijuana Wholesaler, and retail sales if licensed as a Marijuana Retailer, including a cash receipts and expenses journal;
2. State and federal income tax returns;
3. State quarterly sales tax returns for retail sales;
4. True names and any aliases of any owner, operator, employee, or volunteer of the Marijuana Business;
5. True names and addresses and any aliases of persons that have, or have had within the preceding year, a Financial Interest in the Marijuana Business; and
6. The City Manager may require additional information as he or she deems necessary.

(q) Security Plan and System. Each Marijuana Business must submit a copy of the security plan required by OAR 845-025-1400 and must comply with the following requirements:

1. Non-residential door locks must be installed on every external door of a licensed premises where Marijuana Items are present;
2. A licensed premises must have a fully operational security alarm system, equipped with motion detection, which is to be activated at all times when the licensed premises is closed for business; and
3. A licensed premises must have a fully operational high resolution video surveillance recording system that records a minimum of 24 hours a day and stores for a minimum of thirty (30) days.

(14) Location.

(a) Restrictions on Location: Marijuana Dispensary or Marijuana Retailer. A Marijuana Retailer shall not locate:

1. Within a residence or mixed-use property that includes a residence;
2. Within 1,000 feet of another Marijuana Business;

3. Within 2,000 feet of a Residential Zone, School, City park, or any City-owned property.

(b) Restrictions on Location: Marijuana Wholesaler. A Marijuana Wholesaler shall not locate:

1. Within a residence or mixed-use property that includes a residence;
2. Within 1,000 feet of another Marijuana Business;
3. Within 2,000 feet of a Residential Zone, School, City park, or any City-owned property.

(c) Restrictions on Location: Marijuana Producer. A Marijuana Producer shall not locate:

1. Within a residence or mixed-use property that includes a residence;
2. Within 1,000 feet of another Marijuana Business;
3. Within 2,000 feet of a Residential Zone, School, City park, or any City-owned property.

(d) Restrictions on Location: Marijuana Processor. A Marijuana Processor shall not locate:

1. Within a residence or mixed-use property that includes a residence;
2. Within 1,000 feet of another Marijuana Business;
3. Within 2,000 feet of a Residential Zone, School, City park, or any City-owned property.

(e) Distances. For purposes of this subsection (14), all distances shall be measured from the closest property line.

(15) Examination of Books, Records, and Premises.

(a) Examination of Books, Records, and Premises. To determine compliance with the requirements of this Section and applicable provisions of the City Code, a Licensee shall allow the Code Enforcement Officer to examine, or cause to be examined by an agent or representative designated by the City Manager, at any reasonable time, the licensed premises, including wastewater from the facility, and any and all Marijuana Business financial, operational, and licensed premises information, including books, papers, payroll reports, state and federal income tax returns, and quarterly sales tax returns for Marijuana Retailers. Every Licensee is

directed and required to furnish to the designated City representative the means, facilities, and opportunity for making such examinations and investigations.

(b) Compliance with Law Enforcement. As part of investigation of a crime or a violation of this Section which law enforcement officials reasonably suspect has taken place on the facility's premises or in connection with the operation of the Marijuana Business, the Code Enforcement Officer shall be allowed to view surveillance videotapes or digital recordings at any reasonable time. Without reducing or waiving any provisions of this Section, the Clackamas County Sheriff shall have the same access to the licensed premises, its records, and its operations as allowed to state inspectors.

(16) Civil Enforcement.

(a) Enforcement. The City Manager may deny, suspend, or revoke a license issued under this Section for failure to comply with this Section, for submitting falsified information to the City or the Oregon Liquor Control Commission, or for noncompliance with any other City ordinance or state law.

(b) Civil Penalty. In addition to the other remedies provided in this subsection (16), any person or entity, including any person who acts as the agent of or otherwise assists a person or entity, who fails to comply with the requirements of this Section or the terms of a license issued under this Section, who undertakes an activity regulated by this Section without first obtaining a license, who fails to comply with a cease and desist order issued pursuant to this Section, or who fails to comply with state law, shall be subject to a civil penalty not to exceed Five Hundred Dollars (\$500) per violation. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and may be punished accordingly pursuant to Wilsonville Code Section 1.012.

(c) Other Remedies. In addition to the other remedies provided in this subsection (16), the City may institute any legal proceedings in Circuit Court necessary to enforce the provisions of this Section. Proceedings may include, but are not limited to, injunctions to prohibit the continuance of a licensed activity and any use or occupation of any building or structure used in violation of this Section.

(d) Remedies Not Exclusive. The remedies provided in this subsection (16) are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this Section prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under City ordinance or state law.

(17) Public Nuisance.

(a) Public Nuisance. Any premises, house, building, structure, or place of any kind where Marijuana is grown, processed, manufactured, sold, bartered, distributed, or given away in violation of state law, Wilsonville Code Chapter 6, or this Section, or any place where Marijuana is kept or possessed for sale, barter, distribution, or gift in violation of state law, Wilsonville Code Chapter 6, or this Section, is a public nuisance.

(b) Action to Remedy Public Nuisance. The City may institute an action in Circuit Court in the name of the City to abate, and to temporarily and permanently enjoin, such nuisance. The Court has the right to make temporary and final orders as in other injunction proceedings. The City shall not be required to give bond in such an action.

(18) Severability. If any provision of this Section of the City Code is found to be void or unenforceable to any extent, the rest of the Section shall remain in full force and effect, to the greatest extent allowed by law.

(19) Changes to Federal Enforcement Policy. Should the federal government change its policy with respect to enforcement of Marijuana, nothing in this Section is meant to interfere with or conflict with any federal requirement or enforcement.

2. The City Recorder is directed to add Wilsonville Code Section 7.570, as approved above, and to make such format, style, and conforming changes to match the format and style of the Businesses Chapter of the Wilsonville Code.
3. Except as set forth above, Chapter 7 of the Wilsonville Municipal Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 17th day of October, 2016, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon, and scheduled for second reading on _____, commencing at the hour of 7 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2016, by the following votes: Yes: ____ No: ____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ____ day of _____, 2016.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: October 17, 2016</p>	<p>Subject: Ordinance No. 799 Zone Map Amendment from PF (Public Facility) to V (Village), Villebois Phase 11 Central, Berkshire No. 2</p> <p>Staff Member: Daniel Pauly AICP, Senior Planner Department: Community Development, Planning Division</p>
<p>Action Required</p> <p><input type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date: October 17, 2016</p> <p><input checked="" type="checkbox"/> Ordinance 1st Reading Date: October 17, 2016.</p> <p><input checked="" type="checkbox"/> Ordinance 2nd Reading Date: November 7, 2016</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>Advisory Board/Commission Recommendation</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: Following their review at the September 26th meeting, the Development Review Board, Panel B unanimously recommended approval of the Zone Map Amendment.</p>
<p>Staff Recommendation: Adopt Ordinance No. 799.</p>	
<p>Recommended Language for Motion: I move to adopt Ordinance No. 799 on first reading.</p>	
<p>Project / Issue Relates To: Comprehensive Plan, Zone Code and Villebois Master Plan.</p>	
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input checked="" type="checkbox"/> Adopted Master Plan(s) Villebois Village Master Plan</p> <p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Approve or deny Ordinance No. 799 for a Zone Map Amendment from the Public Facility (PF) zone to Village (V) zone on approximately 1.29 acres on the northeast corner of the intersection of SW Costa Circle West and SW Barber Street.

EXECUTIVE SUMMARY:

The zone map amendment will rezone the land proposed to be developed as 16 “detached” row houses in the Villebois Village Center. The proposed zoning is consistent with the Comprehensive Plan designation of Residential-Village.

Development Review Board Panel ‘B’ unanimously recommended the Council approve the Zone Map Amendment during their September 26th meeting.

EXPECTED RESULTS:

Adoption of Ordinance No. 799.

TIMELINE:

The Zone Map Amendment will be in effect 30 days after the ordinance is adopted.

CURRENT YEAR BUDGET IMPACTS:

None

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____ Date: _____

LEGAL REVIEW / COMMENT:

Reviewed by: BJacobson Date: 10/6/16

COMMUNITY INVOLVEMENT PROCESS:

The required public hearing notices have been sent and DRB Public Hearing held.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY

Ordinance No. 799 will support the continued build out of Villebois consistent with the Villebois Village Master Plan.

ALTERNATIVES:

Not approve the Zone Map Amendment preventing the planned development.

CITY MANAGER COMMENT:

ATTACHMENTS:

Exhibit A – Ordinance No. 799 and Attachments

Attachment 1, Zoning Order DB16-0031

Attachment A: Legal Description and Sketch Depicting Land/Territory to be Rezoned

Attachment 2, Zone Map Amendment Findings

Attachment 3, DRB Panel B Resolution No. 333 recommending approval of Zone Map Amendment

Exhibit B – Adopted Staff Report and DRB Recommendation

ORDINANCE NO. 799

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE PUBLIC FACILITY (PF) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 1.29 ACRES LOCATED IN THE VILLEBOIS VILLAGE CENTER AT THE NORTHEAST CORNER OF SW COSTA CIRCLE WEST AND SW BARBER STREET. COMPRISING TAX LOT 3300 OF SECTION 15AC, T3S, R1W, CLACKAMAS COUNTY, OREGON, RCS-VILLEBOIS LLC, APPLICANT.

RECITALS

WHEREAS, RCS-VILLEBOIS LLC has made a development application requesting, among other things, a Zone Map Amendment for the Property to develop a 16 unit row house development and associated alleys and other improvements consistent with the Villebois Village Master Plan; and

WHEREAS, RCS-Villebois Development LLC as the property owner and an authorized representative has signed the appropriate application form; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on September 26, 2016;

WHEREAS, the Development Review Board Panel 'B' held a public hearing on the application for a Zone Map Amendment and associated development applications on September 26, 2016, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 333 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB16-0031) and adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on October 17, 2016, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the foregoing recitals and the Zone Map Amendment Findings in Attachment 2, as if fully set forth herein.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB16-0031, attached hereto as Attachment 1, from the Public Facility (PF) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on October 17, 2016, and scheduled for the second and final reading on November 7, 2016, commencing at 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

ENACTED by the City Council on the 7th day of November, 2016, by the following votes:

Yes:___ No:___

Sandra C. King, CMC, City Recorder

DATED and signed by the Mayor this ____ day of _____, 2016.

Tim Knapp, MAYOR

SUMMARY OF VOTES:

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

Attachments:

- Attachment 1: Zoning Order DB16-0031.
- Attachment A: Legal Description and Sketch Depicting Land/Territory to be Rezoned
- Attachment 2: Zone Map Amendment Findings,
- Attachment 3: DRB Panel B Resolution No. 333 recommending approval of the Zone Map Amendment

ORDINANCE NO. 799– ATTACHMENT 1

**BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON**

In the Matter of the Application of)	
RCS-Villebois, LLC)	
for a Rezoning of Land and Amendment)	ZONING ORDER DB16-0031
of the City of Wilsonville)	
Zoning Map Incorporated in Section 4.102)	
of the Wilsonville Code.)	

The above-entitled matter is before the Council to consider the application of DB16-0031, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on Attachment, has heretofore appeared on the City of Wilsonville zoning map as Public Facility (PF).

The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 1.29 acres located in the Villebois Village Center at the northeast corner of SW Barber Street and SW Costa Circle West. Comprising tax lot 3300 of Section 15AC, T3S, R1W, Clackamas County, Oregon, as more particularly shown and described in Attachment A, is hereby rezoned to Village (V), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: October 17, 2016.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Barbara A. Jacobson, City Attorney

ATTEST:

Sandra C. King, MMC, City Recorder

Attachment A: Legal Description and Sketch Depicting Land/Territory to be Rezoned



LEGAL DESCRIPTION

Zone Change

Lot 81

Map 3S1W15AC Tax Lot 3300

Lot 81, plat of "Villebois Village Center No. 3", Clackamas County Plat Records, in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, more particularly described as follows:

BEGINNING at the most southerly corner of said Lot 81;

thence along the northerly Right-of-Way line of SW Barber Street, North $42^{\circ}56'36''$ West, a distance of 177.25 feet to a point of tangential curvature;

thence continuing along said northerly Right-of-Way line, along a 688.00 foot radius tangential curve to the left, arc length of 7.69 feet, central angle of $00^{\circ}38'27''$, chord distance of 7.69 feet, and chord bearing of North $43^{\circ}15'50''$ West to an angle point;

thence continuing along said northerly Right-of-Way line, along a 10.00 foot radius non-tangential curve, concave easterly, with a radius point bearing North $46^{\circ}24'27''$ East, arc length of 12.18 feet, central angle of $69^{\circ}49'28''$, chord distance of 11.44 feet, and chord bearing of North $08^{\circ}40'49''$ West to an angle point;

thence along the easterly Right-of-Way line of SW Costa Circle West, along a 538.00 foot radius non-tangential curve, concave northwesterly, with a radius point bearing North $63^{\circ}46'34''$ West, arc length of 26.51 feet, central angle of $02^{\circ}49'24''$, chord distance of 26.51 feet, and chord bearing of North $24^{\circ}48'45''$ East to a point of reverse curvature;

thence continuing along said easterly Right-of-Way line, along a 538.00 foot radius compound curve to the left, arc length of 135.75 feet, central angle of $14^{\circ}27'26''$, chord distance of 135.39 feet, and chord bearing of North $16^{\circ}10'26''$ East to a point of reverse curvature;

thence continuing along said easterly Right-of-Way line, along a 562.00 foot radius reverse curve to the right, arc length of 66.48 feet, central angle of $06^{\circ}46'40''$, chord distance of 66.44 feet, and chord bearing of North $12^{\circ}20'03''$ East to the most northerly corner of said Lot 81;

thence along the northeasterly line of said Lot 81, South $63^{\circ}35'56''$ East, a distance of 33.64 feet to a point of tangential curvature;

thence continuing along said northeasterly line, along a 185.00 foot radius tangential curve to the right, arc length of 66.69 feet, central angle of $20^{\circ}39'19''$, chord distance of 66.33 feet, and chord bearing of South $53^{\circ}16'17''$ East to a point of tangency;



thence continuing along said northeasterly line, South 42°56'37" East, a distance of 215.01 feet to the most easterly corner of said Lot 81;

thence along the southeasterly line of said Lot 81, South 47°02'56" West, a distance of 225.50 feet to the POINT OF BEGINNING.

Property Vested in:

RCS - Villebois Development, LLC

Map 3S1W15AC Tax Lot 3300

REGISTERED
PROFESSIONAL
LAND SURVEYOR

A handwritten signature in blue ink, appearing to read "Travis C. Jansen".

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2017

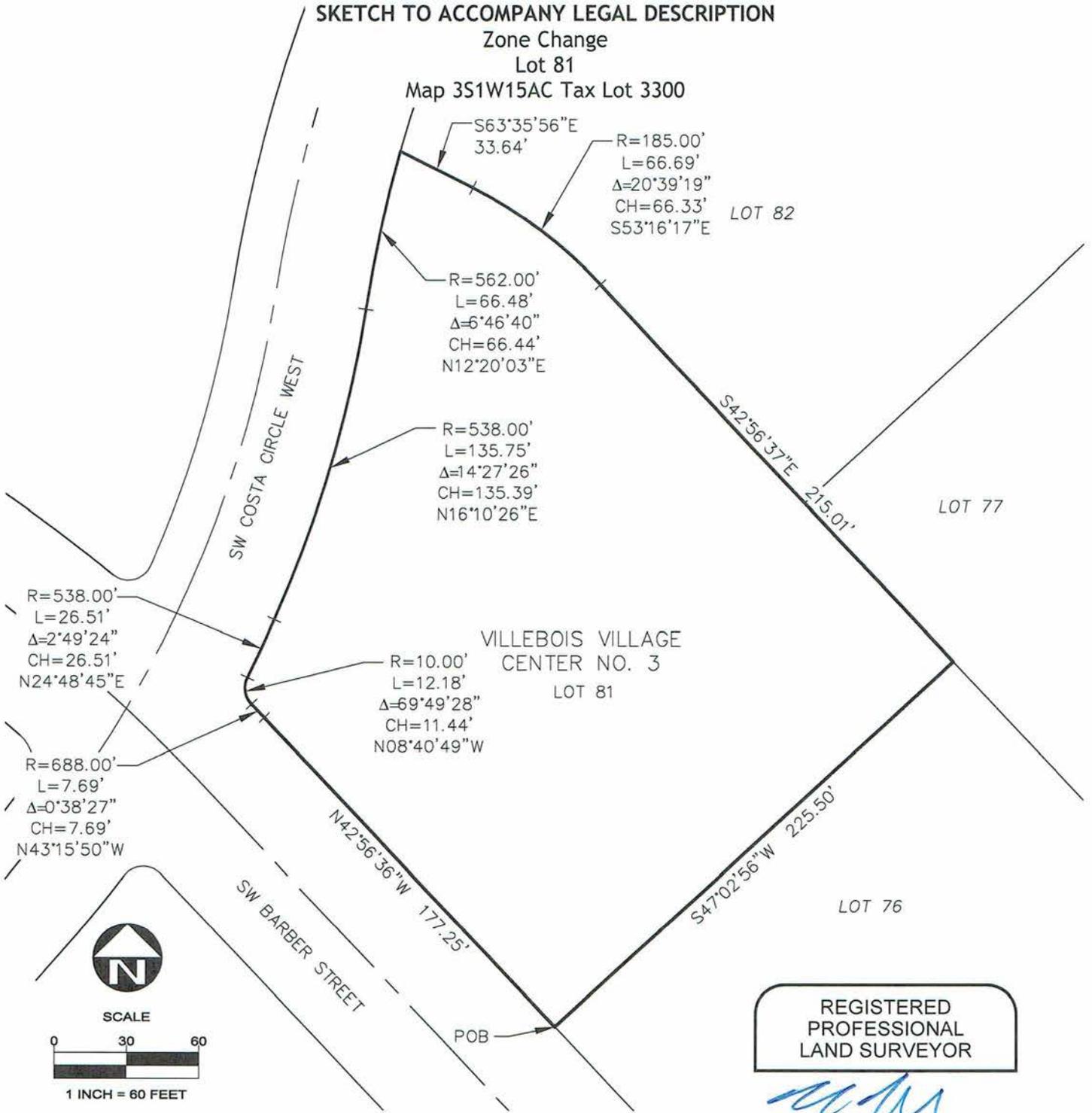


SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Zone Change

Lot 81

Map 3S1W15AC Tax Lot 3300



Property Vested in:
 RCS - VILLEBOIS DEVELOPMENT, LLC
 Map 3S1W15AC Tax Lot 3300

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Travis C. Jansen
 OREGON
 JULY 9, 2002
 TRAVIS C. JANSEN
 57751

RENEWS: 6/30/2017

Ord. No. 799 Attachment 2
 Staff Report
 Wilsonville Planning Division

Berkshire No. 2

City Council
 Quasi-Judicial Public Hearing

Hearing Date: October 17, 2016

Date of Report: October 10, 2016

Application Nos.: DB16-0031 Zone Map Amendment

Request/Summary: The applicant requests the City Council review a Quasi-judicial Zone Map Amendment for a 16-unit “detached” row house residential development and associated improvements.

Location: Villebois Village Center, northeast of intersection of Barber Street and Costa Circle West. The property is specifically known as Tax Lot 3300, Section 15AC, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Owner: Sharon Eshima, RCS- Villebois LLC

Applicant: Rudy Kadlub/David Nash, RCS-Villebois LLC

Applicant’s Rep.: Stacy Connery, AICP, Pacific Community Design, Inc.

Comprehensive Plan Designation: Residential-Village

Zone Map Classification (Current): PF (Public Facility)

Zone Map Classification (Proposed): V (Village)

Staff Reviewer: Daniel Pauly AICP, Senior Planner

Staff and DRB Recommendation: Approve the requested Zone Map Amendment.

Applicable Review Criteria:

Development Code:	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of City Council
Subsection 4.035 (.04)	Site Development Permit Application

Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Residential Development in Any Zone
Section 4.125	V-Village Zone
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
<u>Other City Planning Documents:</u>	
Comprehensive Plan	
Villebois Village Master Plan	
SAP Central Approval Documents	

Vicinity Map



Background/Summary:

Zone Map Amendment (DB16-0031)

The subject property still has “Public Facility” zoning dating from its time as part of the campus of Dammasch State Hospital. Consistent with other portions of the former campus, a request to update the zoning consistent with the Comprehensive Plan is included concurrent with applications to develop the property.

Discussion Topics:

Parking

The 16 row houses require 16 vehicle spaces and no bicycle parking. Besides the garages for each home, 6 additional off-street parking spaces are provided in driveways and 22 spaces are available on the streets fronting the development.

Density

As part of the PDP request the applicant can request a density change for the SAP of up to 10%. The original SAP Central unit count used for density calculations is 1,010 units reflective of Figure 1 of the Villebois Village Master Plan. The 1,010 unit count for SAP Central assumed varying percentages of different unit types would be built including: 53.1% of Mixed-use Condos, 80.9% of Village Apartments, 86.1% of Condos, 93.5% of Rowhouses, 90% of Urban Apartments, and 97.7% for Specialty Condos. Based on these percentages the number of units for PDP 11 reflective of the original SAP Central unit count table is 37 units. The difference from the proposed 16 units is 21 units. The current SAP unit count, including all approved PDP's, is 1,005 units. Concurrent with this application, the applicant has applied for a modification of PDP 2 Central for a decrease of 39 units. The proposed unit count, not including the PDP 2 modification, is 984 units, 2.09% below the most recent SAP unit count and 2.57% below the original SAP Central unit count. The change is within the 10% cumulative density change allowed from the original SAP approval. The change would result in 2,566 units in Villebois, which would continue to exceed the required 2,300 units.

Including both the requested decrease of 39 units with the PDP 2 Central modification and the requested decrease of 21 units with PDP 11 Central the proposed unit count is 945 units, 5.97% below the most recent approved SAP Central unit count with PDP 10 Central, and 6.44% below the original SAP Central unit count. Both changes together would result in 2,527 units in Villebois, which would continue to exceed the required 2,300 units.

Conclusion:

Staff and the DRB have reviewed the application and facts regarding the request and recommends the City Council approve of the zone map amendment (DB16-0031).

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on July 13, 2016. On July 29, 2016, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on August 12, 2016, the Applicant submitted new materials. On August 12, 2016 the application was deemed complete. The City must render a final decision for the request, including any appeals, by December 10, 2016
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
Northeast:	V	SW Valencia Lane (planned, not constructed), Row Houses (approved, not built)
Northwest	V	SW Costa Circle West, Edelweiss Park
Southwest:	V	SW Barber Street, proposed detached row houses
Southeast	PF	vacant

3. Prior land use actions include:

Legislative:

02PC06 - Villebois Village Concept Plan
02PC07A - Villebois Comprehensive Plan Text
02PC07C - Villebois Comprehensive Plan Map
02PC07B - Villebois Village Master Plan
02PC08 - Village Zone Text
04PC02 - Adopted Villebois Village Master Plan
LP-2005-02-00006 - Revised Villebois Village Master Plan
LP-2005-12-00012 - Revised Villebois Village Master Plan (Parks and Recreation)
LP09-0003 - Zone text amendment to allow for detached row houses
LP10-0001 - Amendment to Villebois Village Master Plan (School Relocation from SAP North to SAP East)
LP13-0005 - Amendment to Villebois Village Master Plan (Future Study Area)

Quasi Judicial:

DB06-0005 -

- Specific Area Plan (SAP) - Central.
- Village Center Architectural Standards.
- SAP-Central Architectural Pattern Book.
- Master Signage and Wayfinding Plan.
- Community Elements Book Rainwater Management Program and Plan

DB06-0012 - DB06-0012-Tentative Subdivision Plat (Large Lot)
DB09-0037 & 38 - Modification to the Village Center Architectural Standards (VCAS) to change/add provision for detached row houses.
DB13-0015 - SAP Central Phasing Amendment
DB13-0043 - Tentative Subdivision Plat for Villebois Village Center No. 3 (large lot subdivision, includes subject properties).
DB15-0005 - SAP Refinements and Central Phasing Amendment
DB15-0064 and DB15-0069 - SAP Central Refinements and Phasing Amendments

4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

5. Required and other notices to the public and other agencies have been sent as follows:

Notice of A Proposed Change to a Comprehensive Plan or Land Use Regulation was sent to the Oregon Department of Land Conservation and Development (DLCD) on August 22, 2016, more than 35 days prior to the first evidentiary hearing scheduled September 26, 2016.

A Development Review Team notice soliciting comments was sent August 29, 2016 requesting submittal of comments by September 14, 2016. This notice was sent to City staff and other agencies, franchise utilities, etc. who have requested this type of notice from the City.

A Public Hearing Notice was mailed and posted on September 6, 2016, 20 days prior to the first hearing. The Public Hearing Notice included information on the dates and location of the Development Review Board and City Council Hearings, information on how to comment on the application, and the nature of the application.

Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information

Application Procedures-In General Section 4.008

The application is being processed in accordance with the applicable general procedures of this Section.

Initiating Application Section 4.009

The applications have been submitted on behalf of and signed by the property owner, RCS Villebois LLC.

Pre-Application Conference Subsection 4.010 (.02)

A pre-application conference was held in accordance with this subsection.

Lien Payment before Approval Subsection 4.011 (.02) B.

No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements
Subsection 4.035 (.04) A.

The applicant has provided all of the applicable general submission requirements contained in this subsection.

Zoning-Generally
Section 4.110

This proposed development is in conformity with the Village zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

DB16-0031 Zone Map Amendment

As described in the Findings below, the applicable criteria for this request are met.

Comprehensive Plan

Development per Villebois Village Concept Plan
Implementation Measure 4.1.6.a

A1. The subject area is within SAP-Central, which was previously approved as part of case file DB06-0005 et. seq. and found to be in accordance with the Villebois Village Master Plan and the Wilsonville Planning and Land Development Ordinance.

Elements of Villebois Village Master Plan
Implementation Measure 4.1.6.b.

A2. The current proposal is for residential development implementing the elements as outlined by the Villebois Village Master Plan, as previously approved.

Application of "Village" Zone District
Implementation Measure 4.1.6.c.

A3. The Village Zone zoning district is being applied to an area designated as Residential-Village in the Comprehensive Plan.

Uses Supporting "Urban Village"
Implementation Measure 4.1.6.d.

A4. The area covered by the proposed zone change is proposed for residential uses as shown in the Villebois Village Master Plan.

Planning and Land Development Ordinance

General

Zoning Consistent with Comprehensive Plan Concurrently with Development
Section 4.029

- A5.** The applicant is applying for a zone change concurrently with other land use applications for development as required by this section.

Base Zones Identified
Subsection 4.110 (.01)

- A6.** The requested zoning designation of Village “V” is among the base zones identified in this subsection.

Village Zone

Village Zone Purpose to Implement Villebois Village Master Plan
Subsection 4.125 (.01)

- A7.** The subject lands are designated Residential-Village on the Comprehensive Plan map and are within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village “V”.

Village Zone Uses
Subsection 4.125 (.02)

- A8.** The proposed residential uses are consistent with the Village Zone designation and Villebois Village Master Plan.

Zone Change Application Made Concurrency with PDP
Subsection 4.125 (.18) B. 2.

- A9.** A zone map amendment is being requested concurrently with a request for PDP approval. See Request C.

Zone Change Review

Zone Change Procedures
Subsection 4.197 (.02) A.

- A10.** The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Comprehensive Plan Conformity, etc.
Subsection 4.197 (.02) B.

- A11.** The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and, as shown in Findings A1 through A4, substantially comply with applicable Comprehensive Plan text.

Residential Designated Lands Comprehensive Plan Compliance
Subsection 4.197 (.02) C.

A12. Implementation Measure 4.1.6.c. states the “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation. Since the Village Zone must be applied to areas designated “Residential Village” on the Comprehensive Plan Map and is the Village only zone that may be applied to these areas, its application is consistent with the Comprehensive Plan.

Public Facility Concurrency
Subsection 4.197 (.02) D.

A13. The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project.

Development Required within 2 Years
Subsection 4.197 (.02) F.

A14. The applicant has provided information stating they reasonably expect to commence development within two (2) years of the approval of the zone change. However, in the scenario where the applicant or their successors do not commence development within two (2) years allow related land use approvals to expire, the zone change shall remain in effect.

Development Standards Conformance
Subsection 4.197 (.02) F.

A15. As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 333**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A ZONE MAP AMENDMENT FROM PUBLIC FACILITY (PF) ZONE TO VILLAGE (V) ZONE, AND ADOPTING FINDINGS AND CONDITIONS APPROVING SPECIFIC AREA PLAN – CENTRAL REFINEMENTS, PRELIMINARY DEVELOPMENT PLAN, FINAL DEVELOPMENT PLAN, TENTATIVE SUBDIVISION PLAT AND TYPE ‘C’ TREE PLAN FOR DEVELOPMENT OF DETACHED ROW HOUSES AND ASSOCIATED IMPROVEMENTS IN VILLEBOIS SAP CENTRAL, PHASE 11. THE SUBJECT PROPERTY IS LOCATED ON TAX LOT 3300 OF SECTION 15AC, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. – REPRESENTATIVE FOR RCS–VILLEBOIS DEVELOPMENT, LLC – APPLICANT/OWNER..

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated September 19, 2016, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on September 26, 2016, at which time exhibits, together with findings and public testimony were entered into the public record, and

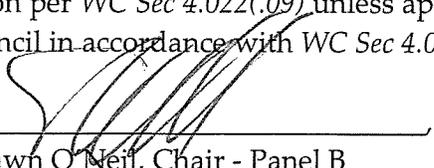
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated September 19, 2016, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to City Council approval of the Zone Map Amendment Request (DB16-0031), for:

DB16-0032 through DB16-0036 SAP Central Refinements, Preliminary Development Plan for Phase 11 Central, Final Development Plan, Tentative Subdivision Plat, and Type C Tree Plan for a 16-unit row house development, and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 26th day of September, 2016 and filed with the Planning Administrative Assistant on Sept. 27, 2016. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.



Shawn O'Neil, Chair - Panel B
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant

Note, the Plan is not included in the Packet since it had been distributed earlier, if a copy is needed please contact the City Recorder at 503-570-1506.

ORDINANCE NO. 796

AN ORDINANCE MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE COFFEE CREEK URBAN RENEWAL PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED

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 Coffee Creek Urban Renewal Plan (the Plan) attached hereto as **Exhibit A** and thereby incorporated herein. The Plan authorizes certain urban renewal activities within the Coffee Creek Urban Renewal Area (the “Area”); and

WHEREAS, the Agency has caused the preparation of a certain Report Accompanying the Coffee Creek Urban Renewal Plan (the Report) attached hereto as **Exhibit B** and thereby incorporated herein to accompany the Plan as required under ORS 457.085(3); and

WHEREAS, the Agency forwarded the Plan and Report to the City’s Planning Commission for their review and recommendation. They considered the Plan and Report on July 13, 2016 and passed a resolution recommending to the City Council that the Coffee Creek Urban Renewal Plan is supportive of and in conformance with the applicable goals and policies of the City of Wilsonville Comprehensive Plan. The record of this action is attached hereto as **Exhibit C** and thereby incorporated herein; and

WHEREAS, the Plan and the Report were forwarded on June 21, 2016 to the governing body of each taxing district affected by the Plan, and the Agency has thereafter consulted and conferred with each taxing district; and

WHEREAS, the City Council has not received written recommendations from the governing bodies of the affected taxing districts; and

WHEREAS, on May 17, 2016 the City met with the Washington County Commission to review the Plan, including proposed maximum indebtedness for the Plan; and

WHEREAS, the Washington County governing body approved a Resolution and Order establishing the Coffee Creek Urban Renewal Plan at their October 4, 2016 meeting; and

WHEREAS, the City caused notice of the hearing to be held before the City Council on the Plan, including the required statements of ORS 457.120(3), to be mailed to property owners within City's incorporated limits through the Boones Ferry Messenger and to the property owners of the unincorporated properties by direct mailing. The public notice language is attached hereto as **Exhibit D** and thereby incorporated herein; and

WHEREAS, on August 1, 2016 the City Council held a public hearing to review and consider the Plan, the Report, the recommendation of the Wilsonville Planning Commission and the public testimony received on or before that date and to receive additional public testimony; and

WHEREAS, after consideration of the record presented through this date, the City Council does by this Ordinance desire to approve the Plan.

NOW THEREFORE, THE COUNCIL OF THE CITY OF WILSONVILLE HEREBY ORDAINS THAT:

Section 1. The City Council hereby determines and finds that the Plan complies with all 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 area designated in the Plan as the Coffee Creek Urban Renewal Area is blighted, as defined by ORS 457.010(1) and is eligible for inclusion within the Plan 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 (ORS 457.010(1)(e) and (g);
2. The rehabilitation and redevelopment described in the Plan 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;
3. The Plan conforms to the Wilsonville Comprehensive Plan and provides an outline for accomplishing the projects described in the Plan, as more fully described in the Plan and in the Wilsonville Planning Commission Recommendation;

4. The Plan conforms to the Wilsonville Economic Development Plan as more fully described in the Plan;
5. The acquisition of real property provided in the Plan is necessary for the development of infrastructure improvements in the Area; 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 these projects as described in Chapter V of the Plan and Section IV of the Report; and
6. Residential displacement may occur to as a result of acquisition of land to complete infrastructure projects specified in the Plan. If residential displacement take place, the requirements of law will apply to the acquisition and relocation assistance processes and provisions made for displaced persons;
7. Adoption and carrying out the Plan 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;
8. The City shall assume and complete any activities prescribed it by the Plan; and
9. The Agency consulted and conferred with affected overlapping taxing districts prior to the Plan being forwarded to the City Council.

Section 2: In accordance with the findings set forth above, the public testimony and the information presented to the City Council, the City Council hereby approves the Coffee Creek Urban Renewal Plan and Report subject to approval by Washington County.

Section 3: Following approval by Washington County and the City of Wilsonville City Council, the City Recorder shall forward a copy of this ordinance to the Agency.

Section 4: The Agency shall thereafter deliver a copy of the Plan to Washington County to be recorded in the Records of Washington 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 a Wilsonville newspaper no later than four days following adoption of this Ordinance.

ORDINANCE NO. 797

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 4, SECTION 4.800 BY MODIFYING SECTION 4.800 THROUGH 4.804 AND ADDING NEW SECTIONS 4.805 THROUGH 4.810 TO CLARIFY AND EXPAND CITY REGULATION AND CONTROL OF WIRELESS COMMUNICATIONS FACILITIES IN RECOGNITION OF CHANGING LAWS AND WIRELESS TECHNOLOGY.

WHEREAS, the Federal Telecommunications Act, as administered by the Federal Communications Commission (FCC), applies to all applications for personal wireless facilities but generally preserves local police powers, subject to certain procedural and substantive limits; and

WHEREAS, the City enacted a wireless communications facilities ordinance in 1997 and, thereafter, amended it in 1998 to exempt certain freestanding wireless communications facilities from height restrictions; and

WHEREAS, based on new wireless communications technologies, particularly the growing demand for more speed and data, the FCC has promulgated new rules that local governments must comply with; and

WHEREAS, based on the new rules and in balancing the citizen need and desire for faster speeds and more data capacity against the impact on the aesthetics of the landscape of the City; and

WHEREAS, new FCC regulations require that cities provide a faster expedited review of certain new wireless communications facilities applications, including the 5G network densification small cells;

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

1. **Chapter 4 – Sections 4.800 - 4.804 Wireless Communications Facilities** is hereby amended by adding amended language to **Sections 4.800 through 4.804** and adding **Sections 4.805 through 4.814** in their entirety, all as set forth on the attached **Exhibit A**.
2. **Code Amendment.** The City Recorder is directed to amend Wilsonville Code Section 4.800 et seq., as approved above, and to make such format, style, and conforming changes to match the format and style of the Wireless Communications Facilities section of the Wilsonville Code.

- 3. **Severability.** If any section, subsection, or provision of this Ordinance is found to be void, invalid, unconstitutional, or in direct conflict with any controlling state or federal law, such portion shall be deemed void but, to the greatest extent allowed by law, the remainder of the Ordinance will remain in full force and effect.
- 4. Except as set forth above, Chapter 4 of the Wilsonville Municipal Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 3rd day of October, 2016, commencing at the hour of 7 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon, and scheduled for second reading on October 17, 2016.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2016, by the following votes: Yes: _____ No: _____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ____ day of _____, 2016.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

- Mayor Knapp
- Council President Starr
- Councilor Fitzgerald
- Councilor Stevens
- Councilor Lehan

Attachments:

Exhibit A – Redlined Code Amendments to Section 4.800 et seq.

**WILSONVILLE CODE
PLANNING AND LAND DEVELOPMENT**

**CHAPTER 4 – SECTIONS 4.800 – 4.804
WIRELESS COMMUNICATIONS FACILITIES**

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WIRELESS COMMUNICATIONS FACILITIES

Section 4.800. Wireless Communications Facilities – Permitted, Conditionally Permitted, And Prohibited Uses.

Purpose:

Wireless Communications Facilities (“WCF”) play an important role in meeting the communication needs of Wilsonville citizens. This Section aims to balance the proliferation of and need for WCF with the importance of keeping Wilsonville a livable and attractive City, consistent with City regulations for undergrounding utilities to the greatest extent possible.

In accordance with the guidelines and intent of Federal law and the Telecommunications Act of 1996, these regulations are intended to: 1) protect and promote the public health, safety, and welfare of Wilsonville citizens; 2) preserve neighborhood character and overall City-wide aesthetic quality; 3) encourage siting of WCF in locations and by means that minimize visible impact through careful site selection, design, configuration, screening, and camouflaging techniques.

As used herein, reference to Wireless Communications Facilities is broadly construed to mean any facility, along with all of its ancillary equipment, used to transmit and/or receive electromagnetic waves, radio or television signals including, but not limited to, antennas, dish antennas, microwave antennas, small cells, distributed antenna systems (“DAS”), 5G, small cell sites/DAS , and any other types of equipment for transmission or receipt of signals, including telecommunication towers, poles, and similar supporting structures, equipment cabinets or buildings, parking and storage areas, and all other accessory development.

This Section does not apply to (i) amateur radio stations defined by the Federal Communication Commission and regulated pursuant to 47 C.F.R. Part 97; or (ii) WCF owned by, or operated solely for, the City of Wilsonville.

If any provision of this Code directly conflicts with State or Federal law, where State or Federal law preempts local law, then that provision of this Code shall be deemed unenforceable, to the extent of the conflict, but the balance of the Code shall remain in full force and effect.

Nothing contained in this Section shall be construed in any way to waive or limit the City’s proprietary rights over its real and personal property, including without limitation any proprietary interest in the right-of-way. Thus, if it is determined the City has authority to exert greater rights or impose additional conditions or limitations beyond those set forth in this Section, the City reserves the absolute right to do so, as it determines appropriate or necessary.

(.01) Permitted Uses.

A. Towers, poles, and structures for WCF and ancillary facilities thereto are permitted, subject to submission of a complete City-developed and approved application, payment of all fees, and approval through the Class II Administrative Review process listed in Section 4.030.B of the Wilsonville Code, in all of the following locations:

1. Any property owned by the City of Wilsonville, including public right-of-way;

2. Any property owned by the West Linn - Wilsonville School District;
 3. Any property owned by the Tualatin Valley Fire District;
 4. Any property within an electric utility substation.
- B. Co-locating WCF is encouraged on all existing, legally established, towers, poles, and structures in all zones and may be required on City property.
- C. Satellite communications antennas not exceeding one (1) meter in diameter shall be permitted in any zone without requiring Administrative Review. All others are subject to Class II review.
- D. Camouflaged WCF antennas attached to existing light, power, or telephone poles are permitted in all zones, subject to the development standards of Section 4.803, and subject to City approval through the Class II Administrative Review process listed in Section 4.030 of the Wilsonville Code.
- F. The City of Wilsonville is an underground utility City (Undergrounding District) where mandatory aesthetic design standards do not unreasonably preclude WCF by requiring undergrounding of all equipment to the maximum extent possible. Therefore, no new vertical elements will be allowed on City property if there are existing facilities available to reasonably accommodate the WCF, and all equipment other than the antennas shall be placed underground to the maximum extent possible.
- (.02) Conditional Uses. Except as provided above, WCF shall be allowed in all zones, upon approval of a conditional use permit, pursuant to Section 4.184 of the Wilsonville Code, subject to the following limitations:
- A. In any commercial Master Planning Area, WCF attached to existing permitted structures shall be permitted as conditional uses if WCF design review and screening criteria, as described in Wilsonville Code Sections 4.176 and 4.400, are met. All other WCF are prohibited.
- (.03) Prohibited Uses. WCF are prohibited on all lands designated as Significant Resource Overlay Zone lands.

Section 4.801. Application Requirements.

Cable providers that occupy any portion of the City's right-of-way are required to enter into a Franchise Agreement with the City. Other utilities, including Competitive Local Exchange Competitor carriers are subject to the terms of the City's Privilege Tax Ordinance No. 616. In order to be permitted, an applicant must complete: 1) a Site Development Permit Application; 2) a Public Works Permit; 3) a Building Permit; and 4) enter into a Lease Agreement with the City for use of the public Right-of-Way. In preparing the Application, the applicant should review all provisions of this Code Section, particularly the portion attached to the Development Review Standards. The WCF Application process shall include all of the following:

- (.01) Speculation. No Application for a WCF shall be approved from an applicant that constructs WCF and leases tower space to service providers that is not itself a

wireless service provider, unless the applicant submits a binding written commitment or executed lease from a service provider to utilize or lease space on the WCF.

- (.02) Geographical Survey. The applicant shall identify the geographic service area for the proposed WCF, including a map showing all of the applicant's existing sites in the local service network associated with the gap that the proposed WCF is proposed to close. The applicant shall describe how this service area fits into and is necessary for the service provider's service network. Prior to the issuance of any building permits, applicants for WCF shall provide a copy of the corresponding FCC Construction Permit or license for the facility being built or relocated, if required. The applicant shall include a vicinity map clearly depicting where, within a one-half (1/2) mile radius, any portion of the proposed WCF could be visible, and a graphic simulation showing the appearance of the proposed WCF and all accessory and ancillary structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation and screening measures. Such points are to be mutually agreed upon by the Planning Director or the Planning Director's designee and the applicant. This Section (.02) is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a).
- (.03) Visual Impact, Technological Design Options, and Alternative Site Analysis. The applicant shall provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening for all components of the facility. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility as seen from multiple directions. The applicant shall include a map showing where the photos were taken. The applicant shall include an analysis of alternative sites and technological design options for the WCF within and outside of the City that are capable of meeting the same service objectives as the preferred site with an equivalent or lesser visual impact. If a new tower or pole is proposed as a part of the proposed WCF, the applicant must demonstrate the need for a new tower and pole and why existing locations or design alternatives, such as the use of microcell technology, cannot be used to meet the identified service objectives. Documentation and depiction of all steps that will be taken to screen or camouflage the WCF to minimize the visual impact of the proposed facility must be submitted.
- (.04) Number of WCF. The Application shall include a detailed narrative of all of the equipment and components to be included with the WCF, including, but not limited to, antennas and arrays; equipment cabinets; back-up generators; air conditioning units; poles; towers; lighting; fencing; wiring, housing; and screening. The applicant must provide the number of proposed WCF at each location and include renderings of what the WCF will look like when screened. The Application must contain a list of all equipment and cable systems to be installed, including the maximum and minimum dimensions of all proposed equipment. Wilsonville is an Undergrounding District, meaning that the City will require any utility that can be fully or partially located underground to the maximum extent possible to help preserve the aesthetic appearance of the right-of-way and community and to prevent aboveground safety hazards. Therefore, all components of the WCF must be undergrounded to the extent reasonably feasible. Those components of the WCF that must be above ground must

- be identified by type of facility, dimension of facility, with proposed screening to reduce to the maximum extent possible the visual impact of aboveground facilities and equipment. A written narrative of why any portion of the WCF must be above ground is required. Cost savings is not a valid reason for placing facilities and equipment above ground except where the applicant conclusively shows that this requirement would result in an effective or actual prohibition of the telecommunications service.
- (.05) Safety Hazards. Any and all known or expected safety hazards for any of the WCF facilities must be identified and the applicant who must demonstrate how all such hazards will be addressed and minimized to comply with all applicable safety codes.
- (.06) Landscaping. The Application shall provide a landscape plan, drawn to scale, that is consistent with the need for screening at the site, showing all proposed landscaping, screening and proposed irrigation (if applicable), with a discussion of how proposed landscaping, at maturity, will screen the site. Existing vegetation that is proposed to be removed must be clearly indicated and provisions for mitigation included.
- (.07) Height. The Application shall provide an engineer's diagram, drawn to scale, showing the height of the WCF and all of its above-ground components. Applicants must provide sufficient evidence that establishes that the proposed WCF is designed to the minimum height required to meet the carrier's coverage objectives. If a tower or pole height will exceed the base height restrictions of the applicable zone, this narrative shall include a discussion of the physical constraints (topographical features, etc.) making the additional height necessary. The narrative shall include consideration of design alternatives, including the use of multiple sites or designs that would avoid the need for the new WCF or over zone height WCF. The maximum height allowed in the right-of-way is fifty (50) feet.
- (.08) Construction. The Application shall describe the anticipated construction techniques and time frame for installation of the WCF.
- (.09) Maintenance. The Application shall describe the anticipated maintenance and monitoring program for the WCF, including antennas, back-up equipment, poles, paint, and landscaping.
- (.10) Noise/Acoustical Information. The Application shall provide manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide a noise study prepared and sealed by a qualified Oregon-license Professional Engineer that demonstrates that the WCF will comply with intent and goals of Section 6.204 et seq. of this Code.
- (.11) Parking. The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment, if any. No parking of maintenance vehicles and equipment parking shall be permitted in any red curb zone, handicap parking zone, or loading zone.

- (.12) Co-Location. In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.
- (.13) Lease. The site plan shall show the lease area of the proposed WCF.
- (.14) FCC License and Radio Frequency Safety Compliance. The Application shall provide a copy of the applicant's FCC license and/or construction permit, if an FCC license and/or construction permit is required for the proposed facility. The applicant shall provide documentation showing that the party responsible for radio frequency transmissions is in planned or actual compliance with all FCC RF emissions safety standards and guidelines at 47 C.F.R. § 1.1307 et seq. and FCC Office of Engineering Technology Bulletin 65.
- (.15) Lighting and Marking. The Application shall describe any proposed lighting and marking of the WCF, including any required by the FAA.
- (.16) Co-Location Feasibility. A feasibility study for the co-location of any WCF as an alternative to new structures must be presented and certified by an Oregon-licensed Professional Engineer. Co-location will be required when determined to be feasible ~~on any City structures due to the desire to limit any new verticality, except where absolutely necessary~~. The feasibility study shall include:
- A. An inventory, including the location, ownership, height, and design of existing WCF within one-half (1/2) mile of the proposed location of a new WCF. The planning director may share such information with other applicants seeking permits for WCF, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
 - B. Documentation of the efforts that have been made to co-locate on existing or previously approved towers, poles, or structures. The applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers, poles, or structures and shall provide a list of all owners contacted in the area, including the date, form, and content of such contact.
 - C. Documentation as to why co-location on existing or proposed towers, poles, or commercial structures within one thousand (1,000) feet of the proposed site is not practical or feasible. Co-location shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Planning Director and/or Development Review Board may consider expert testimony to determine whether the fee and costs are reasonable when balanced against the market and the important aesthetic considerations of the community.
- (.17) Engineering Report for New Location.
- A. An Application for a new WCF, whether co-located or new, shall include, as applicable, a report from an Oregon licensed Professional Engineer documenting the following:
 - 1. A description of the proposed WCF height and design, including technical, engineering, and other pertinent factors governing selection of the proposed

design. A cross-section of the proposed WCF structure shall be included. ~~If proposed WCF is intended to accommodate future co-location, the engineer shall document that the design is sufficient for the purpose whether the structure is at its maximum structural capacity and, if not, the additional weight the structure could support. If the proposed WCF is not intended to allow for future co-location, the engineer shall provide an explanation of why it is not so intended.~~

2. Documentation that the proposed WCF will have sufficient structural integrity for the proposed uses at the proposed location, in conformance with the minimum safety requirements of the State Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application.
 - B. A description of mitigation methods which will be employed to avoid ice hazards, including increased setbacks, and/or de-icing equipment, if required by any safety law, regulation, or code.
 - C. Evidence that the proposed WCF will comply with all applicable requirements of the Federal Aviation Administration, the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communications Commission.
- (.18) Maintenance. The applicant shall provide a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.
- (.19) Recordation Requirements. If a new WCF is approved, the owner shall be required, as a condition of approval, to:
 - A. Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the WCF is located;
 - B. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
 - C. Negotiate in good faith for shared use by others; and
 - D. Such conditions shall run with the land and be binding on subsequent purchasers of the WCF.
- (.20) The Planning Director may request any other information deemed necessary to fully evaluate and review the information provided in the application.

Section 4.802. Co-Location.

In order to encourage shared use of towers, poles, or other facilities for the attachment of WCF, no conditional use permit shall be required for the addition of equipment, provided that:

- (.01) There is no change to the type of tower or pole.
- (.02) All co-located WCF shall be designed in such a way as to be visually compatible with the structures on which they are placed.

- (.03) All co-located WCF must comply with the conditions and concealment elements of the original tower, pole, or other facility upon which it is co-locating.
- (.04) Shall not disturb, or will mitigate any disturbed, existing landscaping elements.
- (.05) Does not entail excavation or deployment outside site of current facility where co-location is proposed.
- (.06) All co-located WCF, and additions to existing towers, poles, or other structures, shall meet all requirements of the State of Oregon Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application. A building permit shall be required for such alterations or additions. Documentation shall be provided by an Oregon-licensed Professional Engineer verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.
- (.07) Additional Application Requirements for Co-Location:
 - A. A copy of the site plan approved for the original tower, pole, or other base station facility to which the co-location is proposed.
 - B. A site survey delineating development on-the-ground is consistent with the approved site plan.

Section 4.803. Development Review Standards.

All WCF shall comply with the following Development Review standards, unless grandfathered under State or Federal law:

- (.01) Visual Impact.
 - A. Maximum Number of High Visibility Facilities Per Lot or Parcel. No more than one high visibility WCF is allowed on any one lot or parcel of five acres or less. The Development Review Board may approve exceeding the maximum number of high visibility WCF per lot or parcel if one of the following findings is made through a Class III review process: (1) co-location of additional high visibility WCF is consistent with neighborhood character, (2) the provider has shown that denial of an application for additional high visibility WCF would prohibit or have the effect of prohibiting service because the WCF would fill a significant gap in coverage and no alternative locations are available and technologically feasible, or (3) the provider has shown that denial of an application for additional high visibility WCF would unreasonably discriminate among providers of functionally equivalent services. In such cases, the Development Review Board shall be the review authority for all related applications.
 - B. Height. The tower or pole height of a freestanding WCF in R, PDR and RA-H zones shall not exceed fifty (50) feet, except that the RA-H zoned property occupied by the City Wastewater Treatment Plant and the PDR zoned property occupied by the Elligsen Road Water Reservoir shall be exempted from the height limitations of the subject zones, and subsection 4.803(.01)A, above, shall apply.

- C. WCF Adjacent to Residentially Designated Property. In order to ensure public safety, all WCF located adjacent to any property designated as residential in Wilsonville shall be set back from all residential property lines by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto. The setback shall be measured from that part of the WCF that is closest to the neighboring residentially designated property.
- D. Historical Buildings and Structures. No WCF shall be allowed on any building or structure, or in any district, that is listed on any Federal, State, or local historical register unless it is determined by the Development Review Board that the facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high visibility facilities are permitted on any such building, any such site, or in any such district.
- E. Tower or Pole Heights. Towers or poles may exceed the height limits otherwise provided for in the Development Code with compelling justification only. Costs and cost efficiency are not compelling justifications.
- F. Accessory Building Size. Within the public right-of-way, no above-ground accessory buildings shall be permitted. Outside of the public right-of-way, all accessory buildings and structures permitted to contain equipment accessory to a WCF shall not exceed twelve (12) feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure is limited to two hundred (200) square feet, unless approved through a Conditional Use Permit.
- G. Utility Vaults and Equipment Pedestals. Within the public right-of-way, utility vaults and equipment pedestals associated with WCF must be underground to the maximum extent possible.
- H. Visual Impact. All WCF shall be designed to minimize the visual impact to the maximum extent possible by means of placement, screening, landscaping, and camouflage. All WCF shall also be designed to be compatible with existing architectural elements, building materials, and other site characteristics. All WCF shall be sited in such a manner as to cause the least detriment to the viewshed from other properties. The use of radomes and/or other camouflage techniques acceptable to the City to conceal antennas, associated equipment and wiring, and antenna supports is required.
- I. Color Schemes. For the sake of visual impact, no wooden poles are allowed. Color schemes must be approved by the City to best camouflage with the surrounding landscape.
- J. Antennas. Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. As appropriate, antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than two (2) feet out from the building face. Roof-mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the building edge as

possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.

- K. Noise. Noise from any equipment supporting the WCF shall meet the requirements of City Code Section 6.204 – Noise.
- L. Signage. No signs, striping, graphics, or other attention-getting devices are permitted on any WCF except for warning and safety signage with a surface area of no more than three (3) square feet. Except as required by law, all signs are prohibited on WCF except for one non-illuminated sign, not to exceed two (2) square feet, which shall be provided at the main entrance to the WCF, stating the owner's name, the wireless operator(s) if different from the owner, and address and a contact name and phone number for emergency purposes. WCF may be placed entirely behind existing street or building signs as one method of camouflage.
- M. Traffic Obstruction. Maintenance vehicles servicing facilities located in the public right-of-way shall not park on the traveled way or in a manner that obstructs traffic. No maintenance vehicle parking shall be permitted in red curb zones, handicap zones, or loading zones.
- N. Parking. No net loss in minimum required parking spaces shall occur as a result of the installation of any WCF.
- O. Sidewalks and Pathways. Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land and shall be screened from view. Cabinets shall be undergrounded, to the maximum extent possible.
- P. Lighting. WCF shall not include any beacon lights or strobe lights, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If beacon lights or strobe lights are required, the Development Review Board shall review the available alternatives and approve the design with the least visual impact. All other site lighting for security and maintenance purposes shall be shielded and directed downward, and shall comply with the City's outdoor lighting standards in City Code Section 4.199, unless otherwise required under Federal law.
- Q. Paint and Finish.
Towers, poles, antennas, and associated equipment shall either maintain a galvanized steel finish or be painted a non-reflective, neutral color, as approved by the Planning Director or Development Review Board, to minimize visibility. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure. Towers more than two hundred (200) feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration rules. Applicants shall attempt to seek a waiver of OSAD and FAA marking requirements. When a waiver is granted, towers shall be painted and/or camouflaged in accordance with subsection (.01), above. All ancillary facilities shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment.

- R. Use of Concealments. Concealments are customized structures engineered to cover cell towers, antennas, DAS equipment and beautify them and make them either less visible or more pleasing to have in the landscape. Applicant shall present a proposal for concealment intended to meet the foregoing goal.
- S. Public Works Standards. Additional applicable construction and design standards are as set forth in the City's 2015 Public Works Standards.
- T. Compliance With All Laws. Every WCF shall comply with all local, state, and federal laws, codes, and regulations including without limitation to the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.
- (.02) Site Size.
- The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide all required setbacks as specified in this Code Section. Towers or poles only as permitted herein may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this Code Section are met.
- (.03) Separation and Setbacks.
- A. WCF shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
- B. A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100% breakpoint or twenty-five (25) feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
- C. WCF mounted on rooftops or City-approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCF and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened.
- D. WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in any zone, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be located outside of the setback from all abutting properties.
- (.04) Security Fencing. WCF or towers shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device. Fencing shall be compatible with other nearby fencing. Such requirements may be waived for attached WCF.

- (.05) Landscaping. Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of fast growing vegetation that can be expected to reach a minimum height of six (6) feet and form a continuous hedge within two (2) years of planting. Drought tolerant landscaping materials shall be required and otherwise meet the landscaping standards of City Code Section 4.176. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed twenty (20) feet in height and would not affect the stability of the guys should they be uprooted. Landscaping shall be compatible with other nearby landscaping.
- (.06) Conflict with Right-of-Way. No WCF shall be located within a planned or existing public right-of-way, unless it is specifically designed for the purpose in a way that will not impede pedestrian, bicycle, or vehicular traffic and the installation of any sidewalk or path that is a planned future improvement.
- (.07) Change to Approved WCF. Any change to or expansion of a WCF that will in any way change the physical appearance of the WCF will require a new application.

Section 4.804. Review Process and Approval Standards.

- (.01) Class II Process. The following WCF are allowed with the approval of a WCF Site Plan to be reviewed by the Planning Director pursuant to a Class II process under City Code Section 4.030(.01)B:
- A. WCF proposed in the following locations:
1. Any property owned by the City of Wilsonville, including public right-of-way;
 2. Any school property owned by ~~the West Linn—Wilsonville~~ any public School District;
 3. Any fire station property owned by ~~the Tualatin Valley~~ any Fire District;
 4. Any property within an electric utility substation.
- B. WCF attached to existing light, power, or telephone poles in all zones, subject to the development standards of Section 4.803.
- C. WCF Co-locations meeting the criteria outlined in Wilsonville Code 4.802.
- D. Satellite dishes larger than one (1) meter.
- (.02) Conditional Use Permit Requirements. Applications for WCF in all other locations and situations, including moderate or high visibility facilities that exceed the height limit of the applicable zone, shall also require a Conditional Use Permit to be reviewed by the Development Review Board. In addition to the approval standards in City Code Section 4.030, the applicant shall demonstrate that the WCF Site Plan approval standards in this Section are met.
- (.03) Approval Criteria. The Development Review Board shall approve the use and WCF Site Plan for any of the WCF listed in subsections (.01) and (.01) of this Section upon a determination that the following criteria are met:

- A. The height of the proposed WCF does not exceed the height limit of the underlying zoning district, or does not increase the height of an existing facility.
 - B. The location is the least visible of other possible locations and technological design options that achieve approximately the same signal coverage objectives.
 - C. The location, size, design, and operating characteristics of the proposed WCF will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:
 - 1. Scale, bulk, coverage, and density;
 - 2. The suitability of the site for the type and intensity of the proposed WCF; and
 - 3. Any other relevant impact of the proposed use in the setting where it is proposed.
 - D. All required public facilities have adequate capacity, as determined by the City, to serve the proposed WCF; and
 - E. The proposed WCF complies with all of the general regulations contained in this Section 4.800 – 4.812.
- (.04) Conditions of Approval. The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location. If compliance with all of the applicable criteria cannot be achieved through the imposition of reasonable conditions, the Application shall be denied.

Section 4.805. Exemptions.

The following shall be considered exempt structures or activities under this Code Chapter:

- (.01) Antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone capacity.
- (.03) Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed sixty (60) days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State.
- (.04) Replacement antennas or equipment, provided the replacement antennas and/or equipment have the same function, size, and design to the replaced antenna and/or equipment and do not exceed the overall size of the original approved antenna and/or equipment.

Section 4.806. Damage, Destruction, or Interference to Other Utilities.

In the installation of any WCF within the right-of-way, care must be taken to install in such a way that does not damage, interfere with, or disturb any of the several other utilities that may

already be located in the area. Any damage done to such other utilities must be immediately reported to both the City and the owner of the damaged utility, and must be promptly repaired by the permittee or the utility owner, with the permittee being responsible for all costs of repair, including any extra charges that may be assessed for emergency repairs. Failure to notify the City and the damaged utility provider will result in revocation of the WCF. When approving the location for a WCF, the location of other utilities, or the need for the location of other utilities, within the right-of-way must be considered before approval to locate the WCF will be given in order to ensure those other services to the public are not disrupted.

Section 4.807. Maintenance.

The following maintenance requirements apply to WCF, as applicable:

- (.01) All landscaping shall be maintained at all times and shall be promptly replaced if not successful.
- (.02) If a flag pole is used for camouflaging a facility, flags must be flown and must be properly maintained at all times. If a United State Flag is flown, it shall be illuminated as required by the United States Flag Code.
- (.03) All WCF sites shall be kept clean, neat, and free of litter.
- (.04) A WCF shall be kept clean and painted in good condition at all times. Rusting, dirt, or peeling facilities are prohibited.
- (.05) All equipment cabinets shall display a legible operator's contact number for reporting maintenance problems.
- (.06) Any graffiti on a WCF must be promptly removed at Owner's expense.

Section 4.808. Permit Tracking.

The permittee of each permit issued to it by the City shall retain full and complete copies of all permits and other regulatory permits issued in connection with this facility. In the event that the City cannot locate any such full and complete permits or other regulatory approvals in its official records, and the permittee fails or refuses to retain or produce full and complete permits or other regulatory approvals in the permittee's files, any ambiguities or uncertainties that would be resolved through an examination of the missing documents will be resolved against the permittee.

Section 4.809. Inspections.

- (.01) The City or its agents shall have authority to enter onto the property upon which a WCF is located to inspect the facility for the purpose of determining whether it complies with the Building Code and all other construction standards provided by the City and Federal and State law.
- (.02) As a condition of approval and prior to final inspection of the WCF, the applicant shall submit evidence, such as photos, to the satisfaction of the City, sufficient to prove that the WCF is in substantial conformance with photo simulations provided

with the application. Nonconformance shall require modification to compliance within thirty (30) days or the WCF, or nonconforming components, must be removed.

- (.03) The City reserves the right to conduct such inspections at any time, upon reasonable notice to the WCF owner. In the event such inspection results in a determination that violation of applicable construction and maintenance standards set forth by the City has occurred, remedy of the violation may include cost recovery for all costs incurred in conforming and processing the violation.

Section 4.810. Preexisting WCF.

WCF that lawfully existed prior to the adoption of this Chapter shall be allowed to continue their use as they presently exist. This Code does not make lawful any WCF that are not fully approved on the date the ordinance codified in this Code is adopted and those pending WCF will be required to meet the requirements of this Code. Routine maintenance shall be permitted on such lawful preexisting WCF. Lawfully existing WCF may be replaced as long as the replacement is in the exact location of the WCF being replaced and is of a construction type identical in height, width, weight, lighting, and painting. Any changes or modifications to a replacement WCF shall not be considered routine maintenance, shall be treated as new construction, and shall comply with the requirements of this Chapter.

Section 4.811. Ancillary Facilities.

Unenclosed storage of materials is prohibited. Other building facilities, including offices, vehicle storage areas, or other similar uses not necessary for transmission or relay functions, are prohibited unless a separate land use application for such is submitted and approved.

Section 4.812. Abandoned Facilities; Discontinuation of Use.

The following requirements apply to the abandonment and/or discontinuation of use for all WCF:

- (.01) All WCF located on a utility pole shall be promptly removed at the operator's expense at any time a utility is scheduled to be placed underground or otherwise moved.
- (.02) All operators who intend to abandon or discontinue the use of any WCF shall notify the City of such intentions no less than sixty (60) days prior to the final day of use.
- (.03) WCF shall be considered abandoned ninety (90) days following the final day of use or operation.
- (.04) All abandoned WCF, including ancillary equipment, shall be physically removed by the facility owner no more than ninety (90) days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.
- (.05) The City reserves the right to remove any WCF that are abandoned for more than ninety (90) days, at the expense of the facility owner.

- (.06) Any abandoned site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.

Section 4.813. Mandatory and Automatic Permit Conditions.

All WCF permits, whether issued by the City or approved by operation of law, shall be subject to the standard conditions of approval provided in this Section. The City may add, remove or modify any conditions of approval as necessary or appropriate to protect and promote the public health, safety and welfare.

- (.01) Permit Duration. The permit will automatically expire ten (10) years from the issuance date.
- (.02) Compliance with All Applicable Laws. Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinance or other rules.
- (.03) Inspections; Emergencies. The City or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The City reserves the right to enter or direct its designee the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
- (.04) Contact Information for Responsible Parties. Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Planning Director within one (1) business day of permittee's receipt of the Planning Director's written request.
- (.05) Indemnities. The permittee and, if applicable, the non-government owner of the private property upon which the tower/and or base station is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials and employees (i) from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs of mandamus and other actions or proceedings brought against the City or its agents, officers, officials or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, law suits or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors or independent contractors. The permittee shall be responsible for costs of determining the source of the interference, all costs associated with eliminating the interference, and all costs arising from third party claims against the City attributable to the interference. In the event the City becomes aware of any such actions or claims the City shall promptly notify the permittee and the private property owner and shall reasonably cooperate in the

defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.

- (.06) Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.
- (.07) General Maintenance. Permittee must comply with Section 4.806 at all times.

Section 4.814. Mandatory and Automatic Permit Conditions of Approval for Section 6409(a).

Any Section 6409(a) Co-Location/Modification Permit approved or deemed-granted by the operation of federal law shall be automatically subject to the conditions of approval described in this Section.

- (.01) Permit Duration. The City's grant or grant by operation of law of a Section 6409(a) Co-Location/Modification Permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. The City's grant or grant by operation of law of a Section 6409(a) Co-Location/Modification Permit will not extend the permit term for any conditional use permit, land use permit or other underlying regulatory approval and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.
- (.02) Accelerated Permit Terms Due to Invalidation. In the event that any court of competent jurisdiction invalidates any portion of Section 6409(a) or any FCC rule that interprets Section 6409(a) such that federal law would not mandate approval for any Section 6409(a) Co-Location/Modification Permit(s), such permit(s) shall automatically expire one (1) year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved Section 6409(a) Co-Location/Modification Permits. A permittee shall not be required to remove its improvements approved under the invalidated Section 6409(a) Co-Location/Modification Permit when it has submitted an application for either a Conditional Wireless Facilities Permit or an Administrative Wireless Facilities Permit for those improvements before the one (1) year period ends. The Planning Director may extend the expiration date on the accelerated permit upon a written request from the permittee that shows good cause for an extension.
- (.03) No Waiver of Standing. The City's grant or grant by operation of law of a Section 6409(a) Co-Location/Modification Permit does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409(a), any FCC rules that interpret Section 6409(a) or any Section 6409(a) Co-Location/Modification Permit.

- (.04) Compliance with All Applicable Laws. Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinance or other rules.
- (.05) Inspections; Emergencies. The City or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The City reserves the right to enter or direct its designee the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
- (.06) Contact Information for Responsible Parties. Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Planning Director upon permittee's receipt of the Planning Director's written request.
- (.07) Indemnities. The permittee and, if applicable, the non-government owner of the private property upon which the tower/and or base station is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials and employees (i) from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs of mandamus and other actions or proceedings brought against the City or its agents, officers, officials or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, law suits or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors or independent contractors. The permittee shall be responsible for costs of determining the source of the interference, all costs associated with eliminating the interference, and all costs arising from third party claims against the City attributable to the interference. In the event the City becomes aware of any such actions or claims the City shall promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.
- (.08) Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.
- (.09) General Maintenance. Permittee must comply with Section 4.806 at all times.

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**WILSONVILLE CODE
PLANNING AND LAND DEVELOPMENT**

**CHAPTER 4 – SECTIONS 4.800 – 4.804
WIRELESS COMMUNICATIONS FACILITIES**

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WIRELESS COMMUNICATIONS FACILITIES

Section 4.800. Wireless Communications Facilities – Permitted, Conditionally Permitted, And Prohibited Uses.

Purpose:

Wireless Communications Facilities (“WCF”) play an important role in meeting the communication needs of Wilsonville citizens. This Section aims to balance the proliferation of and need for WCF with the importance of keeping Wilsonville a livable and attractive City, consistent with City regulations for undergrounding utilities to the greatest extent possible.

In accordance with the guidelines and intent of Federal law and the Telecommunications Act of 1996, these regulations are intended to: 1) protect and promote the public health, safety, and welfare of Wilsonville citizens; 2) preserve neighborhood character and overall City-wide aesthetic quality; 3) encourage siting of WCF in locations and by means that minimize visible impact through careful site selection, design, configuration, screening, and camouflaging techniques.

As used herein, reference to Wireless Communications Facilities is broadly construed to mean any facility, along with all of its ancillary equipment, used to transmit and/or receive electromagnetic waves, radio or television signals including, but not limited to, antennas, dish antennas, microwave antennas, small cells, distributed antenna systems (“DAS”), 5G, small cell sites/DAS , and any other types of equipment for transmission or receipt of signals, including telecommunication towers, poles, and similar supporting structures, equipment cabinets or buildings, parking and storage areas, and all other accessory development.

This Section does not apply to (i) amateur radio stations defined by the Federal Communication Commission and regulated pursuant to 47 C.F.R. Part 97; or (ii) WCF owned by, or operated solely for, the City of Wilsonville.

If any provision of this Code directly conflicts with State or Federal law, where State or Federal law preempts local law, then that provision of this Code shall be deemed unenforceable, to the extent of the conflict, but the balance of the Code shall remain in full force and effect.

Nothing contained in this Section shall be construed in any way to waive or limit the City’s proprietary rights over its real and personal property, including without limitation any proprietary interest in the right-of-way. Thus, if it is determined the City has authority to exert greater rights or impose additional conditions or limitations beyond those set forth in this Section, the City reserves the absolute right to do so, as it determines appropriate or necessary.

(.01) Permitted Uses.

A. Towers, poles, and structures for WCF and ancillary facilities thereto are permitted, subject to submission of a complete City-developed and approved application, payment of all fees, and approval through the Class II Administrative Review process listed in Section 4.030.B of the Wilsonville Code, in all of the following locations:

1. Any property owned by the City of Wilsonville, including public right-of-way;

2. Any property owned by the West Linn - Wilsonville School District;
 3. Any property owned by the Tualatin Valley Fire District;
 4. Any property within an electric utility substation.
- B. Co-locating WCF is encouraged on all existing, legally established, towers, poles, and structures in all zones and may be required on City property.
- C. Satellite communications antennas not exceeding one (1) meter in diameter shall be permitted in any zone without requiring Administrative Review. All others are subject to Class II review.
- D. Camouflaged WCF antennas attached to existing light, power, or telephone poles are permitted in all zones, subject to the development standards of Section 4.803, and subject to City approval through the Class II Administrative Review process listed in Section 4.030 of the Wilsonville Code.
- F. The City of Wilsonville is an underground utility City (Undergrounding District) where mandatory aesthetic design standards do not unreasonably preclude WCF by requiring undergrounding of all equipment to the maximum extent possible. Therefore, no new vertical elements will be allowed on City property if there are existing facilities available to reasonably accommodate the WCF, and all equipment other than the antennas shall be placed underground to the maximum extent possible.
- (.02) Conditional Uses. Except as provided above, WCF shall be allowed in all zones, upon approval of a conditional use permit, pursuant to Section 4.184 of the Wilsonville Code, subject to the following limitations:
- A. In any commercial Master Planning Area, WCF attached to existing permitted structures shall be permitted as conditional uses if WCF design review and screening criteria, as described in Wilsonville Code Sections 4.176 and 4.400, are met. All other WCF are prohibited.
- (.03) Prohibited Uses. WCF are prohibited on all lands designated as Significant Resource Overlay Zone lands.

Section 4.801. Application Requirements.

Cable providers that occupy any portion of the City's right-of-way are required to enter into a Franchise Agreement with the City. Other utilities, including Competitive Local Exchange Competitor carriers are subject to the terms of the City's Privilege Tax Ordinance No. 616. In order to be permitted, an applicant must complete: 1) a Site Development Permit Application; 2) a Public Works Permit; 3) a Building Permit; and 4) enter into a Lease Agreement with the City for use of the public Right-of-Way. In preparing the Application, the applicant should review all provisions of this Code Section, particularly the portion attached to the Development Review Standards. The WCF Application process shall include all of the following:

- (.01) Speculation. No Application for a WCF shall be approved from an applicant that constructs WCF and leases tower space to service providers that is not itself a

wireless service provider, unless the applicant submits a binding written commitment or executed lease from a service provider to utilize or lease space on the WCF.

- (.02) Geographical Survey. The applicant shall identify the geographic service area for the proposed WCF, including a map showing all of the applicant's existing sites in the local service network associated with the gap that the proposed WCF is proposed to close. The applicant shall describe how this service area fits into and is necessary for the service provider's service network. Prior to the issuance of any building permits, applicants for WCF shall provide a copy of the corresponding FCC Construction Permit or license for the facility being built or relocated, if required. The applicant shall include a vicinity map clearly depicting where, within a one-half (1/2) mile radius, any portion of the proposed WCF could be visible, and a graphic simulation showing the appearance of the proposed WCF and all accessory and ancillary structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation and screening measures. Such points are to be mutually agreed upon by the Planning Director or the Planning Director's designee and the applicant. This Section (.02) is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a).
- (.03) Visual Impact, Technological Design Options, and Alternative Site Analysis. The applicant shall provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening for all components of the facility. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility as seen from multiple directions. The applicant shall include a map showing where the photos were taken. The applicant shall include an analysis of alternative sites and technological design options for the WCF within and outside of the City that are capable of meeting the same service objectives as the preferred site with an equivalent or lesser visual impact. If a new tower or pole is proposed as a part of the proposed WCF, the applicant must demonstrate the need for a new tower and pole and why existing locations or design alternatives, such as the use of microcell technology, cannot be used to meet the identified service objectives. Documentation and depiction of all steps that will be taken to screen or camouflage the WCF to minimize the visual impact of the proposed facility must be submitted.
- (.04) Number of WCF. The Application shall include a detailed narrative of all of the equipment and components to be included with the WCF, including, but not limited to, antennas and arrays; equipment cabinets; back-up generators; air conditioning units; poles; towers; lighting; fencing; wiring, housing; and screening. The applicant must provide the number of proposed WCF at each location and include renderings of what the WCF will look like when screened. The Application must contain a list of all equipment and cable systems to be installed, including the maximum and minimum dimensions of all proposed equipment. Wilsonville is an Undergrounding District, meaning that the City will require any utility that can be fully or partially located underground to the maximum extent possible to help preserve the aesthetic appearance of the right-of-way and community and to prevent aboveground safety hazards. Therefore, all components of the WCF must be undergrounded to the extent reasonably feasible. Those components of the WCF that must be above ground must

- be identified by type of facility, dimension of facility, with proposed screening to reduce to the maximum extent possible the visual impact of aboveground facilities and equipment. A written narrative of why any portion of the WCF must be above ground is required. Cost savings is not a valid reason for placing facilities and equipment above ground except where the applicant conclusively shows that this requirement would result in an effective or actual prohibition of the telecommunications service.
- (.05) Safety Hazards. Any and all known or expected safety hazards for any of the WCF facilities must be identified and the applicant who must demonstrate how all such hazards will be addressed and minimized to comply with all applicable safety codes.
- (.06) Landscaping. The Application shall provide a landscape plan, drawn to scale, that is consistent with the need for screening at the site, showing all proposed landscaping, screening and proposed irrigation (if applicable), with a discussion of how proposed landscaping, at maturity, will screen the site. Existing vegetation that is proposed to be removed must be clearly indicated and provisions for mitigation included.
- (.07) Height. The Application shall provide an engineer's diagram, drawn to scale, showing the height of the WCF and all of its above-ground components. Applicants must provide sufficient evidence that establishes that the proposed WCF is designed to the minimum height required to meet the carrier's coverage objectives. If a tower or pole height will exceed the base height restrictions of the applicable zone, this narrative shall include a discussion of the physical constraints (topographical features, etc.) making the additional height necessary. The narrative shall include consideration of design alternatives, including the use of multiple sites or designs that would avoid the need for the new WCF or over zone height WCF. The maximum height allowed in the right-of-way is fifty (50) feet.
- (.08) Construction. The Application shall describe the anticipated construction techniques and time frame for installation of the WCF.
- (.09) Maintenance. The Application shall describe the anticipated maintenance and monitoring program for the WCF, including antennas, back-up equipment, poles, paint, and landscaping.
- (.10) Noise/Acoustical Information. The Application shall provide manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide a noise study prepared and sealed by a qualified Oregon-license Professional Engineer that demonstrates that the WCF will comply with intent and goals of Section 6.204 et seq. of this Code.
- (.11) Parking. The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment, if any. No parking of maintenance vehicles and equipment parking shall be permitted in any red curb zone, handicap parking zone, or loading zone.

- (.12) Co-Location. In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.
- (.13) Lease. The site plan shall show the lease area of the proposed WCF.
- (.14) FCC License and Radio Frequency Safety Compliance. The Application shall provide a copy of the applicant's FCC license and/or construction permit, if an FCC license and/or construction permit is required for the proposed facility. The applicant shall provide documentation showing that the party responsible for radio frequency transmissions is in planned or actual compliance with all FCC RF emissions safety standards and guidelines at 47 C.F.R. § 1.1307 et seq. and FCC Office of Engineering Technology Bulletin 65.
- (.15) Lighting and Marking. The Application shall describe any proposed lighting and marking of the WCF, including any required by the FAA.
- (.16) Co-Location Feasibility. A feasibility study for the co-location of any WCF as an alternative to new structures must be presented and certified by an Oregon-licensed Professional Engineer. Co-location will be required when determined to be feasible. The feasibility study shall include:
- A. An inventory, including the location, ownership, height, and design of existing WCF within one-half (1/2) mile of the proposed location of a new WCF. The planning director may share such information with other applicants seeking permits for WCF, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
 - B. Documentation of the efforts that have been made to co-locate on existing or previously approved towers, poles, or structures. The applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers, poles, or structures and shall provide a list of all owners contacted in the area, including the date, form, and content of such contact.
 - C. Documentation as to why co-location on existing or proposed towers, poles, or commercial structures within one thousand (1,000) feet of the proposed site is not practical or feasible. Co-location shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Planning Director and/or Development Review Board may consider expert testimony to determine whether the fee and costs are reasonable when balanced against the market and the important aesthetic considerations of the community.
- (.17) Engineering Report for New Location.
- A. An Application for a new WCF, whether co-located or new, shall include, as applicable, a report from an Oregon licensed Professional Engineer documenting the following:
 - 1. A description of the proposed WCF height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design. A cross-section of the proposed WCF structure shall be included.

The engineer shall document whether the structure is at its maximum structural capacity and, if not, the additional weight the structure could support.

2. Documentation that the proposed WCF will have sufficient structural integrity for the proposed uses at the proposed location, in conformance with the minimum safety requirements of the State Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application.
 - B. A description of mitigation methods which will be employed to avoid ice hazards, including increased setbacks, and/or de-icing equipment, if required by any safety law, regulation, or code.
 - C. Evidence that the proposed WCF will comply with all applicable requirements of the Federal Aviation Administration, the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communications Commission.
- (.18) Maintenance. The applicant shall provide a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.
- (.19) Recordation Requirements. If a new WCF is approved, the owner shall be required, as a condition of approval, to:
- A. Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the WCF is located;
 - B. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
 - C. Negotiate in good faith for shared use by others; and
 - D. Such conditions shall run with the land and be binding on subsequent purchasers of the WCF.
- (.20) The Planning Director may request any other information deemed necessary to fully evaluate and review the information provided in the application.

Section 4.802. Co-Location.

In order to encourage shared use of towers, poles, or other facilities for the attachment of WCF, no conditional use permit shall be required for the addition of equipment, provided that:

- (.01) There is no change to the type of tower or pole.
- (.02) All co-located WCF shall be designed in such a way as to be visually compatible with the structures on which they are placed.
- (.03) All co-located WCF must comply with the conditions and concealment elements of the original tower, pole, or other facility upon which it is co-locating.
- (.04) Shall not disturb, or will mitigate any disturbed, existing landscaping elements.

- (.05) Does not entail excavation or deployment outside site of current facility where co-location is proposed.
- (.06) All co-located WCF, and additions to existing towers, poles, or other structures, shall meet all requirements of the State of Oregon Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application. A building permit shall be required for such alterations or additions. Documentation shall be provided by an Oregon-licensed Professional Engineer verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.
- (.07) Additional Application Requirements for Co-Location:
 - A. A copy of the site plan approved for the original tower, pole, or other base station facility to which the co-location is proposed.
 - B. A site survey delineating development on-the-ground is consistent with the approved site plan.

Section 4.803. Development Review Standards.

All WCF shall comply with the following Development Review standards, unless grandfathered under State or Federal law:

- (.01) Visual Impact.
 - A. Maximum Number of High Visibility Facilities Per Lot or Parcel. No more than one high visibility WCF is allowed on any one lot or parcel of five acres or less. The Development Review Board may approve exceeding the maximum number of high visibility WCF per lot or parcel if one of the following findings is made through a Class III review process: (1) co-location of additional high visibility WCF is consistent with neighborhood character, (2) the provider has shown that denial of an application for additional high visibility WCF would prohibit or have the effect of prohibiting service because the WCF would fill a significant gap in coverage and no alternative locations are available and technologically feasible, or (3) the provider has shown that denial of an application for additional high visibility WCF would unreasonably discriminate among providers of functionally equivalent services. In such cases, the Development Review Board shall be the review authority for all related applications.
 - B. Height. The tower or pole height of a freestanding WCF in R, PDR and RA-H zones shall not exceed fifty (50) feet, except that the RA-H zoned property occupied by the City Wastewater Treatment Plant and the PDR zoned property occupied by the Elligsen Road Water Reservoir shall be exempted from the height limitations of the subject zones, and subsection 4.803(.01)A, above, shall apply.
 - C. WCF Adjacent to Residentially Designated Property. In order to ensure public safety, all WCF located adjacent to any property designated as residential in Wilsonville shall be set back from all residential property lines by a distance at least equal to the maximum height of the facility including any antennas or other

appurtenances attached thereto. The setback shall be measured from that part of the WCF that is closest to the neighboring residentially designated property.

- D. Historical Buildings and Structures. No WCF shall be allowed on any building or structure, or in any district, that is listed on any Federal, State, or local historical register unless it is determined by the Development Review Board that the facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high visibility facilities are permitted on any such building, any such site, or in any such district.
- E. Tower or Pole Heights. Towers or poles may exceed the height limits otherwise provided for in the Development Code with compelling justification only. Costs and cost efficiency are not compelling justifications.
- F. Accessory Building Size. Within the public right-of-way, no above-ground accessory buildings shall be permitted. Outside of the public right-of-way, all accessory buildings and structures permitted to contain equipment accessory to a WCF shall not exceed twelve (12) feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure is limited to two hundred (200) square feet, unless approved through a Conditional Use Permit.
- G. Utility Vaults and Equipment Pedestals. Within the public right-of-way, utility vaults and equipment pedestals associated with WCF must be underground to the maximum extent possible.
- H. Visual Impact. All WCF shall be designed to minimize the visual impact to the maximum extent possible by means of placement, screening, landscaping, and camouflage. All WCF shall also be designed to be compatible with existing architectural elements, building materials, and other site characteristics. All WCF shall be sited in such a manner as to cause the least detriment to the viewshed from other properties. The use of radomes and/or other camouflage techniques acceptable to the City to conceal antennas, associated equipment and wiring, and antenna supports is required.
- I. Color Schemes. For the sake of visual impact, no wooden poles are allowed. Color schemes must be approved by the City to best camouflage with the surrounding landscape.
- J. Antennas. Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. As appropriate, antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than two (2) feet out from the building face. Roof-mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.
- K. Noise. Noise from any equipment supporting the WCF shall meet the requirements of City Code Section 6.204 – Noise.

- L. Signage. No signs, striping, graphics, or other attention-getting devices are permitted on any WCF except for warning and safety signage with a surface area of no more than three (3) square feet. Except as required by law, all signs are prohibited on WCF except for one non-illuminated sign, not to exceed two (2) square feet, which shall be provided at the main entrance to the WCF, stating the owner's name, the wireless operator(s) if different from the owner, and address and a contact name and phone number for emergency purposes. WCF may be placed entirely behind existing street or building signs as one method of camouflage.
- M. Traffic Obstruction. Maintenance vehicles servicing facilities located in the public right-of-way shall not park on the traveled way or in a manner that obstructs traffic. No maintenance vehicle parking shall be permitted in red curb zones, handicap zones, or loading zones.
- N. Parking. No net loss in minimum required parking spaces shall occur as a result of the installation of any WCF.
- O. Sidewalks and Pathways. Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land and shall be screened from view. Cabinets shall be undergrounded, to the maximum extent possible.
- P. Lighting. WCF shall not include any beacon lights or strobe lights, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If beacon lights or strobe lights are required, the Development Review Board shall review the available alternatives and approve the design with the least visual impact. All other site lighting for security and maintenance purposes shall be shielded and directed downward, and shall comply with the City's outdoor lighting standards in City Code Section 4.199, unless otherwise required under Federal law.
- Q. Paint and Finish.
Towers, poles, antennas, and associated equipment shall either maintain a galvanized steel finish or be painted a non-reflective, neutral color, as approved by the Planning Director or Development Review Board, to minimize visibility. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure. Towers more than two hundred (200) feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration rules. Applicants shall attempt to seek a waiver of OSAD and FAA marking requirements. When a waiver is granted, towers shall be painted and/or camouflaged in accordance with subsection (.01), above. All ancillary facilities shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment.
- R. Use of Concealments. Concealments are customized structures engineered to cover cell towers, antennas, DAS equipment and beautify them and make them either less visible or more pleasing to have in the landscape. Applicant shall present a proposal for concealment intended to meet the foregoing goal.

- S. Public Works Standards. Additional applicable construction and design standards are as set forth in the City's 2015 Public Works Standards.
- T. Compliance With All Laws. Every WCF shall comply with all local, state, and federal laws, codes, and regulations including without limitation to the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

(.02) Site Size.

The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide all required setbacks as specified in this Code Section. Towers or poles only as permitted herein may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this Code Section are met.

(.03) Separation and Setbacks.

- A. WCF shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
- B. A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100% breakpoint or twenty-five (25) feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
- C. WCF mounted on rooftops or City-approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCF and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened.
- D. WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in any zone, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be located outside of the setback from all abutting properties.

(.04) Security Fencing. WCF or towers shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device. Fencing shall be compatible with other nearby fencing. Such requirements may be waived for attached WCF.

(.05) Landscaping. Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of fast growing vegetation that can be expected to reach a minimum height of six (6) feet and form a continuous hedge within two (2) years of planting. Drought tolerant landscaping materials shall be required and otherwise meet the landscaping standards of City Code Section 4.176. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed twenty

(20) feet in height and would not affect the stability of the guys should they be uprooted. Landscaping shall be compatible with other nearby landscaping.

- (.06) Conflict with Right-of-Way. No WCF shall be located within a planned or existing public right-of-way, unless it is specifically designed for the purpose in a way that will not impede pedestrian, bicycle, or vehicular traffic and the installation of any sidewalk or path that is a planned future improvement.
- (.07) Change to Approved WCF. Any change to or expansion of a WCF that will in any way change the physical appearance of the WCF will require a new application.

Section 4.804. Review Process and Approval Standards.

- (.01) Class II Process. The following WCF are allowed with the approval of a WCF Site Plan to be reviewed by the Planning Director pursuant to a Class II process under City Code Section 4.030(.01)B:
- A. WCF proposed in the following locations:
 1. Any property owned by the City of Wilsonville, including public right-of-way;
 2. Any school property owned by any public school district;
 3. Any fire station property owned by any fire district;
 4. Any property within an electric utility substation.
 - B. WCF attached to existing light, power, or telephone poles in all zones, subject to the development standards of Section 4.803.
 - C. WCF Co-locations meeting the criteria outlined in Wilsonville Code 4.802.
 - D. Satellite dishes larger than one (1) meter.
- (.02) Conditional Use Permit Requirements. Applications for WCF in all other locations and situations, including moderate or high visibility facilities that exceed the height limit of the applicable zone, shall also require a Conditional Use Permit to be reviewed by the Development Review Board. In addition to the approval standards in City Code Section 4.030, the applicant shall demonstrate that the WCF Site Plan approval standards in this Section are met.
- (.03) Approval Criteria. The Development Review Board shall approve the use and WCF Site Plan for any of the WCF listed in subsections (.01) and (.01) of this Section upon a determination that the following criteria are met:
- A. The height of the proposed WCF does not exceed the height limit of the underlying zoning district, or does not increase the height of an existing facility.
 - B. The location is the least visible of other possible locations and technological design options that achieve approximately the same signal coverage objectives.
 - C. The location, size, design, and operating characteristics of the proposed WCF will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:

1. Scale, bulk, coverage, and density;
 2. The suitability of the site for the type and intensity of the proposed WCF; and
 3. Any other relevant impact of the proposed use in the setting where it is proposed.
- D. All required public facilities have adequate capacity, as determined by the City, to serve the proposed WCF; and
- E. The proposed WCF complies with all of the general regulations contained in this Section 4.800 – 4.812.
- (.04) Conditions of Approval. The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location. If compliance with all of the applicable criteria cannot be achieved through the imposition of reasonable conditions, the Application shall be denied.

Section 4.805. Exemptions.

The following shall be considered exempt structures or activities under this Code Chapter:

- (.01) Antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone capacity.
- (.03) Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed sixty (60) days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State.
- (.04) Replacement antennas or equipment, provided the replacement antennas and/or equipment have the same function, size, and design to the replaced antenna and/or equipment and do not exceed the overall size of the original approved antenna and/or equipment.

Section 4.806. Damage, Destruction, or Interference to Other Utilities.

In the installation of any WCF within the right-of-way, care must be taken to install in such a way that does not damage, interfere with, or disturb any of the several other utilities that may already be located in the area. Any damage done to such other utilities must be immediately reported to both the City and the owner of the damaged utility, and must be promptly repaired by the permittee or the utility owner, with the permittee being responsible for all costs of repair, including any extra charges that may be assessed for emergency repairs. Failure to notify the City and the damaged utility provider will result in revocation of the WCF. When approving the location for a WCF, the location of other utilities, or the need for the location of other utilities, within the right-of-way must be considered before approval to locate the WCF will be given in order to ensure those other services to the public are not disrupted.

Section 4.807. Maintenance.

The following maintenance requirements apply to WCF, as applicable:

- (.01) All landscaping shall be maintained at all times and shall be promptly replaced if not successful.
- (.02) If a flag pole is used for camouflaging a facility, flags must be flown and must be properly maintained at all times. If a United State Flag is flown, it shall be illuminated as required by the United States Flag Code.
- (.03) All WCF sites shall be kept clean, neat, and free of litter.
- (.04) A WCF shall be kept clean and painted in good condition at all times. Rusting, dirt, or peeling facilities are prohibited.
- (.05) All equipment cabinets shall display a legible operator's contact number for reporting maintenance problems.
- (.06) Any graffiti on a WCF must be promptly removed at Owner's expense.

Section 4.808. Permit Tracking.

The permittee of each permit issued to it by the City shall retain full and complete copies of all permits and other regulatory permits issued in connection with this facility. In the event that the City cannot locate any such full and complete permits or other regulatory approvals in its official records, and the permittee fails or refuses to retain or produce full and complete permits or other regulatory approvals in the permittee's files, any ambiguities or uncertainties that would be resolved through an examination of the missing documents will be resolved against the permittee.

Section 4.809. Inspections.

- (.01) The City or its agents shall have authority to enter onto the property upon which a WCF is located to inspect the facility for the purpose of determining whether it complies with the Building Code and all other construction standards provided by the City and Federal and State law.
- (.02) As a condition of approval and prior to final inspection of the WCF, the applicant shall submit evidence, such as photos, to the satisfaction of the City, sufficient to prove that the WCF is in substantial conformance with photo simulations provided with the application. Nonconformance shall require modification to compliance within thirty (30) days or the WCF, or nonconforming components, must be removed.
- (.03) The City reserves the right to conduct such inspections at any time, upon reasonable notice to the WCF owner. In the event such inspection results in a determination that violation of applicable construction and maintenance standards set forth by the City has occurred, remedy of the violation may include cost recovery for all costs incurred in conforming and processing the violation.

Section 4.810. Preexisting WCF.

WCF that lawfully existed prior to the adoption of this Chapter shall be allowed to continue their use as they presently exist. This Code does not make lawful any WCF that are not fully approved on the date the ordinance codified in this Code is adopted and those pending WCF will be required to meet the requirements of this Code. Routine maintenance shall be permitted on such lawful preexisting WCF. Lawfully existing WCF may be replaced as long as the replacement is in the exact location of the WCF being replaced and is of a construction type identical in height, width, weight, lighting, and painting. Any changes or modifications to a replacement WCF shall not be considered routine maintenance, shall be treated as new construction, and shall comply with the requirements of this Chapter.

Section 4.811. Ancillary Facilities.

Unenclosed storage of materials is prohibited. Other building facilities, including offices, vehicle storage areas, or other similar uses not necessary for transmission or relay functions, are prohibited unless a separate land use application for such is submitted and approved.

Section 4.812. Abandoned Facilities; Discontinuation of Use.

The following requirements apply to the abandonment and/or discontinuation of use for all WCF:

- (.01) All WCF located on a utility pole shall be promptly removed at the operator's expense at any time a utility is scheduled to be placed underground or otherwise moved.
- (.02) All operators who intend to abandon or discontinue the use of any WCF shall notify the City of such intentions no less than sixty (60) days prior to the final day of use.
- (.03) WCF shall be considered abandoned ninety (90) days following the final day of use or operation.
- (.04) All abandoned WCF, including ancillary equipment, shall be physically removed by the facility owner no more than ninety (90) days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.
- (.05) The City reserves the right to remove any WCF that are abandoned for more than ninety (90) days, at the expense of the facility owner.
- (.06) Any abandoned site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.

Section 4.813. Mandatory and Automatic Permit Conditions.

All WCF permits, whether issued by the City or approved by operation of law, shall be subject to the standard conditions of approval provided in this Section. The City may add, remove or modify any conditions of approval as necessary or appropriate to protect and promote the public health, safety and welfare.

- (.01) Permit Duration. The permit will automatically expire ten (10) years from the issuance date.
- (.02) Compliance with All Applicable Laws. Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinance or other rules.
- (.03) Inspections; Emergencies. The City or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The City reserves the right to enter or direct its designee the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
- (.04) Contact Information for Responsible Parties. Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Planning Director within one (1) business day of permittee's receipt of the Planning Director's written request.
- (.05) Indemnities. The permittee and, if applicable, the non-government owner of the private property upon which the tower/and or base station is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials and employees (i) from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs of mandamus and other actions or proceedings brought against the City or its agents, officers, officials or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, law suits or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors or independent contractors. The permittee shall be responsible for costs of determining the source of the interference, all costs associated with eliminating the interference, and all costs arising from third party claims against the City attributable to the interference. In the event the City becomes aware of any such actions or claims the City shall promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall reimburse City

for any costs and expenses directly and necessarily incurred by the City in the course of the defense.

- (.06) Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.
- (.07) General Maintenance. Permittee must comply with Section 4.806 at all times.

Section 4.814. Mandatory and Automatic Permit Conditions of Approval for Section 6409(a).

Any Section 6409(a) Co-Location/Modification Permit approved or deemed-granted by the operation of federal law shall be automatically subject to the conditions of approval described in this Section.

- (.01) Permit Duration. The City's grant or grant by operation of law of a Section 6409(a) Co-Location/Modification Permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. The City's grant or grant by operation of law of a Section 6409(a) Co-Location/Modification Permit will not extend the permit term for any conditional use permit, land use permit or other underlying regulatory approval and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.
- (.02) Accelerated Permit Terms Due to Invalidation. In the event that any court of competent jurisdiction invalidates any portion of Section 6409(a) or any FCC rule that interprets Section 6409(a) such that federal law would not mandate approval for any Section 6409(a) Co-Location/Modification Permit(s), such permit(s) shall automatically expire one (1) year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved Section 6409(a) Co-Location/Modification Permits. A permittee shall not be required to remove its improvements approved under the invalidated Section 6409(a) Co-Location/Modification Permit when it has submitted an application for either a Conditional Wireless Facilities Permit or an Administrative Wireless Facilities Permit for those improvements before the one (1) year period ends. The Planning Director may extend the expiration date on the accelerated permit upon a written request from the permittee that shows good cause for an extension.
- (.03) No Waiver of Standing. The City's grant or grant by operation of law of a Section 6409(a) Co-Location/Modification Permit does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409(a), any FCC rules that interpret Section 6409(a) or any Section 6409(a) Co-Location/Modification Permit.
- (.04) Compliance with All Applicable Laws. Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinance or other rules.

- (.05) Inspections; Emergencies. The City or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The City reserves the right to enter or direct its designee the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
- (.06) Contact Information for Responsible Parties. Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Planning Director upon permittee's receipt of the Planning Director's written request.
- (.07) Indemnities. The permittee and, if applicable, the non-government owner of the private property upon which the tower/and or base station is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials and employees (i) from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs of mandamus and other actions or proceedings brought against the City or its agents, officers, officials or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, law suits or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors or independent contractors. The permittee shall be responsible for costs of determining the source of the interference, all costs associated with eliminating the interference, and all costs arising from third party claims against the City attributable to the interference. In the event the City becomes aware of any such actions or claims the City shall promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.
- (.08) Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.
- (.09) General Maintenance. Permittee must comply with Section 4.806 at all times.

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CITY OF WILSONVILLE

Monthly Report



COMMUNITY DEVELOPMENT DEPARTMENT

September 2016

FROM THE DIRECTOR'S OFFICE

Happy Autumn! With the colors changing on the trees, we have some staff changes in Community Development. Welcome to Dan Carlson who joined us on September 30 and is settling in to his role as Building Official. He comes with comprehensive experience in residential and commercial codes. And congratulations to Jenn Scola who was promoted from Assistant Planner to fill one of our vacant Associate Planner positions!

We received some encouraging news about our Regional Flexible Funds application for the I-5 Pedestrian and Bikeway Bridge. Based on the technical review, our project is ranked #3 out of 27 applications. The highest technical score was 288, the lowest score was 111, and our project scored 280 points. The public involvement process will occur over the next couple of months. Thanks to Zach Weigel for preparing a high quality application.

I attended the annual Transportation and Communities Summit at PSU and spent the day with transportation colleagues throughout the region to discuss current topics in transportation. I attended Getting Ahead of the Autonomous Futures, Economic Impacts of Transportation Projects, and Redesigning Suburbia.

We held a public open house for the Frog Pond Master Plan project on September 14 that was well attended by developers, neighbors, and property owners.

Then on September 21, we held a public workshop for the Boones Ferry Road to Brown Road (BFR2BR) Connector Corridor Plan. Around 20 citizens participated in very productive discussions about the project and are making progress in selecting an alignment and connection point to Boones Ferry Road.

Finally, the Basalt Creek project team has been hard at work finalizing the land use map, resolving the Ten Considerations for Success, and addressing Metro Title 11 requirements. Miranda will be updating the City Council on the project at the October 17 meeting.

- Nancy Kraushaar, P.E.

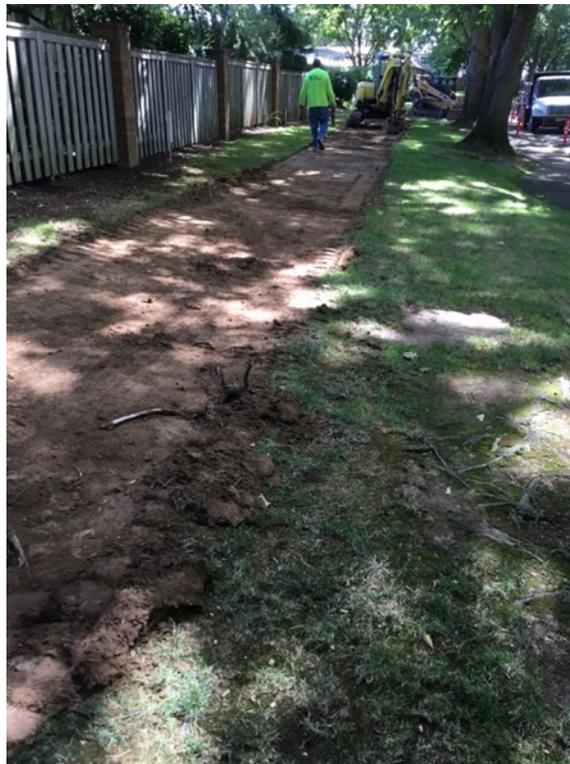


Engineering Division, Capital Projects

Boones Ferry Road to Brown Road Connector Corridor Plan (4196): Interviews with landowners and businesses have been completed. The first public open house was held on September 21 with a second open house scheduled for October 26. Cost estimates are in development.

Charbonneau High Priority Utility Repair (1500/2500/7500): This project involves the replacement and repair of the most deficient sewer and storm pipes within Charbonneau in three (3) phases over the next three (3) years. Also, the project includes replacement of a recently failed 12" water line between Boones Bend Road and Mariner's Village. Construction of Phase I is currently underway with sanitary and storm pipe work having been completed. Installation of the new 12" water line has started and is expected to be completed at the end of October 2016. Weekly project updates can be found at the Charbonneau Country Club Facebook page and the project website <http://www.ci.wilsonville.or.us/651/Charbonneau-High-Priority-Utility-Repair>.

Charbonneau Walking Path Repair (4715): This project includes repair of the pathway along French Prairie Drive in Charbonneau. Existing trip hazards, drainage issues and sidewalk ramp areas will be repaired to meet ADA standards. Construction is complete with final inspection currently underway. Project completion is anticipated by the end of October.



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. Project kickoff meeting was held and the consultant team is currently developing a public involvement plan and preparing a list of project stakeholders. Project completion is anticipated in July 2018.

Engineering Division, Capital Projects, cont'd

Gesellschaft Well Facility Upgrades (1083): This project includes upgrades and modification to the Gesellschaft Well controls and piping to convert the well operation to an emergency back-up supply of potable water. The City's engineering consultant, Keller Associates, is preparing final design plans and specifications. Final design is anticipated to be complete by the end of this year with construction occurring in the spring of 2017.

Kinsman Road Extension (4004): This project involves construction of a new section of Kinsman Road between Barber Street and Boeckman Road and includes upsizing and relocation of a 30" sanitary sewer pipe (Coffee Creek Interceptor Upsizing - CIP 2079) and installation of a 66" water line for the Willamette Water Supply Program (CIP 1127). Construction is underway. Box culvert installation is nearly complete (see photo) and removal of soft, compressible soils along the roadway alignment has been completed. Installation of the WWSP waterline will begin October 10th and require night time closure of the Barber Street Bridge through late November. Construction is anticipated to be complete in June 2018.



Parkway Court Storm Sewer (7048): Bids will be opened on October 4th. Construction is scheduled for completion by November 30.

Road Maintenance Fee (4189): The road maintenance task force has made recommendations which will be presented to Council on October 3.

Signal Improvements (4118): In an effort to better understand the traffic on the east side of the City, we are working with Clackamas County and FLIR to demo seven (7) travel time sensors over the next 90 days. These will tell us how long a vehicle takes to get from I-205 to I-5 using Wilsonville Road, as well as what percentage of vehicles continued on past Boones Ferry Road.

Tooze Road (4046): Appraisals have been reviewed and staff is meeting with the acquisition consultant to begin acquiring the right-of-way and easements necessary for construction. Design consultants are beginning work on utility and intersection plans.

Engineering Division, Capital Projects, cont'd

Transportation SDC Update (4189): Staff met with the Home Builders Association of Metropolitan Portland. The draft copy of the report will be released for the 60-day public comment period prior to being presented to Council.

Water Treatment Plant Master Plan (1122): Review of the final draft of the Master Plan was delayed for a month to allow other parties to submit comments. Wilsonville staff comments were submitted on September 13. A Technical Advisory Committee review meeting is scheduled for October 10.

WWTP Outfall Replacement (2095): DEQ rejected our Joint Permit Application (JPA) as incomplete. Staff and consultants are working through the issues, many of which appear inconsistent with the level of detail required on previous JPA's the City has done. The project remains on schedule, assuming these issues can be resolved within the next month.

Water Telemetry (1114): Staff is working with Brown & Caldwell to develop communications standards for our public infrastructure. Over time, the implementation of those standards is expected to reduce staff time to visit turnouts and wells.

Wilsonville Road ADA & Signal Improvements (4014/4118): As part of this project, the pedestrian signals and sidewalk ramps along Wilsonville Road at Montebello and Kinsman will be improved to meet current ADA standards in advance of the upcoming Wilsonville Road asphalt overlay work. KPFF Consulting Engineers has prepared concept level design and cost estimation for improving truck turning movements at the Wilsonville and Kinsman Road intersection. The project is currently on hold until Council selects a prioritization of transportation projects.



Engineering Division, Private Development

Ash Park Subdivision: Plans are presently under review for this 12-lot subdivision located just north of the Ash Meadows Condominium units.

Boeckman-Lewallen: The preconstruction meeting was held on September 2, 2016. Construction began in September on this 14-lot subdivision at Canyon Creek Road S. and Daybreak Street.

Black Bear Diner: With DRB approval of Black Bear Diner's remodeling of the prior Denny's restaurant site, the City and Applicant shall coordinate restriping of Parkway Avenue from Main Street to Holly Lane. Re-striping will add on-street parking adjacent to this restaurant and bike lanes along the entire length. Re-striping is expected to occur in Fall 2016. The local businesses have all been notified of this change.

Coca Cola Expansion: With their 32,000 SF expansion that is currently underway, Coca Cola plans to boost output to 8 million cases per year and expand to 24-hour production.

Meridian Creek Middle School: On-site work continues on the school building. Off-site improvements 100% plans were completed and approved. The district will go out for bids this month. A draft Transfer of Roadway Authority IGA was forwarded to Clackamas County.

Starbucks - Town Center Loop: The City and Starbucks have signed a Developer Agreement which will improve the storm system on Town Center Loop West at Citizen Drive. The work will be completed prior to the store opening.

Villebois: Montague Park grand opening was held on August 30. Construction continues in Grande Pointe Phase 2 (44 lots), Tonquin Meadows 3 (109 lots), Brookeside Terrace (50 lots) and the neighborhood community center and pool adjacent to Villebois Drive. In Trocadero Park the skate park has been completed and Polygon is seeking to hire a contractor for park construction.

Building Division

Single Family Dwelling Permits YTD: 129

Major Projects Under Review:

- Canyon Creek 14-lot subdivision
- Visionworks tenant improvement
- Ash Park/Brownstone 12-lot subdivision

Temporary or Certificates of Occupancy Issued:

- Coca Cola warehouse, 9750 SW Barber St.



Polygon Townhomes

Planning Division, Current

Development Review Board

During their September 12 meeting DRB Panel A unanimously approved the development of 10 “detached” row houses on the south side of Barber Street at Costa Circle West in Villebois.



During their September 26 meeting DRB Panel B unanimously approved the development of 16 “detached” row houses on the northeast corner of Barber Street and Costa Circle West in Villebois. As part of the request they recommend City Council approve a Zone Map Amendment to the V “Village” Zone for the subject property.



Projects Being Prepared for DRB and City Council Hearings

- Charbonneau Range 40-lot single-family subdivision.

Administrative Decisions Issued

- 20 Type A Tree Permits
- 8 Type B Tree Permits
- 1 Class II Sign Permit
- 3 Class I Sign Permits
- 1 Temporary Sign Permit

Notable Code Enforcement Activities

- Illegal signs (temporary and permanent)

Planning Division, Long Range

Basalt Creek Concept Plan

During September, the City Councils for both Tualatin (on September 12) and Wilsonville (on September 19) adopted resolutions directing the City Manager of each city to sign an addendum to the IGA extending the deadline for completing the Concept Plan, originally set to expire July 2016. This is set to be signed also by Metro and Washington County before the end of the month. In September, the project team also finalized the preferred land use concept map, continued to make progress on the 10 Considerations for Success with partner agencies, and established a schedule for completing the Basalt Creek Concept Plan. This information will be shared with the Wilsonville City Council at the October 17 work session and the Tualatin City Council at their meeting on October 12.

Town Center Redevelopment

In September, staff awarded and finalized the contract for the Town Center Redevelopment Plan with MIG, Inc. Staff provided the Planning Commission with this update at their meeting on September 14 and discussed upcoming steps for the project. The consultant and staff have established a project timeline, have begun development of the project website, and are preparing for project kick-off activities. The Town Center Redevelopment Project seeks to create a long-range plan and near-term actions for how the City's Town Center can better serve the interests and needs of residents, workers, and visitors. Additional information is available on the project web page <http://www.ci.wilsonville.or.us/826/Town-Center>

Frog Pond Master Plan

The Committee for Citizen Involvement (CCI) hosted a Public Open House on September 14 for the Frog Pond Master Plan where over 50 citizens participated. The event provided an opportunity for citizens to view drawings, talk with the project team, and provide feedback. The project team worked diligently on recommendations for zoning, residential design guidelines, street designs, the Boeckman Trail, and parks and open space. The Planning Commission held a work session immediately following the Open House.

The project team has been meeting to finalize the Frog Pond Infrastructure Plan to be presented at City Council on October 3. The Planning Commission will conduct another work session on October 12.



Program News

Fall Program Update

September saw many fall programs begin for participants of all ages:

Soccer Shots (2-8 year olds): 38 participants

Fit Girls (12 and older): 14 participants

Hatha Yoga (adult): 14 participants

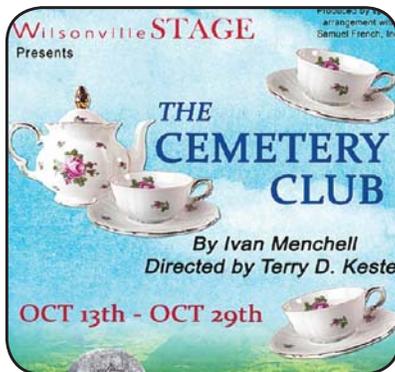
Body Sculpt (adult): 22 participants

Pilates Sculpt (adult): 12 participants



South Jeolla Province Visitors

In partnership with the Korean War Memorial Society of Oregon, and the Korean War Veterans Association, prepared for and hosted Governor Lee Nak-Yon and others from South Jeolla Province, South Korea.



Community Center Hosts Wilsonville Stage

Wilsonville Stage is putting on a fall production of *The Cemetery Club*. Center staff has worked closely with Director Terry Kester, and Producer Jan Kester to schedule auditions, rehearsals and performances. The performances will take place at 7:30pm on: 10/13, 10/14, 10/21, 10/22, 10/28 and 10/29.

Programming for Boomers

Community Center staff met with Stephanie Barnett-Herro, Older Adult Systems of Care Coordinator with Clackamas County. Stephanie's goal was to meet with all the Centers in the County to discuss healthy aging and brain health programming with a particular focus on the Boomer generation.

New Grieving Support Program

The Community Center is pleased to offer a new bi-monthly support group that will offer our senior community members grief therapy, peer support, and education as they grieve the loss of their loved ones. Facilitated by LCSW Maudeen Jordan, grief counselor and bereavement coordinator.

Parks Maintenance Update



Attended Oregon State University Turfgass Field Day



Pruned low hanging branches on Town Center Trail



Aerated and top-dressed soccer fields in Memorial Park



Cleared corner of Town Center Park in preparation of drainage project



Deep cleaned and sealed kitchen concrete at Stein Boozier Barn

Upcoming Events

- * Oktoberfest Lunch at the Center: Friday, October 19th, 12:00 pm at the Community Center
- * Fall Harvest Festival: Saturday, October 29th 9:30 am to 11:00 am. Stein-Boozier Barn
- * Community Toy Drive: November 7th - December 14th. Collections accepted at Parks and Rec Admin Building
- * Community Tree Lighting: Wednesday, November 30th, 6pm at Town Center Park



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Wilsonville Planning Division
2016 Second Quarter Report

City Council & Planning Commission Activities April through June 2016			
Permit Number	Permit Description	Applicant/Staff	Meeting Date(s) / Actions
Resolution No. LP16-0001 Ordinance No. 789	Transportation System Plan (TSP) Amendments	MENDE	CC Hearings June 6, 2016 Adopted on second reading Ordinance No. 789 CC Work Session May 16, 2016 PC Hearing April 13, 2016 recommended adoption Resolution No. LP16-0001 to CC;
Work Session	Transit Master Plan Update	MASSA SMITH	CC Work Session April 18, 2016 PC Work Session April 13, 2016
Work Session	Boones Ferry Road to Brown Road Connector Corridor Plan	ADAMS	CC Work Session May 16, 2016
Work Session	Basalt Creek Update	BATESCHELL	PC Work Session June 8, 2016 CC Work Session June 6, 2016 Open House April 28, 2016
Work Session	Frog Pond Master Plan	NEAMTZU	Open House May 11, 2016 PC Work Session May 11, 2016
Work Session	Recreation Aquatic Center	SHERER & STARR	PC Work Session June 8, 2016

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Development Review Board Panel A Activities April through June 2016			
Permit Number	Permit Description	Applicant/Staff	Hearing Date(s) / Actions
DB16-0001	Class 3 Planned Development Stage 1 COCA COLA Expansion 2016: approx. 35,000 sf warehouse expansion 9750 SW BARBER ST DB16-0002 Class 3 Planned Development Stage 2 DB16-0003 Class 3 Site Design Review	TRECORE CONSTRUCTION MANAGMENT	Issued
DB16-0004	Class 3 Annexation: Quasijudicial Review Republic Services Annexation DB16-0005 Quasijudicial -Comp Plan Map Amendment DB16-0006 Quasijudicial -Zone Map Amendment DB16-0007 Class 3 Planned Development Stage 1	REPUBLIC SERVICES	Issued
DB16-0008	Class 3 Planned Development Stage 2 Issued Plan SORT Bioenergy 25720 SW GARDEN ACRES DB16-0009 Class 3 Site Design Review DB16-0010 Class 3 Waiver DB16-0011 Class 3 Tree Removal Plan	SORT BIOENERGY LLC	Issued
DB16-0012	Class 3 Temporary Use Permit- Republic Services - 2 year Temporary Use for Modular Office Buildings 10295 SW RIDDER RD	REPUBLIC SERVICES	Issued
DB16-0019	Class 3 Signs - not MSP New monument sign 8855 SW HOLLY LN	GODDARD	Issued

Development Review Board Panel B Activities April through June 2016			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
DB15-0108	Lewallen/Boeckman Canyon Creek Rd S Subdivision Quasijudicial-Comp Plan Map Amendment: Comp Plan Amendement from 0-1 du/acre to 4-5 du/acre DB15-0109 - Quasijudicial-Zone Map Amend; to PDR 3 DB15-0110 - Class 3 Planned Dev. Stage 1 Master Plan DB15-0111 - Class 3 Planned Dev. Stage 2 Issued Plan DB15-0112 - Class 3 Site Design Review DB15-0113 - Class 3 Tree Removal Plan Type C DB15-0114 - Class 3 Waiver – 5 Waivers DB15-0115 - Class 3 Tentative Plat Review - Tentative Subdivision Plat	EMERIO DESIGN LLC	Issued

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Pending Development Review Board Activities Planning Projects Scheduled for Hearings / Work Sessions during 2016 Second Quarter			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
DB16-0013	Class 3 Planned Development Stage 1 Fir Street 9 30820 SW FIR AVE DB16-0014 Class 3 Planned Development Stage 2 DB16-0015 Class 3 Development Waiver DB16-0016 Class 3 Site Design Review DB16-0017 Class 3 Tentative Subdivision Plat Review DB16-0018 Class 3 Tree Removal Plan	WEST COAST HOME SOLUTIONS	Pending
DB16-0020	Quasijudicial-Zone Map Amendment Zone Change Lot 77 Villebois Village Center No. 3 Phase 10 Central	POLYGON NW WLH LLC	Pending
DB16-0021	Villebois SAP and SAP Amendment SAP Refinement	POLYGON NW WLH LLC	Pending
DB16-0022	Villebois PDP AND PDP Modification (PDP 10 Central)	POLYGON NW WLH LLC	Pending
DB16-0023	Class 3 Tentative Plat Review Mont Blanc No. 2 (PDP 10 Central)	POLYGON NW WLH LLC	Pending
DB16-0024	Class 3 Tentative Plat Review Preliminary Condominium Plat (PDP 10 Central)	POLYGON NW WLH LLC	Pending
DB16-0025	Class 3 Tree Removal Plan Type C Tree Plan (PDP 10 Central)	POLYGON NW WLH LLC	Pending
DB16-0026	Villebois Issued Development Plan (FDP) (PDP 10 Central)	POLYGON NW WLH LLC	Pending

Scheduled Pre-Application Meetings April through June 2016	
Number	Description
PA16-0001	Development Concept of Portion of former Xerox Campus (Parkway Woods Business Park)
PA16-0002	Healthcare building in Villebois Village Center
PA16-0003	Multi-family residential development on Lot 77 in Villebois
PA16-0004	Proposed expansion to Mercedes-Benz dealership.
PA16-0005	Proposed 2 car garage in or near the SROZ.
PA16-0006	Replat Lot 71 into 9 detached rowhomes, and plat/zone Lot 81 into 16 detached rowhomes.
PA16-0007	Landslide repair along Willamette River bank in Charbonneau
PA16-0008	Driving Range Charbonneau
PA16-0009	Hotel

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Administrative Reviews April through June 2016			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
AR16-0001	Class I One accessory Dwelling Unit (ADU) at TLID: 31W23AC03801 in Old Town..	BRITCLIFFE	Issued
AR16-0002	Class I One accessory Dwelling Unit (ADU) at TLID: 31W23AC03802 in Old Town.	BRITCLIFFE	Issued
AR16-0008	Class I New fence and reorientation/expansion of Community Garden. Replacement gravel access road to well house. 7524 SW SCHROEDER WAY	CITY OF WILSONVILLE	Pending
AR16-0011	Class I Replacement of all parking lot lights and fixtures with new poles, fixtures, and LED lamps.	CHARBONNEAU COUNTRY CLUB	Issued
AR16-0012	Class I Renaissance Development - Final Plat 28525 SW CANYON CREEK RD S	RENAISSANCE CUSTOM HOMES, LLC	Issued
AR16-0013	Class I Renaissance Development - Final Plat 28595 SW CANYON CREEK RD S	RENAISSANCE CUSTOM HOMES, LLC	Issued
AR16-0017	Class II Starbucks - Design Review (old Arby's Restaurant) This file mistakenly labeled as AR16-0016 (all paperwork filed under AR16-0016) 8656 SW CITIZENS DR	DEHAVEN, INC GLAUS, PYLE, SCHOMER, BURNS	Issued
AR16-0019	Class I Mont Blanc Bioswale and Street Tree Minor Revisions	POLYGON NW WLH LLC	Issued
AR16-0020	Class II Expansion to ground floor of the building. 9450 SW COMMERCE CIR	MATTHEWS	Issued
AR16-0021	Class I Lot Line Adjustment between TL 5401 and 5402	JONES	Issued
AR16-0022	Class I Revised Carport Placement 8270 SW MAXINE LN UNIT 47	BC CUSTOM CONSTRUCTION	Issued
AR16-0023	Class II Addition to Existing Rec/Leasing Office at Bridge Creek Apartment Complex. 29697 SW ROSE LN	GEMINI BRIDGE CREEK FEE OWNER	Issued
AR16-0026	Class I Brookeside Terrace	POLYGON WLH, LLC	Issued
AR16-0027	Class I New ADU 10925 SW WILSONVILLE RD	RUPP FAMILY BUILDERS INC	Issued
AR16-0028	Class II Value Engineering site and school building	WEST LINN-WILS SCH DIST #3J	Issued
AR16-0029	Class I Temporary event permit for rotating food cart in Villebois Village Center (Piazza).	COSTA PACIFIC DEVELOPMENT LLC	Issued

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Administrative Reviews April through June 2016			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
AR16-0030	Class I Landscape Plan for 30580 and 30596 SW Boones Ferry Road, per DB15-0074. 30580 SW BOONES FERRY RD	BRITCLIFFE	Issued
AR16-0031	Class II Electrical Lineman Training Pole Yard Revisions 29353 SW TOWN CENTER LOOP E	CLACKAMAS COMMUNITY COLLEGE	Issued
AR16-0032	Class I Partition, Final Plat 9600 SW BOECKMAN RD	RUSSELL CONSTRUCTION INC	Withdrawn
AR16-0033	Class I Regional Park 5 Revisions, including shelter, restroom. 28400 SW PARIS AVE	POLYGON	Issued
AR16-0034	Class I Wilsonville Green Mnor Revisions 10450 SW WILSONVILLE RD	WEST COAST HOME SOLUTIONS	Issued
AR16-0035	Class I Coca Cola - Cooling tower and landscape/storm water revision 9750 SW BARBER ST	TRECORE CONSTRUCTION MANAGMENT	Issued
AR16-0036	Class I New 11x11 shed located within the Coffee Creek Correctional Facility site. 24499 SW GRAHAMS FERRY RD	COFFEE CREEK CORRECTIONAL	Issued
AR16-0038	Class I Zoning Verification Letter for Wilsonville Business Center 9025 SW HILLMAN CT	PLANNING & ZONING RESOURCE CO.	Issued
AR16-0039	Class I Grading revisions Tonquin Meadows No. 3	POLYGON WLH LLC	Issued
AR16-0040	Class I Final Plat Review for Calais East.	POLYGON	Issued
AR16-0041	Class II COSTCO Gas Expansion 25920 SW HEATHER PL	COSTCO	Issued
AR16-0042	Class I Chevrolet Wilsonville lighting plan 26051 SW BOONES FERRY RD	WILSONVILLE CHEVROLET	Issued
AR16-0043	Class I Temporary Sale of Fireworks 29111 SW TOWN CENTER LOOP W	AMERICAN PROMOTIONAL EVENTS	Issued
AR16-0044	Class I Temporary fireworks tent in Albertson's Parking Lot 30299 SW BOONES FERRY RD	AMERICAN PROMOTIONAL EVENTS	Issued

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Sign Reviews April through June 2016			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
SR16-0008	Class II Starbucks - Exterior signage review (old Arby's Restaurant) 8656 SW CITIZENS DR	DEHAVEN, INC GLAUS, PYLE, SCHOMER, BURNS	Issued
SR16-0010	Class 1 One (1) new wall sign for Ordinance Brewing. 9740 SW WILSONVILLE RD	SECURITY SIGNS INC	Issued
SR16-0011	Class 1 CVS Pharmacy @ Target 25925 SW HEATHER PL	INTEGRITY SIGNS OREGON	Issued
SR16-0012	Class II One (1) Wall Sign and one (1) Monument Sign for Best Western. 29769 SW BOONES FERRY RD	RAMSAY SIGNS	Pending
SR16-0013	Class 1 One (1) new wall sign in Wilsonville Road Business Center for Ability Center. 9770 SW WILSONVILLE RD	SYLVAN SIGNS	Issued
SR16-0014	Class 1 New wall sign for The Salon Professional Academy 8502 SW MAIN ST	ELECTRIC AVENUE SIGN CO	Issued
SR16-0015	Class 1 One (1) monument and two (2) site wall signs 26600 SW PARKWAY AVE	TUBE ART DISPLAYES, INC	Issued
SR16-0016	Class 1 A Storage Place signs	ADVANCED ELECTRIC SIGNS INC	Issued

Tree Reviews April through June 2016			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
TR16-0036	Type A Class 1 Removal of one sweetgum in backyard. 10842 SW PARKWOOD LN	WING	Issued
TR16-0037	Type A Class 1 Removal of three trees in order to accommodate required public improvements and future homes. 28595 SW CANYON CREEK RD S	RENAISSANCE CUSTOM HOMES, LLC	Issued
TR16-0038	Type A Class 1 Removal of two trees on site. 7332 SW IRON HORSE ST	GERHARD	Issued
TR16-0039	Type B Class II Removal of one sweet gum street tree. 28800 SW MEADOWS LOOP	STOFFREGEN	Issued
TR16-0040	Type A Class 1 Removal of one tree in backyard (Leyland Cypress) 31424 SW OLYMPIC DR	DIEHL	Issued
TR16-0041	Type B Class II Morey's Landing HOA New Street Tree Plan.	DOUGALL	issued

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Tree Reviews April through June 2016			
TR16-0042	Type A Class 1 Removal of two dead trees, one Norway Maple and one Doug Fir. Both replaced with the same species. 27600 SW 95TH AVE	TRUGREEN LANDCARE LLC	Issued
TR16-0043	Type B Class II Removal of 6 trees at Xerox campus. 26600 SW PARKWAY AVE	TRUGREEN LANDCARE LLC	Issued
TR16-0044	Type A Class 1 Remove 2 plum trees 31421 SW OLYMPIC DR	HARTMAN	Issued
TR16-0045	Type A Class 1 Remove 1 diseased birch tree in back yard. 6980 SW GLENWOOD CT	JENNINGS	Issued
TR16-0046	Type A Class 1 Remove 2 evergreen trees in rear yard 6589 SW STRATFORD CT	SONNEN	Issued
TR16-0047	Type A Class 1 Removal of one tree in side yard. 28165 SW MORGAN ST	POLUMARU	Issued
TR16-0048	Type A Class 1 Removal of two trees in front yard -- not street trees (set back from ROW). 10811 SW HUNT CT	GAGE	Issued
TR16-0049	Type A Class 1 Removal of one Japanese Cherry Tree in sideyard. 28784 SW MEADOWS LOOP	BLACK	Issued
TR16-0050	Type A Class 1 Remove 1 Maple Tree and 1 Cedar Treet 27255 SW 95TH AVE	NORTHWEST TREE SPECIALISTS	Issued
TR16-0051	Type A Class 1 7082 SW GLENWOOD CT	FREAUFF	Issued
TR16-0052	Type A Class 1 Remove 1 birch tree in rear yard 29211 SW COURTSIDE DR	HENDRICKS	Issued
TR16-0053	Type A Class 1 Removal of three trees on property. 10455 SW WILSONVILLE RD	ENGELMAN	Issued
TR16-0054	Type A Class 1 Removal of three trees in sideyard, two pines and one cedar. 7562 SW WIMBLEDON CT	TALBOT	Issued
TR16-0055	Type B Class II Removal of ten trees on site. 10965 SW COMMERCE CIR	PACIFIC LANDSCAPE MANAGEMENT	Issued
TR16-0056	Type B Class II Removal of two street trees 7855 SW RACQUET CT	PENWARDEN	Issued
TR16-0057	Type B Class II Removal and replacement of six trees. 8840 SW HOLLY LN	BUGGSI HOSPITALITY GROUP LLC	Issued
TR16-0058	Type A Class 1 t Remove and replace one street tree 8515 SW METOLIUS LN	TREVYN	Issued
TR16-0059	Type A Class 1 6650 SW MONTGOMERY WAY	GREGG	Pending

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Tree Reviews April through June 2016			
TR16-0060	Type A Class I Removal of three birch trees in backyard. 28452 SW MEADOWS LOOP	GIPSON	Issued
TR16-0061	Type A Class I Removal of two evergreen trees on property. 28205 SW CANYON CREEK RD S	GERALD & DOWNS	Issued
TR16-0062	Type B Class II Removal of one street tree. 11207 SW CHAMPOEG CT	FRESN	Issued
TR16-0063	Type B Class II Removal of 12 cedar trees along west property line, ranging from 7 to 14 inches diameter. 10950 SW MOREY CT	JONES	Issued
TR16-0064	Type B Class II Removal of 3 maples and 1 spruce west side of Willamette Way West	CITY OF WILSONVILLE	Issued
TR16-0065	Type B Class II Removal of one non-street tree, and removal/replacement of two street trees. 11616 SW JAMAICA	ROOTS AND SHOOTS LLC	Issued
TR16-0066	Type A Class I Removal of three trees in backyard. 31509 SW ORCHARD DR	MATTHEWS	Issued
TR16-0067	Type B Class II Removal of 15 Trees within Canyon Creek Meadows	CHANGING LANDSCAPES INC	Issued
TR16-0068	Type B Class II Removal and replacement of four trees in HOA open space at Park at Merryfield.	MERRYFIELD OWNERS ASSN	Issued
TR16-0069	Type B Class II Removal of one landscape tree in sideyard. 10501 SW COLEMAN LOOP N	KLEIN	Issued
TR16-0070	Type A Class I Remove 2 trees in back yard 28500 SW MEADOWS LOOP	DILLER	Issued
TR16-0071	Type B Class II Removal of one maple street tree due to utility and infrastructure conflicts. 6609 SW LANDOVER DR	VAN DYKE	Issued
TR16-0072	Type B Class II Remove and replace 8 trees 26600 SW PARKWAY AVE	MIHALKO	Issued
TR16-0073	Type B Class II Removal of two street at entrance of facility. 30900 SW PARKWAY AVE	MARQUIS COMPANIES	Issued
TR16-0074	Type A Class I Removal of two sweetgum trees in front yard (not street trees). 28645 SW CANYON CREEK RD S	HEATH	Issued
TR16-0075	Type B Class II Removal of 13 trees in backyard. 29557 SW CAMELOT ST	TROHA	Issued
TR16-0076	Type A Class I Removal of one cedar tree in side yard. 10278 SW EVERGREEN CT	CATHCART	Issued

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Tree Reviews April through June 2016			
TR16-0077	Type B Class II Remove 7 trees and replant 8 trees 26600 SW PARKWAY AVE	NORTHWEST TREE SPECIALISTS	Issued
TR16-0078	Type A Class 1 Remove 1 tree due to health 31124 SW PAULINA CT	WILLMERT MCREA	Issued
TR16-0079	Type A Class 1 Remove 3 trees 10660 SW WILSONVILLE RD	FRITSCHI	Issued
TR16-0080	Type A Class 1 Remove and replace 2 dead trees internal to the site 9025 SW HILLMAN CT	NORTHWEST TREE SPECIALISTS	Issued
TR16-0082	Type A Class 1 Remove and replace 1 Red Maple Tree 29252 SW TAMI LOOP	ENSTROM LANDSCAPE MGMT	Issued
TR16-0083	Type A Class 1 Remove 1 oak tree in backyard 7661 SW THORNTON DR	ANDERSON	Issued
TR16-0085	Type A Class 1 Remove two trees in rear/side yard 28300SW MCGRAW AVE	SHAW & POND	Issued
TR16-0086	Type A Class 1 Remove 1 Cypress tree in backyard 11445 SW PAULINA DR	PETERSON	Issued
TR16-0087	Type A Class 1 Remove 1 Sweetgum tree at side of house 6764 SW FERNBROOK CT	BECKLEY	Issued

Code Enforcement April through June 2016		
CE16-0001	Marijuana testing facility emitting odor in industrial park (type of business not permitted under City Ordinances 734 and 778). City recieved complaints by nearby tenants/property owner. Site visit conducted.	Resolved
CE16-0003	Unpermitted building sign for Tan Republic.	Pending
CE16-0004	Basketball Hoop in right-of-way. Notice sent 4/5/16.	Issued
CE16-0005	Over 3 A-Frames displayed past 60 day limit.	Issued
CE16-0006	Sight-Distance Obstruction -- overgrown vegetation along railroad corridor through Old Town at 5th.	Issued
CE16-0007	Open storage of junk.	Issued
CE16-0008	Tall grass on TLID 31W23B001400 and 31W23B001200.	Issued
	Weekly Sign Enforcement City-wide	Ongoing

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Planning Staff Activities, Projects and Meetings April through June 2016	
<u>Recurring Activities</u>	
Archiving/Purging of Planning Records	Metro Committee meetings
Basalt Creek Concept Plan	Posting of Public Notices on project sites
Building Permit Plans Review	Pre-Construction meetings
Clackamas County Planning Director Meetings	Project Site Visits/inspections
Counter and Telephone Customer Service	Public Works/Engineering Permit Plans Review
Conditions of Approval Tracking	Transit Master Plan
Current Planning Application Tracking	Updating of Planning's web pages
Development Coordination Meetings	Villebois Meetings
Eden Permit Tracking	Washington County Planning Directors meetings
French Prairie Bike/Pedestrian Bridge	Town Center Redevelopment Plan
Frog Pond Master Plan (Phase 2)	

Public Works

September 2016

SIGN AND PAVEMENT MARKING TECHNICIAN LEVEL 1 CERTIFICATIONS

Roads

Congratulations to Sean Byrne and Manny Ghiselline for receiving their certificate for “Sign & Pavement Marking Technician Level I”. This is a two-day class covering material from the “Manual on Uniform Traffic Control Devices” (MUTCD). The Level I specialist has mastered the basic principles behind signing and pavement markings.

Sean and Manny have both been on the Roads Crew for about six months now and have been a good addition to our team. Sean has worked for the City in the Facilities Division for four years and only recently moved to Roads.

Storm Water Catch Basin Cleaning

Utilities-Storm Water

The Sewer/Storm crew continues to clean catch basins and water quality manholes according to their annual work plan. Below, Vactor Operator Paul Havens and Utilities Maintenance Specialist Shawn Powlison clean catch basins along Canyon Creek Rd.



WATER FEATURE UPGRADES

Facilities

The 15-16 Water Feature Upgrade project paid off big this year! September 11 marked the final day of the record breaking 2016 water feature season.

In years prior to the equipment upgrades, entries into the underground equipment rooms averaged five entries per day. Due to the new equipment installed, those averages dropped to three entries per day.

As part of those upgrades,

- Better performing chlorinators were installed allowing for better chemical control during peak user times;
- New work stations were constructed allowing for more efficient water sampling and equipment calibration;
- New automatic back-flush valves were installed on the existing sand filters.

The auto back-flush valves allowed for twenty-four hour filtration and chemical control - something that crews could not achieve with the old system. The ability for the treatment system to run round the clock resulted in clean, strong water ready to battle the next day's bather load.

In addition, the ability to continuously clean the water reduced the need for surge tank cleanings from three to four cleanings a season to a record breaking zero cleanings. Surge tank cleanings are needed whenever the water becomes overloaded with dissolved solids to the point that the treatment system cannot keep the water quality at an expected level. When this occurs, the surge tanks must be drained, pressure washed, refilled and chemically batched. All of this work must be done after hours and requires a confined space entry. Due to three less tank cleanings per season, the upgrades saved the city 18 hours of overtime and approximately 86,000 gallons of water!



Chlorinator (Left) – Work Station (Right)



Surge Tank Cleaning

DETENTION POND STRUCTURE CLEARING

Roads

In preparation for the upcoming fall and winter weather, Roads Technicians Sean and Manny have been clearing nuisance weeds, brush and debris from around major storm drains while City Arborist Ralph Thorp sprays the noxious weeds to make access to various detention pond structures around the city. This makes for less dangerous access during emergencies when it becomes wet.



BEFORE



AFTER

HYDRANT MAINTENANCE AND METER INSTALLATIONS

Utilities ~ Water Distribution

The City's water distribution crew performed routine maintenance tasks on fire hydrants this month as well as installing numerous water meters for new services. Below, Water Distribution Technician Jerry Anderson and crew hydro excavate a hydrant on Costa Circle East. A car struck the hydrant the night before which damaged it all the way down to the shoe, requiring the crew to jackhammer out the concrete "kicker" on the back of the hydrant to complete the repair.



Utilities Intern Daniel Mears (below) helps the water crew install water meters along Costa Circle East. Under the direct supervision of certified operators, the Utilities Intern is able to assist the crew in many ways while gaining "real world experience" in the field.

