

**AMENDED AGENDA**

**WILSONVILLE CITY COUNCIL MEETING  
OCTOBER 3, 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.

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**Executive Session is held in the Willamette River Room, City Hall, 2<sup>nd</sup> Floor**

- 5:00 P.M. EXECUTIVE SESSION [30 min.]**  
A. Pursuant to 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. Frog Pond Infrastructure Funding Plan (Neamtzu) [30 min.] Page 4  
B. Road Maintenance Fee Update – Task Force [20 min.] Page 22  
Recommendation (Ward/Kraushaar/Cole)
- 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 3, 2016 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on 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. Upcoming Meetings Page 26

**7:10 P.M. COMMUNICATIONS**

- A. Bee Stewards Program (staff – Rappold)

**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.

**7:30 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**

- A. **Resolution No. 2605** Page 27  
A Resolution Of The City Of Wilsonville Authorizing South Metro Area Regional Transit (SMART) To Purchase One Seventeen-Passenger Bus From Creative Bus Sales. (staff – Simonton)
- B. Minutes of the September 8, 2016 City Council meeting. (staff – King)

**8:00 P.M. PUBLIC HEARING**

- A. **Resolution No. 2604** Page 38  
A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2016-17. (staff – Rodocker)

- B. **Ordinance No. 797** – first reading Page 49  
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 - Miller/Bateschell)

- C. **Ordinance No. 798** – first reading Page 74  
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 5, Section 5.035 And Adding New Sections 5.600, 5.601, And 5.602. (staff – Jacobson)

**8:50 P.M. CITY MANAGER’S BUSINESS**

**8:55 P.M. LEGAL BUSINESS**

**9:00 P.M. ADJOURN**

***An Urban Renewal Agency meeting will immediately follow.***

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](mailto:king@ci.wilsonville.or.us)



## CITY COUNCIL WORKSESSION STAFF REPORT

<b>Meeting Date:</b> October 3, 2016	<b>Subject:</b> Frog Pond Master Plan Draft Infrastructure Funding Plan <b>Staff Member:</b> Chris Neamtzu, Planning Director <b>Department:</b> Community Development	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Resolution <input checked="" 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	<b>Comments:</b> NA
<b>Staff Recommendation:</b> Staff recommends that the Council conduct the worksession and provide the project team with direction.		
<b>Recommended Language for Motion:</b> NA		
<b>Project / Issue Relates To:</b>		
<input checked="" type="checkbox"/> Council Goals/Priorities Thoughtful Land Use	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

**ISSUE BEFORE COUNCIL:** The Frog Pond Master Plan (phase 2) will guide future development of the Frog Pond West neighborhood. The draft materials created to date include: working draft recommendations for zoning; residential design guidelines; street and trail designs; and parks and open space concepts. Perhaps the most critical element of the Frog Pond Master Plan is the creation of an Infrastructure Funding Plan, which is needed to ensure the financial feasibility of required master plan projects, such as Boeckman and Stafford Roads, water infrastructure, a neighborhood park, linear park and regional trail among other elements. This worksession will introduce the Council to several of the funding mechanisms that the project

team has been investigating over the past several months in an effort to identify the best tools to ensure key infrastructure projects identified in the plan can be built.

**EXECUTIVE SUMMARY:** There are three primary categories of infrastructure needed to serve the Frog Pond West Neighborhood.

The first is off-site infrastructure which is the primary responsibility of the City to complete. Examples of these projects include the Memorial Park Pump Station replacement, the Boeckman Creek sanitary sewer trunk line upsizing, and the new West Side Reservoir water projects. These projects are large, off-site, serve large portions of the entire community and are beyond any single developer's responsibility to complete. These projects are identified in the 5-year Capital Improvement Program and are funded through System Development Charges and Sewer and Water Utility Funds and completed through the annual budgeting and construction process.

The second category is the on-site infrastructure needed to exclusively serve the proposed development. This is the infrastructure necessary to serve a developer's proposal to construct homes and includes elements such as local streets, sewer, storm and water lines to serve individual lots. These projects are entirely the developer's responsibility to fund and construct.

The third category are "Master Plan Projects" that are necessary for the Frog Pond development, are within and adjacent to and serve the entire Frog Pond West Neighborhood, but are disproportionately large for any single developer to complete due to the highly parcelized nature of the site. This is the category of infrastructure projects that the Frog Pond Infrastructure Funding Plan is focused on in order to provide an effective finance mechanism for getting these projects built. The challenge is the various funding tools used to fund these projects each has pros and cons and varying levels of effort, risk and participation from the City and the development community.

The specific list of Master Plan Projects is: 1) Boeckman Road with sanitary sewer; 2) Stafford Road with sanitary sewer and water; 3) Boeckman and Stafford intersection; 4) Neighborhood Park; 5) Linear Park; 6) Boeckman Creek Trail; 7) infrastructure only oversized from minimum standards to serve the Frog Pond West Neighborhood.

Over the course of the past several months, the project team along with Andy Parks of GEL Oregon, Inc. has been meeting to discuss various approaches to funding this third category of projects. The project team has held numerous group work sessions, in addition to conducting interviews with property owners and interested developers on their past experiences as well as preferences to the approach. This worksession will be an introduction to the topic, with the expectation that the project team will continue to refine the project cost estimates and allocation methodologies, continue the dialogue with the development community and return to the Council with refined cost estimates and recommendations, followed by selection of the preferred financial tools necessary to get the job done.

**EXPECTED RESULTS:** Preparation of a well thought out infrastructure funding plan will provide the framework to fund the needed public improvements without burdening the existing community and City, and equitably allocating costs to the development community.

**TIMELINE:** The tentative schedule for adoption of the Frog Pond Master Plan (Phase 2) is set for December review by the Planning Commission, with City Council hearings to follow in early 2017.

**CURRENT YEAR BUDGET IMPACTS:** The Frog Pond Master Plan is a grant funded project.

**COMMUNITY INVOLVEMENT PROCESS:** The Frog Pond Master Plan is guided by a detailed public involvement plan that includes PC/CC work sessions, public hearings and community open house events among many other outreach and informational opportunities.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups):** One of the primary purposes of the infrastructure funding plan is to equitably distribute the benefits and burdens of growth and development.

**ALTERNATIVES:** The purpose of this work session is to outline different infrastructure funding alternatives for the Council's feedback.

**CITY MANAGER COMMENT:**

**ATTACHMENTS:**

Frog Pond Master Plan Infrastructure Funding Plan PowerPoint



# Frog Pond Master Plan Infrastructure Funding Plan

GEL Oregon, Leland Consulting Group, & Angelo Planning  
Group

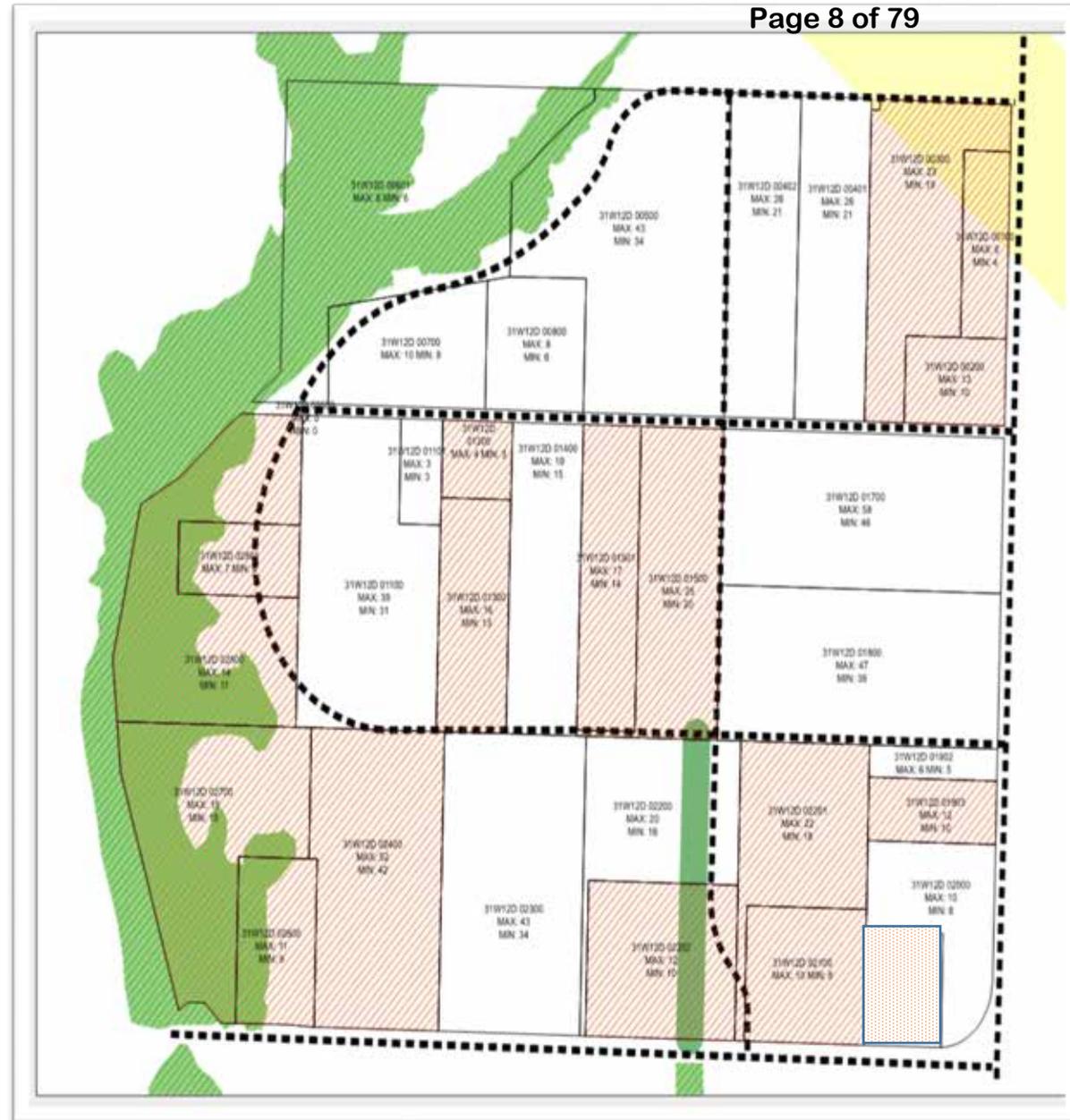
September 2016

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# Project Summary

## Frog Pond West

- 180+ Acres
- 610 housing lots (max density)
- Outside city limits, within Urban Growth Boundary
- 26 different property owners (as of 2015)
  - Largest 25.0 acres
  - Smallest 0.9 acre
- School District owns 20 acres
- Highlighted parcels have shown interest to develop



# Frog Pond West Infrastructure Summary

## Off-site Infrastructure

*(funded with SDCs and other City resources)*

- Memorial Park sewer pump station
- Boeckman Creek sanitary sewer trunk line
- West Side Water Reservoir

## On-site Infrastructure

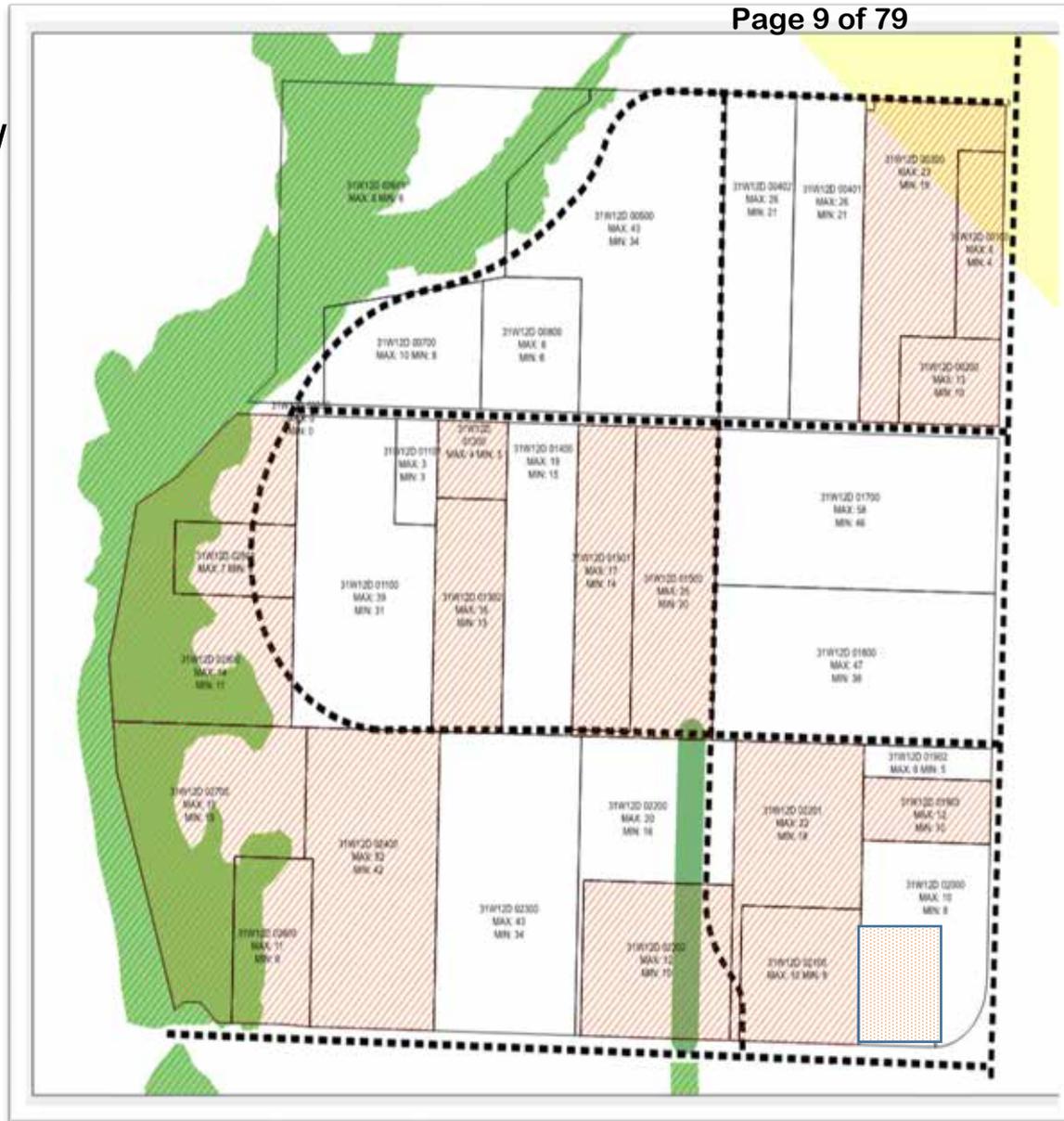
*(funded by individual developers)*

- Local streets and sidewalks
- Sanitary sewer lines
- Water lines
- Stormwater

## Master Plan Infrastructure

*(various funding alternatives)*

- Adjacent to and within Frog Pond Development
- Disproportionately large for any single developer



# Infrastructure

## Frog Pond Master Plan Projects

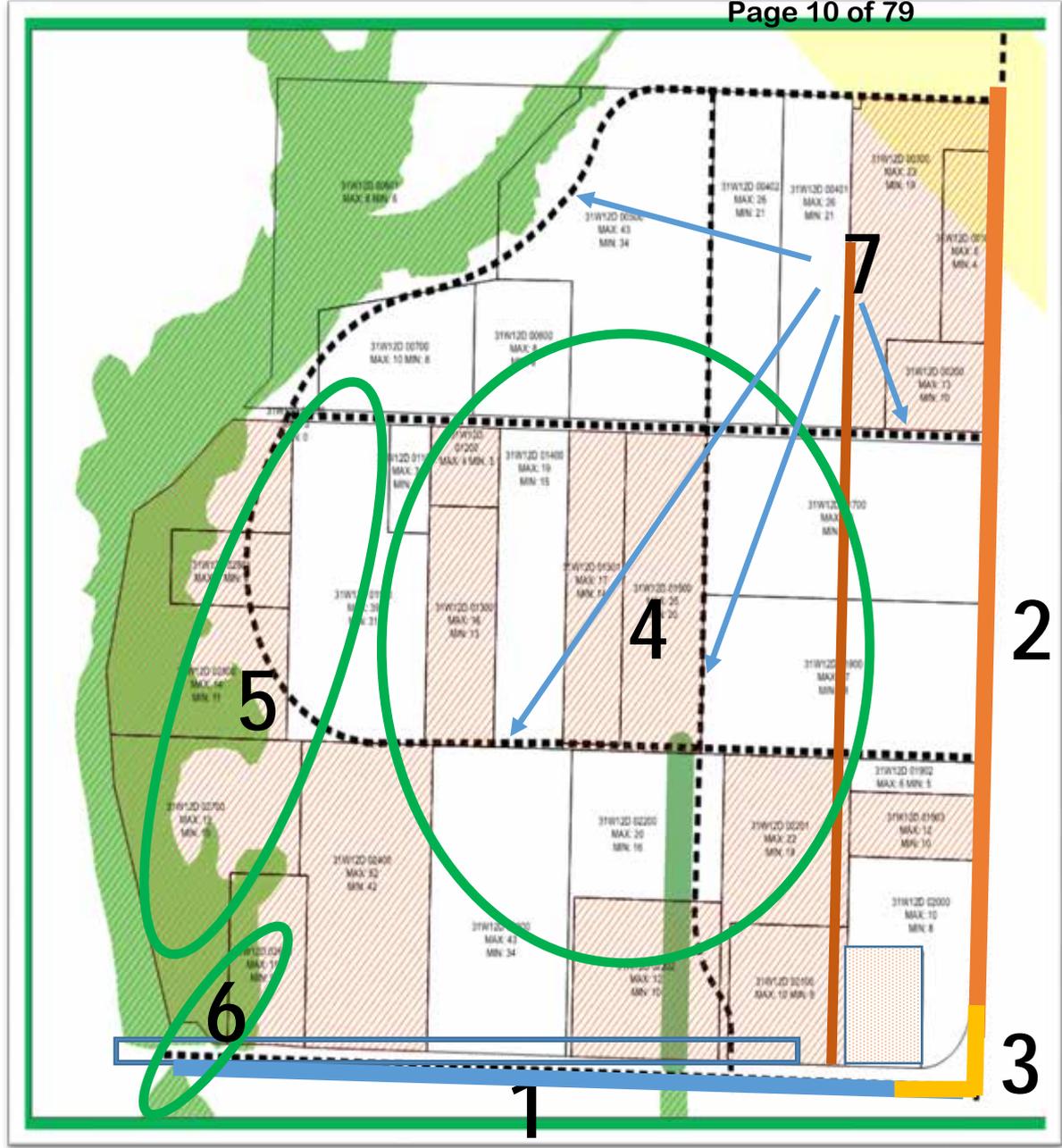
1. Boeckman Rd with sanitary sewer
2. Stafford Rd with sanitary sewer and water
3. Boeckman/Stafford intersection
4. Neighborhood Park
5. Linear Park
6. Boeckman Trail
7. Collector streets with water and sanitary sewer lines

Total estimated cost - \$13.5 million (2015)

### Other off-site

- Boeckman Bridge

Total estimated cost \$13.1 million



# Barriers/Issues to Constructing Infrastructure

- Frog Pond properties outside City limits
- Properties are not served by City-standard infrastructure
- Large number of separate owners
- Significant individual and total infrastructure costs
- Significant coordination required to complete infrastructure
  - Right-of-way acquisition
  - Timing
- All of the above lead to the potential for patch work, piecemeal development, creating uncertainty, which increases risk and cost



# Funding Plan and Strategy

## Goals and Key Considerations

### Goals

- Ensure adequate funding to complete projects
- Project funding is available when improvements are needed
- Distribute costs equitably

### Key Considerations

- Financial capacity of developers and City
- Administrative capacity of City
- Cost allocation methodologies
- Risk and role for the City



# Alternative 1

## Existing Tools

### *All Master Plan Projects*

#### **Summary**

Property by property property owners/developers will

- Request annexation
- Submit development plans
- Receive City approval
- Potentially create reimbursement districts
- Potentially enter into agreements with other developers to construct needed infrastructure
- Potential for small local improvement districts

#### ***Benefits***

- City and developers familiar with tools

#### ***Barriers to successful implementation***

- Very piecemeal
- Inefficient and costly
- Costs inequitably allocated

#### ***City Risk and Role***

- Limited risk – cost of construction
- Increased risk – cost of maintenance
- Increased risk – opportunity cost
- Administer programs



# Alternative 2A

## Advance Reimbursement (Financing) District

### *All Master Plan Projects*

#### Summary

Area wide reimbursement district created in advance of construction

- Estimated cost allocated to individual property owners/developers
  - *Per housing unit*
    - *Consistent with SDC methodologies*
  - *Per square foot*
    - *Consistent with LID and Villebois development*
- Annexation of several or more properties simultaneously – potentially in phases
- Development plans for larger areas received and considered
- Allocated infrastructure costs collected early
- Collected funds used to pay for infrastructure
  - City or developers may construct

#### *Benefits*

- Facilitates efficient and timely construction
- Facilitates equitable cost allocation

#### *Barriers to successful implementation*

- Requires up-front developer funding

#### *City Risk and Role*

- Limited risk – cost of construction
- Reduced risk – cost of maintenance
- Reduced risk – opportunity cost
- Creation and administration of program
- Coordination of annexation and development agreements



# Alternative 2B

## Advance Reimbursement (Financing) District

### *Selected Master Plan Projects*

#### Summary

Area wide reimbursement district created in advance of construction of selected projects

- *Other projects funded via existing or other tools*
- Estimated cost allocated to individual property owners/developers
  - *Per housing unit*
    - *Consistent with SDC methodologies*
  - *Per square foot*
    - *Consistent with LID and Villebois development*
- Annexation of several or more properties simultaneously – potentially in phases
- Development plans for larger areas received and considered
- Allocated infrastructure costs collected early
- Collected funds used to pay for infrastructure
  - City or developers may construct

#### *Benefits*

- Facilitates efficient and timely construction
- Facilitates equitable cost allocation

#### *Barriers to successful implementation*

- Requires up-front developer funding

#### *City Risk and Role*

- Reduced risk – cost of construction
- Reduced risk – cost of maintenance
- Reduced risk – opportunity cost
- Creation and administration of program
- Coordination of annexation and development agreements



# Alternative 3

## Other Potential Financing Tools

- Local Improvement Districts
  - Encumbers title to the property
- Special Tax Districts
- Supplemental SDC's
  - Boeckman Bridge
  - Potentially Neighborhood Parks

*(Note: Other Master Plan improvements, i.e., water lines, sanitary sewer lines, trail improvements and arterial and collector streets are included in existing Master Plan and SDC methodologies)*

- Direct City CIP investments
- Expansion of the types of facilities that are eligible for SDC credits



# Alternative 3A

## Other Potential Financing Tools

### *Local Improvement District*

#### Summary

Area wide local improvement district created for purpose of constructing all or selected Master Plan projects

- *Other projects funded via existing or other tools*
- Annexation of all properties simultaneously
  - Potentially in phases
- City designs and constructs projects
- City debt secured by assessments on property
- Actual cost allocated to individual property owners per square foot
  - *Consistent with Villebois development and other LID's*

#### *Benefits*

- All Master Plan projects constructed simultaneously
- Provides low-cost financing for property owners
- If created timely, enhances timing of improved lots to market
- Reduces uncertainty

#### *Barriers to successful implementation*

- Requires double-majority support by property owners
  - Majority of property owners and majority of area
- Debt payments begin immediately for all property owners

#### *City Risk and Role*

- Reduced risk – cost of construction
- Reduced risk – cost of maintenance
- Reduced risk – opportunity cost
- Creation and administration of program
- Design and construction of projects



# Alternative 3B

## Other Financing Tools

### *Supplemental System Development Charges*

#### Summary

Selected projects may be recovered with SSDC's

*These Major Projects are not included in the SDC definitions or existing SDC methodologies*

- Boeckman Bridge
- Neighborhood Parks
- Estimated cost allocated per housing unit
  - Consistent with SDC methodologies
- SSDC's may be collected early or with SDC's
- Collected funds used to pay for infrastructure
  - City or developers may construct

#### ***Benefits***

- Facilitates efficient construction
- Facilitates equitable cost allocation

#### ***Barriers to successful implementation***

- May require up-front developer funding
- Projects may be deferred pending sufficient collection of funds

#### ***City Risk and Role***

- Increased risk – cost of construction
- Neutral risk – cost of maintenance
- Neutral risk – opportunity cost
- Creation and administration of program
- Potential design and construction of projects



# Alternative 3C

## Other Financing Tools

*Direct City CIP Investments and or expansion of the types of facilities that are eligible for SDC credits*

### Summary

Fund selected Master Plan projects with City CIP Investment or expansion of SDC credits

- Boeckman Rd.
- Neighborhood Parks
- Water
- Sanitary sewer
- Project costs funded by City SDC's, or
- Expansion of SDC credits

### *Benefits*

- Facilitates efficient construction
- Facilitates equitable cost allocation

### *Barriers to successful implementation*

- Impact to current City CIP
- Modification of SDC methodology
- Projects delayed until sufficient resources exist

### *City Risk and Role*

- Increased risk – cost of construction
- Neutral risk – cost of maintenance
- Increased risk – opportunity cost
- Design and construction of projects
- Modification of SDC methodology



# Summary

## Financing Approaches

Metric	Financing Approaches				
	Existing Tools	ARD	LID	SSDCs	Other
Funding provided by property owners/developers	Yes	Yes	Yes	Yes	Mostly
Cost allocation is equitable	No	Yes	Yes	Yes	Yes
Projects can be completed timely and efficiently	No	More likely	Yes	More likely	More likely
Low cost financing available	LID-yes	N	Yes	No	No
City risk of incurring costs for design and or construction - unreimbursed	Low	Low	Low	Low	Low
City risk of increased maintenance costs – due to varied timing of construction	High	Mod	Low	Low	Mod
City administrative effort required	Mod	Mod	High	Mod	Mod
Potential opportunity cost to City related to delays or inefficiencies with use of respective approach(es)	High	Low	Mod	Low	Varies



# Next Steps

- Update and refine cost information
- Update costs per various cost allocation methodologies
- Review and discuss findings with development community
- Document and present findings
- Determine preferred approach(es)





## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b>  October 3, 2016		<b>Subject:</b> Road Maintenance Fund Study and Task Force Update  <b>Staff Member:</b> Mike Ward, P.E. <b>Department:</b> Community Development	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Resolution <input checked="" 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 type="checkbox"/> Not Applicable <b>Comments:</b>  	
<b>Staff Recommendation:</b> Council will hear an update on the progress of the Road Maintenance Fund study.			
<b>Recommended Language for Motion:</b> N/A			
<b>Project / Issue Relates To:</b> <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>			
<input checked="" type="checkbox"/> Council Goals/Priorities: Well Maintained Infrastructure	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable	

**ISSUE BEFORE COUNCIL:** The Road Maintenance Fee is being studied to determine whether modifications should be considered. The process included assembling a task force who reviewed the work and provided their input and recommendations. City Council will receive an update on the process to date.

**EXECUTIVE SUMMARY:** Ordinance 484, which authorizes the Road Maintenance Program, prescribes that staff shall put together a road maintenance task force every five years to review

the fee. To prepare for this work, staff contracted with the consulting firm FCS Group to assist staff with an analysis of the revenues required to fund the Road Maintenance Program. To understand the road maintenance needs to input into the analysis, Engineering staff updated the City's pavement conditions inventory by measuring distress on each street and recording length of cracking and areas of failure. Using this information, a list of projects to be accomplished over the next five years was developed.

The task force members are:

Eric Hoem, Charbonneau HOA Civil Affairs Committee  
 Frank Lonergran, Republic Services  
 Kevin O'Malley, Wilsonville Chamber of Commerce  
 Al Steiger, City of Wilsonville Budget Committee  
 Tim Woodley, WLWV School District, Operations  
 Patricia Zimmerman, Arbor Villebois HOA President

The Task Force held five meetings over the course of five months, reviewing and discussing materials developed through the study, refining possible modifications, and preparing recommendations for the program to bring to the City Council for their consideration. Their final recommendations were reached unanimously and include modifications to the fee methodology and increases to the rates to meet the revenues required to sustain the Road Maintenance Program at the current level of service as measured by the Pavement Condition Index.

FCS Group presented several topics to the Task Force for consideration that are intended to make the methodology more transparent and consistent with current best practices. The Task Force recommended the following changes:

- 1) Change the methodology to remove truck counts. Truck counts are a factor in pavement wear, however they are difficult and time consuming to accurately establish and maintain over time. None of the task force members were first aware that trucks were a component in the Road Maintenance Fee.
- 2) Remove specific reference to the edition of the Institute of Transportation Engineers (ITE) Manual on Trip Generation. The manual is currently in its 9<sup>th</sup> edition, with a 10<sup>th</sup> edition anticipated. The ordinance specifies the use of the 5<sup>th</sup> edition.
- 3) Change the fee methodology from a customer category basis to a per Equivalent Residential Unit (ERU) basis. One ERU is the number of estimated trips generated by a single family home, which is estimated to be 9.45 trips per day, over the course of one month. Thus, single family homes would be charged as one ERU, while other customers would be charged according to their site-specific trips outlined in the ITE manual, converted to the ERU index. For example, multifamily housing tends to generate fewer trips per day over the course of one month, so a multi-family unit would be charged 0.65 ERUs.
- 4) Update the categories (bins) that non-residential customers are placed in to be in line with current clusters of businesses. In looking at a graphical presentation of the number of trips, converted to ERUs, generated by Wilsonville businesses, there are apparent breaks

at 20, 40, 60, 80, 120, 200, 400, and 600 ERUs. Utilizing bins averages the road maintenance fees over ranges of non-residential trip generation. Businesses may move slightly inside a bin, but will seldom move between bins.

- 5) Include cost recovery for staff administrative time for project management and design work. This more clearly aligns the actual costs of the program with the fees charged, and provides transparency regarding actual costs. The current ordinance does not allow for this aspect of cost recovery.
- 6) Specify that Federal, State, and City requirements are included in the acceptable expenditures list. The City is required by the Americans with Disabilities Act to bring pedestrian ramps on roads that are improved by more than a slurry seal into compliance with existing ADA policy. This change would clarify that the Road Maintenance Fee may pay for that work where required.
- 7) Incorporate an appeal process. Presently there is no process for a customer to appeal the amount of their Road Maintenance Fee. Establishing a process would allow a business to review their classification and present additional information as necessary if they do not agree with their classification.
- 8) Perform an interim rate increase. The Task Force recognizes that the next logical increase would occur at the beginning of the fiscal year (July 1, 2017), however, they recognize that current limitations in the fund will increase the backlog of needs and does address timely maintenance. The Task Force recommends a stepped increase in the Road Maintenance Fee, starting this winter, to provide sufficient funds for work in summer 2017.

**EXPECTED RESULTS:** The updated methodology provides for equity among those served by the road maintenance utility. Increasing the monthly rate allows for a sustainable fund to maintain Wilsonville roads and preserves significant past public and private investments in the system.

**TIMELINE:** Staff is developing an ordinance and resolution for Council consideration in November.

**CURRENT YEAR BUDGET IMPACTS:** There are no current year budget impacts. The Road Maintenance Program is included in the adopted budget. Any fee changes during the current fiscal year will accrue to the Road Maintenance Fund fund balance and allow for progress on the project list.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**LEGAL REVIEW / COMMENT:**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**COMMUNITY INVOLVEMENT PROCESS:** A Task Force was assembled with representatives from residential and business interests.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY** (businesses, neighborhoods, protected and other groups): The Road Maintenance Fee would increase; however, the Road Maintenance Program would be sustained over time at the current level of service, as measured by the Pavement Condition Index. A reliable road maintenance program also preserves the investment previously made by the public and private sector. If allowed to deteriorate, the pavement structure requires extensive reconstruction which costs more in the long run.

**ALTERNATIVES:** This staff report provides an update to Council on the progress of the Road Maintenance Fund study. In future meetings, the Council will be asked to consider an ordinance and resolution that adopts all, some, or none of the recommendations presented in this staff report.

**CITY MANAGER COMMENT:**

**ATTACHMENTS:**

None

# **CITY COUNCIL ROLLING SCHEDULE**

## **Board and Commission Meetings 2016**

**Items known as of 09/27/16**

### OCTOBER

<b>DATE</b>	<b>DAY</b>	<b>TIME</b>	<b>EVENT</b>	<b>LOCATION</b>
10/3	Monday	7 p.m.	City Council Meeting	Council Chambers
10/10	Monday	6:30 p.m.	DRB Panel A	Council Chambers
10/12	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
10/13	Thursday	4:30 p.m.	Park and Recreation Board Meeting	Park and Recreation Admin Office
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

### COMMUNITY EVENTS

Fall Harvest Fest – Stein-Boozier Barn, Murase Plaza  
Saturday, Oct. 29, 9:30 -11:30 a.m.



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b>  October 3, 2016	<b>Subject: Resolution No. 2605</b> Purchase of one 17 passenger transit bus  <b>Staff Member:</b> Scott Simonton <b>Department:</b> SMART	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input checked="" 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  <b>Comments:</b>	
<b>Staff Recommendation:</b> Staff recommends Council adopt Resolution No. 2605.		
<b>Recommended Language for Motion:</b> I move to approve Resolution No. 2605.		
<b>Project / Issue Relates To:</b> <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>		
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Transit Master Plan, which supports bus fleet replacements with modern, efficient vehicles.	<input type="checkbox"/> Not Applicable

**ISSUE BEFORE COUNCIL:** Staff is seeking Council authorization to purchase one 17 passenger transit bus utilizing funds from ODOT grant # 30820.

**EXECUTIVE SUMMARY:** SMART received grant funding in the amount of \$68,195 toward the purchase of one 17-passenger cutaway bus. Staff has completed a competitive bid process, in

which the lowest overall bidder was also found to be the lowest responsible bidder, among four firms submitting proposals. Creative Bus Sales of Canby, Oregon, submitted the selected quote in the amount of \$78,462. The City's match portion will be \$10,267.

**EXPECTED RESULTS:** With Council approval, staff will immediately issue a purchase order and execute the purchase of the vehicle.

**TIMELINE:** Grant funds expire June 30, 2017. The selected bidder is bound by contract to complete delivery of the vehicle within 180 days of order placement.

**CURRENT YEAR BUDGET IMPACTS:** Funds for this bus purchase were included in the City's Fiscal Year 2016/17 budget.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by: \_\_\_SCole\_\_\_\_\_ Date: \_\_\_\_\_9/20/16\_\_\_\_\_

**LEGAL REVIEW / COMMENT:**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**COMMUNITY INVOLVEMENT PROCESS:** None, other than on-going Transit Master Planning process.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY** (businesses, neighborhoods, protected and other groups): Newer buses are more energy-efficient and require less maintenance than older buses.

**ALTERNATIVES:** Council could reject the purchase, and surrender the grant funds to ODOT.

**CITY MANAGER COMMENT:**

**ATTACHMENTS:**

A. Resolution No. 2605

**RESOLUTION NO. 2605**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING SOUTH METRO AREA REGIONAL TRANSIT (SMART) TO PURCHASE ONE SEVENTEEN-PASSENGER BUS FROM CREATIVE BUS SALES.**

WHEREAS, a goal of SMART (South Metro Area Regional Transit) is to replace older buses with modern, more efficient buses meeting industry standards to ensure safe, reliable transportation for our passengers; and

WHEREAS, SMART has an immediate need for buses to replace aging, unreliable buses; and

WHEREAS, SMART received grant funding in the amount of \$68,195, with a local match of \$10,267, through ODOT grant #30820; and

WHEREAS, Grant #30820 requires the vehicle to be delivered no later than June 30, 2017; and

WHEREAS, City staff has completed a competitive RFP (Request for Proposals) process for one light duty bus, that met State, Federal, and City procurement requirements that guarantee open and fair competition; and

WHEREAS, staff received four bids from different vendors; and

WHEREAS, Creative Bus Sales, at a price of \$78,462, was selected as the lowest responsible bidder; and

WHEREAS, the City Council has duly appointed itself as the Local Contract Review Board, and acting as the Local Contract Review Board, is authorized to award the purchase contract in conformance with the state procurement program as recommended by staff.

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

1. Based on the above recitals, which are incorporated herein, the City Council, acting as the Local Review Board, does hereby approve and authorize SMART to award a Purchase Order contract for one 17-passenger bus, to Creative Bus Sales.

2. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this \_\_\_\_ day of \_\_\_\_\_ 2016, and filed with the Wilsonville City Recorder this date.

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Tim Knapp, Mayor

ATTEST:

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Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Lehan

Councilor Fitzgerald

Councilor Stevens

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

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A special meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Thursday, September 8, 2016. Mayor Knapp called the meeting to order at 7:23 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

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

Staff present included:

Bryan Cosgrove, City Manager  
 Jeanna Troha, Assistant City Manager  
 Barbara Jacobson, City Attorney  
 Sandra King, City Recorder  
 Nancy Kraushaar, Community Development Director  
 Chris Neamtzu, Planning Director  
 Dan Pauly, Planner  
 Mark Ottenad, Government and Public Affairs Director

Motion to approve the order of the agenda.

**Motion:** Councilor Lehan moved to approve the order of agenda and to add an item after Citizen Input to continue the Council discussion regarding traffic that began in work session. Councilor Starr seconded the motion.

**Vote:** Motion carried 3-0.

## **MAYOR'S BUSINESS**

Mayor Knapp reported on the meetings he attended on behalf of the City over the past couple of weeks in particular the meeting with Greater Portland Inc. members.

## **COMMUNICATIONS**

### **A. Brayden's Berry Stand**

Brayden Arsenault, a third grader at Boones Ferry, spoke about his Welcome Box project. The Welcome Boxes are given to children entering foster care while they wait for placement in a foster home. Brayden sold berries from his grandfather's berry patch allowing him to fill 102 boxes to donate to Embrace Oregon who partners with the State of Oregon's Department of Human Services. A video was shared about Brayden's Berry Stand project.

**CITY OF WILSONVILLE  
CITY COUNCIL MEETING MINUTES**

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**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 Nancy Kraushaar for listening to her concerns regarding speeding and the amount of truck traffic using Wilsonville Road. She felt it was dangerous to cross Wilsonville Road or walk along it particularly with the number of semis using the roadway. Although she has contacted ODOT she has not seen any improvement.

Theonie Gilmore, 24240 SW Gage Road, provided a report on the summer activities of the Wilsonville Arts Council and announced the projects they will be working on this fall. Ms. Gilmore read from a written statement which has been made part of the record. A video of the 2016 Wilsonville Festival of the Arts was shown.

Dick Spence, 8428 SW Curry Drive, spoke on behalf of Wilsonville Community Sharing. He provided information on the number of people served and the number of referrals made over the past month. Mr. Spence indicated there is a greater need for food; however, donations have been down.

Councilor Lehan mentioned the fruit trees on City property and in City parks are laden with fruit this year, and asked if there was a policy on picking the fruit from the trees on City property and donating it to Wilsonville Community Sharing. Staff will investigate and report back to Council.

Jayant D'Souza, 28087 SW Wagner St., addressed the traffic issues on Wilsonville Road, and felt it has gotten worse since school has started. He pointed out traffic traveling north on Wilsonville Road does not stop at the pedestrian crossing with the flashing lights because trees have overgrown the signals causing a safety issue.

Rhoda Wolff, 28118 SW Wagner Street, agreed with the comments made by her neighbors about the heavy traffic on Wilsonville Road. She suggested more lights at the pedestrian crossing and prohibiting trucks on Wilsonville Road.

*Further Discussion on Wilsonville Road Traffic Issues*

Mayor Knapp asked if there was further presentation from staff about the options staff has been looking into.

Nancy Kraushaar, Community Development Director, mentioned Staff started working with Clackamas County on the type of truck restriction signage and the County raised some concerns. They also felt there may be more engineering data to collect to better understand where trucks are going to insure we have all the information to make a decision. Last week the County had video counters out for three days which will identify how many of the trucks are interstate trucks. The County may have some knowledge on how to keep the interstate trucks on the interstate and not cut through Wilsonville. In addition, the City needs to adhere to

**CITY OF WILSONVILLE  
CITY COUNCIL MEETING MINUTES**

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Transportation Planning Rules and state requirements to make sure the city is consistent with the roads that are receiving vehicles on either end of our jurisdiction.

Ms. Kraushaar noted her staff report covered the direction given at the last work session which was to look at potential unintended consequences, and if there is an alternate route we want trucks to take, how to direct them to that route; however, at this time there is no “great” route for semi-trucks.

ODOT is shifting some on the design exceptions for the I-5/Wilsonville Road interchange improvements discussed during the last work session: one is to turn the three lanes to four lanes on Wilsonville Road east of Boones Ferry Road. The other is an additional striped lane on the southbound onramp to I-5 which will require widening.

There may be grant funds available from ODOT’s immediate opportunity fund which may be applicable to these improvements. Staff is also working on improvements to the Fred Meyer signalized intersection at Boones Ferry Road.

Mayor Knapp asked if the City had the authority to post where trucks come off of I-5 to say “local trucks only” or “local delivery only”, some wording that would indicate it is not allowed to be used as a through route.

Ms. Jacobson explained the City does have regulatory authority on the part of Wilsonville Road that is within the City’s authority; however, the City does not have regulatory authority at the interchange intersection. The difficult task is deciding what trucks are thru trucks, and what trucks are local deliveries or construction site deliveries, and then where to place the regulatory signs.

Mayor Knapp asked if staff was in the process of making those judgments.

Ms. Kraushaar needed to look at the data collected by the County in the vicinity of the Landover subdivision at the north end of Wilsonville Road and at 65<sup>th</sup> past Gage Road to gain an understanding of the amount of truck traffic. She needed to do more research on the transportation planning rule with ODOT, and design exceptions may be necessary if the City is not consistent with the adjoining roadway systems.

Councilor Lehan asked where the trucks on the east side were originating from since there are no trucking businesses on the east side; they are all on the west side. The City was designed to keep the trucking industry on the west side and the residential uses on the east side, which has worked well until the last few years when traffic has used Stafford and Wilsonville roads as a shortcut from I-205. This is a 30 year old idea which was to keep the truck traffic on the west side and not on the east side. It is a land use decision, and it is a road design decision.

The City designed its roads intentionally and the Councilor did not feel it was the City’s responsibility to make it easier for trucks to use Wilsonville Road; they should remain on the interstate. It would be difficult to prohibit trucks, since obeying the “no thru trucks” signs is on the honor system.

Ms. Kraushaar said the data the City has collected this far is on Wilsonville Road, not outside the city limits. Ms. Kraushaar commented if the trucks are coming from I-205 they need an alternate route to use rather than Wilsonville Road, and it appeared that Boeckman Road is the alternate route ODOT will not post a “no trucks” sign off of I-205 at the Stafford interchange.

Councilor Lehan stated the City has been specific from the beginning on what parts of the City would be truck friendly. She thought the City needed to be firmer about this because it is part of what makes Wilsonville an intentional community.

Mayor Knapp referred to page 4 of the memo prepared by Ms. Kraushaar which says the City may “conduct targeted enforcement when the “no thru” signs are installed and see if that helps the problem. ...Council must first establish the restriction by ordinance. The City Attorney can develop the appropriate ordinance when so directed.” He asked if staff felt there has been enough direction to the City Attorney to develop an ordinance.

Ms. Kraushaar thought the Council was interested in exploring and discussing unintended consequences and where the trucks would go.

Councilors wanted to see something concrete to try to address the situation and see if there was a way to influence trucker’s behavior in a positive way, with the understanding that not every truck would be deterred.

Mr. Cosgrove pointed out additional conversations needed to happen with Clackamas County first and when policy is changed, the Council needed to think about what other outcomes could happen as a result of the policy change.

Mayor Knapp suggested calling a meeting of the local trucking companies to discuss the problem. Referring to the number of speeding tickets issued the Mayor asked why 90% of the enforcement is between the freeway and the first light, not where most of the citizens have been telling us they are observing the trucks where they shouldn’t be, so why aren’t we enforcing where the citizens are telling us the problem is.

Mr. Cosgrove commented that conversation has taken place with the Police Chief, and Wilsonville Road will be an area of focus for the officers.

The Mayor summarized the Council wanted to know what the next steps are, and the time frame for those next steps to provide a concrete strategy that will be moving forward.

Ms. Jacobson advised an ordinance can be quickly drafted; however she wanted to be thorough so the ordinance addresses the issue and is enforceable.

Councilor Starr understood Councilor Lehan was asking for a “no thru” truck sign to be installed at the four-way stop at Wilsonville Road/Advance/Boeckman/Stafford roads. Before we do so, we’ll need to work with the County to have signs so trucks can take an alternate route before they reach the four-way stop sign. If trucks are prohibited on Wilsonville Road, they will use Boeckman Road and possibly Canyon Creek or Town Center, or go all the way across

Boeckman. He felt truck traffic should not be comfortable going through the Wilsonville Road/Advance/Boeckman/Stafford intersection either due to traffic or strong enforcement, which would discourage the use of Wilsonville Road by truck traffic.

Mr. Cosgrove once trucks are on Stafford Road there was nowhere else to go. Mayor Knapp said that was one of the reasons the 65<sup>th</sup> Elligsen intersection needed to be improved.

Mr. Cosgrove cautioned said any alternate route will have a negative impact other neighborhoods. Staff is trying to be thoughtful and bring issues to Council's attention to discuss.

Councilor Lehan pointed out that truckers speak to each other about short cuts, and if the road is made unpopular due to enforcement or tickets, they'll avoid the road. The first 90 days would be trial and a training period.

Mayor Knapp thought Council is frustrated with how long the issue has been discussed, and they wanted to try what staff felt is the most likely way to affect the problem in a positive way.

Mr. Cosgrove said the video data will show what trucks are using Wilsonville Road, and if it turns out that 98% is local truck traffic, the matter would need to be rethought. And if it was local trucking companies that would be the time to have a conversation with those trucking companies.

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

Council President Starr – (Park & Recreation Advisory Board Liaison) announced the water features will close on September 11<sup>th</sup>.

Mayor Knapp reported on the activities and decisions of DRB Panel B, and announced the next meeting date for Panel A.

Councilor Lehan– (Planning Commission and CCI Liaison) reported the Frog Pond Master Plan open house scheduled on September 14<sup>th</sup>. For those attending the open house, she recommended looking at your neighborhood and other neighborhoods and note what you like and don't like about the neighborhood as a point of reference. She urged school children to ride the school buses to and from school to reduce the number of traffic trips. The Councilor announced the Villebois Farmers market continues to September 29<sup>th</sup>.

### **CONSENT AGENDA**

Ms. Jacobson read the titles of the Consent Agenda items into the record.

**CITY OF WILSONVILLE  
CITY COUNCIL MEETING MINUTES**

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**A. Resolution No. 2601**

A Resolution Of The City Of Wilsonville Adopting As A Concurring Party The Willamette Falls Locks “Section 106” Memorandum Of Agreement (“MOA”) And Exhibits (staff – Ottenad)

B. Minutes of the August 1, 2016 and August 15, 2016 Council Meetings. (Staff – King)

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

**Vote:** Motion carried 3-0.

**CONTINUING BUSINESS**

**A. Ordinance No. 795 – second reading**

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Facility (PF) Zone To The Village (V) Zone On Approximately 3.2 Acres Located In The Villebois Village Center, West Of Villebois Drive North, South Of Future SW Paris Avenue. Comprising Tax Lot 2900 Of Section 15AC, T3S, R1W, Clackamas County, Oregon, Polygon WLH LLC, Applicant. (Staff – Pauly)

Ms. Jacobson read Ordinance No. 795 into the record on second reading by title only.

**Motion:** Councilor Lehan moved to adopt Ordinance No. 795 on second reading. Councilor Starr seconded the motion.

**Vote:** Motion carried 3-0.  
Councilor Starr - Yes  
Councilor Lehan - Yes  
Mayor Knapp - Yes

**B. Ordinance No. 796 – second reading**

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

The title of Ordinance No. 796 was read into the record with the explanation that it is necessary to continue the item to the October 17<sup>th</sup> Council meeting to allow Washington County time to make their decision.

**Motion:** Councilor Starr moved to continue the second reading of Ordinance No. 796 to the October 17, 2016 City Council meeting. Councilor Lehan seconded the motion.

**Vote:** Motion carried 3-0.

**CITY OF WILSONVILLE  
CITY COUNCIL MEETING MINUTES**

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**CITY MANAGER'S BUSINESS** – There was no report.

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

**ADJOURN**

Mayor Knapp adjourned the meeting at 8:38 p.m.

Respectfully submitted,

\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

ATTEST:

\_\_\_\_\_  
Tim Knapp, Mayor



**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b> 10/3/16	<b>Subject: Resolution No. 2604</b> Supplemental Budget Adjustment  <b>Staff Member:</b> Cathy Rodocker <b>Department:</b> Finance	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input checked="" 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  <b>Comments:</b>	
<b>Staff Recommendation:</b> Staff recommends Council adopt Resolution No. 2604.		
<b>Recommended Language for Motion:</b> I move to approve Resolution No. 2604.		
<b>Project / Issue Relates To:</b> <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:**

A supplemental budget resolution for the FY2016-17 budget year.

**EXECUTIVE SUMMARY:**

Oregon’s Local Budget Law allows the Council to amend the adopted budget for an occurrence or condition that was not known at the time the budget was adopted. A transfer resolution moves expenditures from one category to another within a specific fund and does not increase the overall budget that was approved during the annual budget process. A supplemental budget

adjustment will impact the budget by increasing revenues and/or expenditures. The supplemental adjustment can also recognize expenditures that exceed 10% of the adopted budget expenditures or 15% of the funds' adopted contingency.

As typical for the first budget adjustment for the fiscal year, unused funded from the prior year will be needed to complete projects that were not completed by June 30<sup>th</sup>. This adjustment to 'rollover' funding from the prior fiscal year will provide the needed budget authority required for FY2017. The adjustment includes changes to the capital project program as well as to the following categories: material and services and capital outlay categories.

Non Capital Project related expenses include:

Capital Outlay: Purchase of a new truck with swap loader attachment, \$59,101, funded by the Parks Maintenance, Building Maintenance, Road, Water and Sewer Operating funds.

Material and Services: Administration Program, \$35,000, for special projects, Finance Program, \$15,500 for consultant fees and office furniture, IS Program, \$105,000, for the Fiber Business Plan, IT Strategic Plan, PCI (Payment Card Industry) remediation, and Planning Program, \$33,000, for the Form-Based Code project.

Capital Project related expenses originally funded in FY2016 include:

- Secondary Power Supply for Wells, \$39,640
- Water System Telemetry, \$91,495
- Tooze Rd Waterline, \$79,950
- WWTP Outfall Repair/Replacement, \$219,420
- Sewer Operations Allocation to Charbonneau, \$320,805
- Frog Pond Master Planning, \$115,000
- Coffee Creek Development Readiness, \$7,650
- Citywide Signage and Wayfinding Plan, \$55,700
- Wilsonville Rd Interchange, \$293,750
- Kinsman Rd Extension, \$414,000
- 5 Yr Monitoring of Boeckman Wetland Mitigation, \$9,590
- Tooze Rd - 110th to Grahams Ferry, \$377,775
- Street Light Infill, \$104,950
- Charbonneau Walking Path Repair, \$47,000
- Willamette River Outfalls, \$214,765
- Fiber Connectivity, \$29,300
- City Facilities Repairs. \$5,750
- Community Center Remodel, \$3,350
- Skate Facilities, \$19,665
- Boones Ferry Park Master Plan, \$25,875
- Boeckman Creek Trail Slope Stabilization, \$66,000
- Annual Play Structure Replacement, \$66,875
- Parks SDC Reimbursements/Credits, \$603,694

Lastly, the budget adjustment includes a number of CIP projects that will result in a zero dollar adjustment where the excess budget of one project is used to fund the increase in another project.

Citywide Stormwater Sewer Pipes, \$91,800: Funding Source Gesselschaft Water Well Channel Restoration Project,

Streetlight Infill Project, \$61,855 Funding Source: LED Street Light Conversion Project,

Street Maintenance Fee & SDC Update, \$50,000 Funding Source: Kinsman/Wilsonville Rd Truck Turning Improvements,

Annual GIS/Water Model Updates, \$3,700 Funding Source: Annual Well Upgrades and Maintenance.

Please refer to Attachment A.

**EXPECTED RESULTS:**

As stated in the Fiscal Management Policies, the City shall amend its annual budget in accordance with Oregon local budget law. The supplemental budget adjustment is adopted by the Council at a regularly scheduled meeting. Convening the budget committee is not required.

**TIMELINE:**

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice was published on Wednesday, September 21, 2016. Adoption of the Supplemental Budget Adjustment is required prior to the end of the fiscal year, June 30, 2017.

**CURRENT YEAR BUDGET IMPACTS:**

<b>Resources:</b>		<b>Expenditures:</b>	
Charges for service	\$ 23,600	Capital Projects	\$ 3,212,044
Project Management Fees	159,869	Material and Services	188,500
		Capital Outlay	59,101
		Contingencies	(3,276,176)
<b>Total Resources</b>	<b>\$ 183,469</b>	<b>Total Expenditures</b>	<b>\$ 183,469</b>

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**LEGAL REVIEW / COMMENT:**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**COMMUNITY INVOLVEMENT PROCESS:**

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice has also been published on the City’s website. As the

accompanying resolution is a budget adjustment, a public hearing must be part of the adoption process.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

The amended budget provides for the delivery of services and construction of capital projects throughout the community.

**ALTERNATIVES:**

Not approving the attached supplemental budget could result in overspending current budget appropriations. The City is required to disclose all excess of expenditures over appropriations in the Comprehensive Annual Financial report.

**CITY MANAGER COMMENT:**

**ATTACHMENTS:**

- A. *Attachment #1-Supplemental Budget Adjustments*

## Attachment #1 Supplemental Budget Adjustments

Budget Requests	Other Expenditures	Capital Outlay	CD OH	GF OH	Total	Funding Sources
1083-Secondary Power Supply for Wells		\$ 38,300	\$ -	\$ 1,340	\$ 39,640	Water Operations
1114-Water System Telemetry		88,400	-	3,095	91,495	Water Operations
1131-Tooze Rd Waterline		70,000	7,500	2,450	79,950	Water SDC's
2095-WWTP Outfall Repair/Replacement		212,000	-	7,420	219,420	Sewer Operations (43%), Sewer SDC's (57%)
2500-Sewer Operations Allocation to Charbonneau		310,000	-	10,850	320,850	Sewer Operations
3001-Frog Pond		115,000	-	-	115,000	General Fund
3002-Coffee Creek Development Readiness		1,350	6,300	-	7,650	General Fund
3003-Citywide Signage and Wayfinding Plan		55,700	-	-	55,700	General Fund
4002-Wilsonville Rd Interchange		257,000	27,750	9,000	293,750	Streets SDC's
4004-Kinsman Rd Extension		400,000	-	14,000	414,000	Streets SDC's
4138-5 Yr Monitoring of Boeckman Wetland Mitigation		8,300	1,000	290	9,590	Streets SDC's
4146-Tooze Rd - 110th to Grahams Ferry		365,000	-	12,775	377,775	Streets SDC's
4696-Street Light Infill		104,950	-	-	104,950	Streetlight Fund
4715-Charbonneau Walking Path Repair		47,000	-	-	47,000	General Fund
7053-Willamette River Outfalls		207,500	-	7,265	214,765	Stormwater CIP (75%), Stormwater SDC (25%)
8093-Fiber Connectivity		29,300	-	-	29,300	General Fund
8106-City Facilities Repairs		5,750	-	-	5,750	General Fund
8109-Community Center Remodel		3,350	-	-	3,350	General Fund
9103-Skate Facilities		19,000	665	-	19,665	Parks SDC
9144-Boones Ferry Park Master Plan		25,000	875	-	25,875	Parks SDC
9148-Boeckman Creek Trail Slope Stabilization		66,000	-	-	66,000	Parks SDC
9152-Annual Play Structure Replacement		66,875	-	-	66,875	General Fund
9994-Parks SDC Reimbursements/Credits		556,400	27,820	19,474	603,694	Parks SDC
<b>Deferred CIP Balances being "Rolled Over" from FY2015-16</b>		<b>3,052,175</b>	<b>71,910</b>	<b>87,959</b>	<b>3,212,044</b>	<b>Funding: Contingency</b>
7048-Citywide Stormwater Sewer Pipes		\$ 80,000	\$ 9,000	\$ 2,800	\$ 91,800	Stormwater Operations
7054-Gesselschaft Water Well Channel Restoration		(80,000)	(9,000)	(2,800)	(91,800)	Stormwater Operations
4696-Streetlight Infill		53,000	7,000	1,855	61,855	Streetlight
4722-LED Street Light Conversion		(53,000)	(7,000)	(1,855)	(61,855)	Streetlight
4189-Street Maintenance Fee & SDC Update		40,000	8,600	1,400	50,000	Streets SDC's
4198-Kinsman/Wilsonville Rd Truck Turning Improvements		(40,000)	(8,600)	(1,400)	(50,000)	Streets SDC's
1129-Annual GIS/Water Model Updates			3,700		3,700	Water Operations
1128-Annual Well Upgrades and Maintenance			(3,700)		(3,700)	Water Operations
<b>CIPS Requiring Zero Dollar Adjustments</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>Funding: Reduction of existing projects</b>
<b>Material and Services Budget Requests</b>						
Ford F450 With Swaploader Attachment		59,101			59,101	General Fund (84%), Road Ops (10%), Water Ops (3%) & Sewer Ops (3%)
Administration Program: Special Projects		35,000			35,000	General Fund
IS Program: Fiber Business Plan, IT Strategic Plan, and PCI Remediation		105,000			105,000	General Fund
Finance Program: CD Review Consultant and Front Office Equipment		15,500			15,500	General Fund
Planning Program: Form-Based Code project		33,000			33,000	Community Development
<b>Deferred M&amp;S Balances being "Rolled Over" from FY2015-16</b>		<b>247,601</b>			<b>247,601</b>	<b>Funding: Contingency</b>

**RESOLUTION NO. 2604**

**A RESOLUTION AUTHORIZING A SUPPLEMENTAL BUDGET ADJUSTMENT FOR FISCAL YEAR 2016-17.**

WHEREAS, the City adopted a budget and appropriated funds for fiscal year 2016-17 by Resolution 2587; and,

WHEREAS, certain expenditures are expected to exceed the original adopted budget in some of the City's funds and budgetary transfers are necessary within these funds to provide adequate appropriation levels to expend the unforeseen costs; and,

WHEREAS, ORS 294.463 provides that a city may adjust appropriations within appropriation categories provided the enabling resolution states the need for the adjustment, purpose of the expenditure and corresponding amount of appropriation; and,

WHEREAS, all transfers from contingencies within the fiscal year to date that exceed fifteen percent (15%) of the fund's total appropriations, are included in the supplemental budget adjustment request; and,

WHEREAS, all expenditure transfers within the fiscal year to date in aggregate exceed ten percent (10%) of the fund's total expenditures, are included in the supplemental budget adjustment request; and,

WHEREAS, consistent with local budget law and based upon the foregoing, the staff report in this matter and public hearing input, the public interest is served in the proposed supplemental budget adjustment,

WHEREAS, to facilitate clarification of the adjustments in this resolution, Attachment A to this resolution provides a summary by fund of the appropriation categories affected by the proposed transfer of budget appropriation and the purpose of the expenditure.

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

The City amends and adjusts the estimated revenues and appropriations within the funds and categories delineated and set forth in Attachment A, attached hereto and incorporated by reference herein as if fully set forth.

This resolution becomes effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 3<sup>rd</sup> day of October 2016 and filed with Wilsonville City Recorder this same date.

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TIM KNAPP, MAYOR

ATTEST:

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Sandra C. King, MMC, City Recorder

**SUMMARY OF VOTES:**

Mayor Knapp  
Councilor Starr  
Councilor Stevens  
Councilor Fitzgerald  
Councilor Lehan

## ATTACHMENT A

### NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
<b>General Fund</b>			
Interfund transfers	\$ (608,404)	\$ (87,959)	\$ (696,363)
All other resources	(29,797,053)	-	(29,797,053)
Total increase in resources	<u>\$ (30,405,457)</u>	<u>\$ (87,959)</u>	<u>\$ (30,493,416)</u>
Administration	\$ 1,336,425	\$ 35,000	\$ 1,371,425
Finance	1,372,571	15,500	1,388,071
Information systems	1,012,190	105,000	1,117,190
Parks Maintenance	1,343,163	5,910	1,349,073
Building Management	980,296	43,735	1,024,031
Interfund transfers	3,163,591	330,625	3,494,216
Contingency	9,272,304	(447,811)	8,824,493
All other requirements	11,924,917	-	11,924,917
Net change in requirements	<u>\$ 30,405,457</u>	<u>\$ 87,959</u>	<u>\$ 30,493,416</u>
<p>Interfund transfers increase recognizes additional resources for the overhead charges on capital improvement projects. Increases in the following programs are for incompleting projects originally funded in FY2016: Administration: Special Projects, Finance: CD Fund Review Consultant fees and office equipment, Information Systems: Fiber Business and IT Strategic Plans, Payment Card Industry Review remediation, Parks and Building Maintenance: Ford Truck with swap loader. Interfund transfer expense are for the following incompleting projects originally funded in FY2016: Frog Pond Master Planning, Coffee Creek Area Planning, Citywide Signage and Way-finding Plan, Charbonneau Walking Path Repair, Fiber Connectivity, City Facilities Repairs, Community Center Remodel and Annual Play Structure Replacement.</p>			
<b>Community Development Fund</b>			
Charges for service	\$ (594,400)	\$ (23,600)	(618,000)
Interfund transfers	(1,981,238)	(71,910)	(2,053,148)
All other resources	(3,544,603)	-	(3,544,603)
Total increase in resources	<u>\$ (6,120,241)</u>	<u>\$ (95,510)</u>	<u>\$ (6,215,751)</u>
Planning	\$ 1,007,074	\$ 33,000	\$ 1,040,074
All other requirements	3,439,404	62,510	3,501,914
Contingency	1,673,763	-	1,673,763
Net change in requirements	<u>\$ 6,120,241</u>	<u>\$ 95,510</u>	<u>\$ 6,215,751</u>
<p>Interfund transfers increase recognizes additional resources for the overhead charges on capital improvement projects. Increases in the the Planning program is for the incompleting Form Based Code project originally funded in FY2016.</p>			
<b>Road Operating Fund</b>			
Capital Outlay	\$ 9,000	\$ 5,910	\$ 14,910
Contingency	532,132	(5,910)	526,222
All other requirements	1,758,499	-	1,758,499
Net change in requirements	<u>\$ 2,299,631</u>	<u>\$ -</u>	<u>\$ 2,299,631</u>
<p>Increase in capital outlay will fund a portion of a Ford truck with swap loader originally funded in FY2016.</p>			
<b>Water Operating Fund</b>			
Water Distribution and Sales	\$ 1,402,353	\$ 1,773	\$ 1,404,126
Interfund transfers	3,117,668	131,135	3,248,803
Contingency	7,417,784	(132,908)	7,284,876
All other requirements	4,739,875	-	4,739,875
Net change in requirements	<u>\$ 16,677,680</u>	<u>\$ -</u>	<u>\$ 16,677,680</u>
<p>Increases to Interfund transfer expense is for the following incompleting projects originally funded in FY2016: Secondary Power Supply for Wells and the Water System Telemetry. A net zero transfer will reallocate funding from the Annual Well Upgrades and Maintenance project to Annual GIS/Water Module Updates project. Capital Outlay will fund a share of a Ford truck purchase with swap loader attachment originally funded in FY2016.</p>			

## ATTACHMENT A

### NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
<b>Sewer Operating Fund</b>			
Sewer Collection	\$ 831,946	\$ 1,773	\$ 833,719
Interfund transfers	3,867,017	415,201	4,282,218
Contingency	7,686,905	(416,974)	7,269,931
All other requirements	5,619,902	-	5,619,902
Net change in requirements	\$ 18,005,770	\$ -	\$ 18,005,770
Increases to Interfund transfer expense is for the funding of the following incompletd projects funded in FY2016: Wastewater Treatment Plant Outfall Repair/Replacement and Sewer Operations Allocation to Charbonneau. Capital Outlary will fund a share of a Ford truck purchase with swap loader attachment originally funded in FY2016.			
<b>Streetlight Operating Fund</b>			
Interfund transfers	\$ 490,520	\$ 104,950	\$ 595,470
Contingency	373,327	(104,950)	268,377
All other requirements	351,721	-	351,721
Net change in requirements	\$ 1,215,568	\$ -	\$ 1,215,568
Increase to Interfund transfer expense is for the following incompletd project originally funded in FY2016: Streetlight Infill. A net zero transfer will reallocate excess funding from the LED Streetlight conversion project to the Streetlight Infill project.			
<b>Stormwater Operating Fund</b>			
Interfund transfers	\$ 872,718	\$ 161,074	\$ 1,033,792
Contingency	502,263	(161,074)	341,189
All other requirements	1,509,528	-	1,509,528
Net change in requirements	\$ 2,884,509	\$ -	\$ 2,884,509
Increase to Interfund transfer expense is for the following incompletd project originally funded in FY2016: Willamette River Outfalls. A net transfer will reallocate excess funding from the Gesselschaft Water Well Channel restoration project to the Citywide Stormwater Sewer Pipe project.			
<b>Water Capital Projects Fund</b>			
Interfund transfers	\$ (1,874,124)	\$ (211,085)	\$ (2,085,209)
All other resources	42,697	-	42,697
Total increase in resources	\$ (1,831,427)	\$ (211,085)	\$ (2,042,512)
Water capital projects	1,647,950	196,700	1,844,650
Transfers to other funds	203,102	14,385	217,487
Contingency	65,769	-	65,769
Net change in requirements	\$ 1,916,821	\$ 211,085	\$ 2,127,906
The interfund transfers and the corresponding requirements for water capital projects and transfers to other funds is for the following projects: Secondary Power Supply for Wells, Water System Telemetry, Annual GIS/Water Model Updates, Annual Well Upgrades and Maintenance, and Tooze Rd. Waterline			
<b>Sewer Capital Projects Fund</b>			
Interfund transfers	\$ (5,735,552)	\$ (540,270)	\$ (6,275,822)
All other resources	(15,484)	-	(15,484)
Total increase in resources	\$ (5,751,036)	\$ (540,270)	\$ (6,291,306)
Sewer capital projects	5,199,262	522,000	5,721,262
Transfers to other funds	463,930	18,270	482,200
Contingency	87,854	-	87,854
Net change in requirements	\$ 5,751,046	\$ 540,270	\$ 6,291,316
The interfund transfers and the corresponding requirements for sewer capital projects and transfers to other funds is for the following projects: Wastewater Treatment Plant Outfall Repair/Replacement and Sewer Operations Allocation to Charbonneau.			

## ATTACHMENT A

### NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
<b>Streets Capital Projects Fund</b>			
Interfund transfers	\$ (5,788,424)	\$ (1,425,415)	\$ (7,213,839)
All other resources	(1,343,072)	-	(1,343,072)
Total increase in resources	<u>\$ (7,131,496)</u>	<u>\$ (1,425,415)</u>	<u>\$ (8,556,911)</u>
Streets capital projects	4,809,067	1,354,300	6,163,367
Transfers to other funds	1,217,999	71,115	1,289,114
Contingency	1,104,430	-	1,104,430
Net change in requirements	<u>\$ 7,131,496</u>	<u>\$ 1,425,415</u>	<u>\$ 8,556,911</u>
The interfund transfers and the corresponding requirements for sewer capital projects and transfers to other funds is for the following projects: Frog Pond Master Planning, Coffee Creek Area Planning, Citywide Signage and Wayfinding Plan, Wilsonville Rd Interchange, Charbonneau Walking Path Repair, Kinsman Rd Extension, Boeckman Rd Wetland Mitigation and Toozé Rd--110th to Grahams Ferry. Net zero transfers will reallocate excess funding from the LED Street Light Conversion and Kinsman/Wilsonville Rd Turn Lane Improvements to the Streetlight Infill and Street Maintenance Fee and SDC Update projects.			
<b>Stormwater Capital Projects Fund</b>			
Interfund transfers	\$ (1,180,889)	\$ (214,765)	\$ (1,395,654)
All other resources	(1,153,089)	-	(1,153,089)
Total increase in resources	<u>\$ (2,333,978)</u>	<u>\$ (214,765)</u>	<u>\$ (2,548,743)</u>
Stormwater capital projects	1,425,800	207,500	1,633,300
Transfers to other funds	497,872	7,265	505,137
Contingency	410,306	-	410,306
Net change in requirements	<u>\$ 2,333,978</u>	<u>\$ 214,765</u>	<u>\$ 2,548,743</u>
The interfund transfers and the corresponding requirements for stormwater capital projects and transfers to other funds is for the following project: Willamette River Outfalls. Net zero transfers will reallocate excess funding from the Gesselschaft Water Well Channel Restoration to the Citywide Sewer Pipes project.			
<b>Building Capital Projects Fund</b>			
Interfund transfers	\$ (2,770,500)	\$ (38,400)	\$ (2,808,900)
All other resources	(1,035,888)	-	(1,035,888)
Total increase in resources	<u>\$ (3,806,388)</u>	<u>\$ (38,400)</u>	<u>\$ (3,844,788)</u>
Building capital projects	3,501,500	38,400	3,539,900
All other uses	304,888	-	304,888
Net change in requirements	<u>\$ 3,806,388</u>	<u>\$ 38,400</u>	<u>\$ 3,844,788</u>
The interfund transfers and the corresponding requirements for building capital projects and transfers to other funds is for the following projects: Fiber Connectivity, City Facilities Repairs, and Community Center Remodel.			
<b>Parks Capital Projects Fund</b>			
Interfund transfers	\$ (1,180,889)	\$ (782,109)	\$ (1,962,998)
All other resources	(1,153,089)	-	(1,153,089)
Total increase in resources	<u>\$ (2,333,978)</u>	<u>\$ (782,109)</u>	<u>\$ (3,116,087)</u>
Parks capital projects	1,425,800	733,275	2,159,075
Transfers to other funds	497,872	48,834	546,706
Contingency	410,306	-	410,306
Net change in requirements	<u>\$ 2,333,978</u>	<u>\$ 782,109</u>	<u>\$ 3,116,087</u>
The interfund transfers and the corresponding requirements for parks capital projects and transfers to other funds is for the following projects: Skate Facilities, Annual Play Structure Replacement, Boones Ferry Park Master Plan, Boeckman Creek Trail Slope Stabilization and Parks SDC Reimbursements/Credits.			

**ATTACHMENT A**  
**NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY**

	Current Appropriations	Change in Appropriations	Amended Appropriations
<b>Water SDC Fund</b>			
Transfers	\$ 1,151,842	\$ 79,950	\$ 1,231,792
All other requirements	4,918,822	(79,950)	4,838,872
Net change in requirements	\$ 6,070,664	\$ -	\$ 6,070,664
Increase to Interfund transfer expense is for the following incompletd projects originally funded in FY2016: Tooze Rd Waterline.			
<b>Sewer SDC Fund</b>			
Transfers	\$ 3,515,458	\$ 125,069	\$ 3,640,527
All other requirements	6,189,789	(125,069)	6,064,720
Net change in requirements	\$ 9,705,247	\$ -	\$ 9,705,247
Increases to Interfund transfer expense is for the following incompletd projects originally funded in FY2016: Wastewater Treatment Plant Outfall Repair/Replacement.			
<b>Street SDC Fund</b>			
Transfers	\$ 3,538,299	\$ 1,095,115	\$ 4,633,414
All other requirements	6,901,763	(1,095,115)	5,806,648
Net change in requirements	\$ 10,440,062	\$ -	\$ 10,440,062
Increases to interfund transfer expense is for the following incompletd projects originally funded in FY2016: Wilsonville Rd Interchange, Kinsman Rd Extension, Boeckman Wetland Mitigation, Tooze Rd-110th to Grahams Ferry. A net zero transfer will reallocate excess funding from the Kinsman/Wilsonville Rd Truck Turning Improvements to the Street Maintenance Fee and SDC Update.			
<b>Stormwater SDC Fund</b>			
Transfers	\$ 140,052	\$ 53,691	\$ 193,743
All other requirements	2,536,774	(53,691)	2,483,083
Net change in requirements	\$ 2,676,826	\$ -	\$ 2,676,826
Increases to Interfund transfer expense is for the following incompletd project originally funded in FY2016: Willamette River Outfalls.			
<b>Parks SDC Fund</b>			
Transfers	\$ 2,012,213	\$ 715,234	\$ 2,727,447
All other requirements	4,029,227	(715,234)	3,313,993
Net change in requirements	\$ 6,041,440	\$ -	\$ 6,041,440
Increases to interfund transfer expense is for the following incompletd projects originally funded in FY2016: Skate Facilities, Boones Ferry Park Master Plan, Boeckman Creek Trail Slope Stabilization and Parks SDC Reimbursements.			



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b>  October 3, 2016	<b>Subject: Ordinance No. 797 Fiber Business Plan</b>  <b>Staff Member:</b> Barbara Jacobson Miranda Bateschell, & Holly Miller <b>Department:</b> Legal, Planning, & IT	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> 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  <b>Comments:</b>	
<b>Staff Recommendation:</b> Staff recommends Council adopt Ordinance 797 on first reading.		
<b>Recommended Language for Motion:</b> I move to adopt Ordinance 797 on first reading.		
<b>Project / Issue Relates To:</b> <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:

Modifications to City Code to address evolving wireless communications facilities, including small cell/Distributed Antenna Systems (DAS) siting.

### EXECUTIVE SUMMARY:

Recognizing the need to balance the concern over potential aesthetic issues related to the proliferation of wireless communications facilities, including the anticipated network densification of 5G small cell and DAS siting, with the benefit that these providers can offer in enhancing cellular coverage for Wilsonville residents and visitors, staff is presenting the following proposed revisions to the Wireless Communications section of Wilsonville Code Chapter 4.

**EXPECTED RESULTS:**

The new code will provide flexibility for the siting of needed wireless communications facilities for enhanced signal capacity while balancing the need to preserve City aesthetics and be in compliance with our undergrounding district requirements, as well as state and federal law.

**TIMELINE:**

**CURRENT YEAR BUDGET IMPACTS:**

The City may see increased revenues from the addition of more wireless communications facilities and the potential rent for City owned poles.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ Date: 9/26/16

Resolution approved as to form.

**COMMUNITY INVOLVEMENT PROCESS:** N/A

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

Better signal coverage while preserving the aesthetic beauty of Wilsonville.

**ALTERNATIVES:** N/A

**CITY MANAGER COMMENT:**

**ATTACHMENTS:** Ordinance No. 797

**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 3<sup>rd</sup> 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**

**INDEX**

<b>SECTION</b>	<b>TITLE</b>	<b>PAGE NO.</b>
4.800	WIRELESS COMMUNICATIONS FACILITIES; <del>PERMITTED</del> , CONDITIONALLY PERMITTED, AND PROHIBITED USES.....	J – 1
4.801	APPLICATION REQUIREMENTS.....	J – 2
4.802	CO- <del>L</del> LOCATION.....	J – <del>46</del>
4.803	DEVELOPMENT <u>REVIEW</u> STANDARDS.....	J – <del>47</del>
<u>4.804</u>	<u>REVIEW PROCESS AND APPROVAL STANDARDS.....</u>	<u>J – 11</u>
<u>4.805</u>	<u>EXEMPTIONS.....</u>	<u>J – 12</u>
<u>4.806</u>	<u>DAMAGE OR DESTRUCTION TO OTHER UTILITIES.....</u>	<u>J – 12</u>
<u>4.807</u>	<u>MAINTENANCE.....</u>	<u>J – 12</u>
<u>4.807</u>	<u>PERMIT TRACKING.....</u>	<u>J – 13</u>
<u>4.808</u>	<u>INSPECTIONS.....</u>	<u>J – 13</u>
<u>4.809</u>	<u>PREEXISTING WCF.....</u>	<u>J – 13</u>
<u>4.810</u>	<u>ANCILLARY FACILITIES.....</u>	<u>J – 14</u>
<del>4.804</del> <u>811</u>	<del>ABANDONED FACILITIES; DISCONTINUATION OF USE.....</del>	<del>J – 7</del> <u>14</u>
<u>4.812</u>	<u>MANDATORY AND AUTOMATIC PERMIT CONDITIONS.....</u>	<u>J – 14</u>
<u>4.813</u>	<u>MANDATORY AND AUTOMATIC PERMIT CONDITIONS OF APPROVAL FOR SECTION 6409(A).....</u>	<u>J – 15</u>

**CHAPTER 4 – SECTION 4.900  
 REAL PROPERTY COMPENSATION LAW  
 PAGE J – 8**

*Please see the City Recorder for information regarding this Section.*

## 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.

(.01) Permitted Uses.

- A. Towers, poles, and structures for WCF and ancillary wireless communication facilities thereto are permitted outright, subject to submission of a complete City-developed and approved application, payment of all fees, and approval through the Class-I II Administrative Review process listed in Section 4.030.B of the Wilsonville Code, at 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. ~~Collocated WCFs shall be considered a permitted use~~ Co-locating WCF is encouraged on all existing, legally established, ~~transmission towers, poles, and structures~~ in all zones and may be required on City property.
- C. Satellite ~~dishes~~ communications antennas not exceeding one (1) meter in diameter shall be permitted in any zone; without requiring Administrative Review; ~~provided they. All others are not located within any area designated as a Significant Resource Overlay Zone in the City's Comprehensive Plans~~ subject to Class II review.
- ~~D. Satellite dishes not exceeding two meters in diameter shall be permitted outright in any PDC, PDI or PF zone, provided that they are not located within any area designated as a Significant Resource Overlay Zone in the City's Comprehensive Plan.~~
- D. Camouflaged WCFs antennas attached to existing light, power, or telephone poles ~~shall be~~ are permitted in all zones, subject to the development standards of Section 4.803, and subject to City approval through the Class III 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. ~~Wireless communication facilities~~ 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 the Town Center any commercial~~ Master Planning Area, ~~only~~ WCF attached ~~to existing permitted structures~~ shall be permitted as conditional uses. ~~Other WCFs are prohibited.~~
- ~~B. Satellite dishes greater than one meter in diameter shall only be permitted in a residential zone upon the granting of a conditional use permit. Except, however, that the collocation of a dish greater than one meter in diameter on an existing tower within a residential zone shall be subject to the Class I administrative review process as defined if WCF design review and screening criteria, as described in Wilsonville Code, Chapter 4, Sections 4.176 and 4.030-400, are met. All other WCF are prohibited.~~
- ~~C. Satellite dishes greater than two meters in diameter shall only be permitted in a PDC, PDI or PF zone upon the granting of a conditional use permit. Except, however, that the collocation of a dish greater than two meters in diameter on an existing tower within a PDC, PDI or PF zone shall be subject to the Class I administrative review process as defined in Wilsonville Code, Chapter 4, Section 4.030.~~

- ~~(.03) Prohibited uses. Wireless communication facilities Uses. WCF are prohibited on all lands designated as Significant Resource Overlay Zone lands.~~

**Section 4.801. Application Requirements.**

~~In addition to all standard required application materials, an applicant for a new WCF shall submit the following information:~~

~~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) A visual study containing, at a minimum, 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 ~~tower~~WCF could be visible, and a graphic simulation showing the appearance of the proposed ~~tower~~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~~Planning Director or the ~~planning director's~~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).~~
- ~~(.02) Documentation of the steps that will be taken to minimize the visual impact of the proposed facility.~~
- ~~(.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 where appropriate.
- ~~(.04)~~ (.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 ~~collocation of telecommunication facilities as an alternative to new structures~~ co-location of any WCF as an alternative to new structures must be presented and certified by an Oregon-licensed Professional Engineer. Colocation 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 WCFs 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 WCFs, 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 ~~collocate~~co-locate on existing or previously approved towers. ~~Each, 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 ~~collocation~~co-location on existing or proposed towers, poles, or location on an existing tall structure~~commercial structures~~ within one-half mile thousand (1,000) feet of the proposed site is not practical or feasible. Co-location~~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. ~~Collocation costs exceeding new tower development are presumed to be unreasonable when balanced against the market and the important aesthetic considerations of the community.~~

~~(.05)~~ (.17) Engineering Report for New Location.

A report containing the following information:

- ~~A.~~ A. An Application for a new WCF, whether co-located or new, shall include, as applicable, a report from an Oregon licensed professional engineer~~Professional Engineer~~ documenting the following:
1. A description of the proposed ~~tower~~WCF height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design. A cross-section of the proposed ~~tower~~WCF structure shall be included. If proposed ~~tower~~WCF is intended to accommodate future ~~collocation~~co-location, the engineer shall document that the design is sufficient for the purpose. If the proposed ~~tower~~WCF is not intended to allow for future ~~collocation~~co-location, the engineer shall provide an explanation of why it is not so intended.
  - ~~2. The total anticipated capacity of the tower in terms of the number and types of antennae which can be accommodated. The engineer shall also describe any limitations on the ability of the tower to accommodate collocation. The engineer shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not used.~~
  - ~~3.~~ 2. Documentation that the proposed ~~tower~~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, ~~latest adopted~~ 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. ~~Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards as set forth by the Federal Communications Commission.~~
- ~~D.~~ Evidence that the proposed ~~tower~~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.
- ~~(.06)~~ A.(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.
- ~~(.07)~~ 19) Recordation Requirements. If a new ~~tower~~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 ~~tower site~~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 ~~third parties~~others; and
  - D. Such conditions shall run with the land and be binding on subsequent purchasers of the ~~tower site~~WCF.
- ~~(.0820)~~ The Planning Director may request any other information deemed necessary to fully evaluate and review the information provided in the application ~~and the potential impact of a proposed tower and/or antenna.~~

#### **Section 4.802. Collocation. ~~Co-Location.~~**

In order to encourage shared use of towers, ~~all new WCFs shall comply with the following collocation standards.~~

- ~~(.01)~~ To encourage shared use of towerspoles, or other facilities for the attachment of WCF, no conditional use permit shall be required for the addition of ~~antennae to an existing tower, nor shall a conditional use permit be required for accompanying accessory uses.~~
- ~~(.02)~~ The height of an existing support structure may be increased for the purpose of accommodating collocation without requiring a discretionary review process by the Cityequipment, provided that ~~there is no change to the type of tower and tower height is increased by the minimum amount necessary to accommodate the collocated facilities. Increases in height exceeding ten (10) feet, but not more than twenty (20) feet, beyond the original design shall require the approval of a Class I Administrative Review permit as provided in Section~~

~~4.030 of the Wilsonville Code. Height increases of twenty (20) or more feet for the purpose of accommodating collocation shall require the approval of a conditional use permit.:~~

- ~~(.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 ~~collocated facilities~~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 ~~adopted~~ edition at the time of the application. A building permit shall be required for such alterations or additions. Documentation shall be provided by ~~a an Oregon-licensed professional engineer~~Professional Engineer verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.~~
- ~~(.04) All collocated facilities shall be designed in such a way as to be visually compatible with the tower structures on which they are placed."~~
- ~~(.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 ~~new~~WCFs shall comply with the following Development Review standards, unless grandfathered under State or Federal law:

- ~~(.01) Visual Impact.~~
  - ~~A. Tower 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. Freestanding WCFs shall be exempted from the height limitations of the zone in which they are located. This exemption notwithstanding, the height and mass of the transmission tower shall be the minimum which is necessary for its intended use, as demonstrated in a report prepared by a licensed professional engineer. A WCF that is attached to an alternative tower structure may not exceed the height of the alternative tower structure, unless findings are made by the Planning Director or Development Review Board that such an increase will have a de minimis impact on the appearance of the structure. A WCF that is attached to an existing structure other than an alternative tower structure in a PDC, PDI or PF zone may not exceed the height of the existing structure by more than twenty (20) feet. A WCF that is attached to an existing structure other than an alternative tower structure in an R, RA-H or PDR zone may not exceed the height of the existing structure by more than ten (10) feet.
1. The tower or pole height of a freestanding WCF in R-, PDR and RA-H zones may shall not exceed fifty (50) feet, except that the RA-H zoned property occupied by the City Sewerage 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 4.803-1a(.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~~Finish.

1.—Towers, ~~antenna~~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.

2.—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 ~~"1", (.01),~~ above.

3.—All ancillary facilities shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment.

4.—~~Equipment enclosures and ancillary facilities, other than antennae, in R, RA-H, and PDR zones shall be screened from public view or placed underground.~~

~~R. Public Works Standards. Additional applicable construction and design standards are as set forth in the City's 2015 Public Works Standards.~~

S. 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.

~~Unenclosed storage of materials is prohibited.~~

~~D. 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.~~

(.02) Site ~~size~~Size.

~~A.—The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide ~~adequate~~all required setbacks as specified ~~below 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 ~~ordinance~~Code Section are met.~~

- ~~B. Wherever possible, tower sites shall be large enough and structurally sufficient to allow for additional collocated and ancillary facilities, unless a finding is made by the Planning Director or Development Review Board that the tower will not accommodate future collocation. This standard shall not apply to antennae attached to existing structures or towers located on rooftops.~~
- (.03) Separation and sSetbacks.
- A. ~~Freestanding~~ WCFs shall be set back from any other property line by a distance at least equal to or greater than the tower 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. Freestanding WCFs located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 20% of the tower height 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.~~
- ~~CB.~~ 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.
- ~~D. Towers and antennae~~ C. WCF mounted on rooftops or City-approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCFs 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.
- ~~E. Towers~~ D. WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in an R, PDR or RA-Hany zone.
- ~~(.04) — Lighting. No lighting, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be permitted on transmission towers except that required by the Oregon State Aeronautics Division or located outside of the Federal Aviation Administration setback from all abutting properties.~~
- ~~(.05) — Signs. All signs are prohibited on WCFs, except for one non-illuminated sign, not to exceed two (2) square feet, which shall be provided at the main entrance to the facility stating owner's name and address, and a contact name and phone number for emergency purposes.~~
- ~~(.06) — (.04) Security—WCFs 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 WCFs.
- ~~(.0705)~~ Landscaping. Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of ~~a~~-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.
- ~~(.0806)~~ Conflict with ~~planned right~~Right-of-wayWay. 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.~~
- ~~(.09)~~ Pre-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 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. WCF attached to existing ~~towers/non~~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 use. In order to encourage the collocation of antennae on existing towers, all WCFs operative prior to May 19, 1997 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 in use without being considered to be non-conforming 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.<sup>804</sup> 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.**

(.01) In the event that an owner discontinues use of a transmission facility for more than six (6) consecutive months, the city may declare the facility abandoned and require the property owner to remove it. An abandoned facility may be declared a nuisance subject to the abatement procedures of Wilsonville Code Chapter 6. Delay by the city in taking action shall not in any way waive the city's right to take action. Upon written application prior to the expiration of the six-month period, the Planning Director may grant a six-month extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the Planning Director subject to any conditions required to bring the project into compliance with current law(s) and make compatible with surrounding development.

- ~~(.02) The applicant for a new wireless communication facility shall provide an affidavit, signed by the property owner, indicating that the owner has read, and understands subsection (.01), above.~~

**Section 4.900 — Real Property Compensation Law.**

*Please see the City Recorder for information regarding this Section.*

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.
- A. 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.
- B. 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.

- C. 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.
- D. 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.
- E. 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.
- F. 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.

- A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

- H. 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.
- I. General Maintenance. Permittee must comply with Section 4.806 at all times.

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## CITY COUNCIL WORK SESSION STAFF REPORT

<b>Meeting Date:</b>  October 3, 2016	<b>Subject: Ordinance No. 798</b> Amending Code Chapter 5, Section 5.035, and Adding New Sections 5.600, 5.601, and 5.602 <b>Staff Member:</b> Barbara Jacobson, City Attorney <b>Department:</b> Legal	
<b>Action Required</b>  <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> 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	<b>Advisory Board/Commission Recommendation</b>  <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable  <b>Comments:</b>	
<b>Staff Recommendation:</b> Adopt Ordinance No. 798 on first reading.		
<b>Recommended Language for Motion:</b> I move to adopt Ordinance No. 798 on first reading.		
<b>Project / Issue Relates To:</b> <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:

The Council will consider adopting an ordinance authorizing the regulation of trucks operating in the City of Wilsonville.

### EXECUTIVE SUMMARY:

In response to citizen concerns, the City Council has decided to implement a 90-day trial restriction for semi-trucks on Wilsonville Road that are not making local deliveries. In order to enforce truck restrictions within the City of Wilsonville, the City Code must set forth the pertinent regulations.

**EXPECTED RESULTS:**

Fewer trucks will impact residential neighborhoods, causing noise, vibration, and safety hazards for residents, and Wilsonville Road will not be used as a cut through from I-5 to I-205, or vice versa.

**TIMELINE:**

The signs are expected to be installed within one week from the effective date of the Ordinance.

**CURRENT YEAR BUDGET IMPACTS:**

Such sign installation is within the work expected to be completed in the 2016-17 Street Operations budget.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ Date: 9/26/16

**COMMUNITY INVOLVEMENT PROCESS:**

Public testimony has been received at City Council meetings. The ODOT Freight Stakeholders Meeting and local freight companies have been notified.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

Other routes may be used by trucks where restrictions are not in place. Residential neighborhoods can be protected from truck traffic and the associated noise and vibration.

**ALTERNATIVES:**

The Council can adopt the Ordinance, implement the 90-day trial, and either retain the restriction or remove the restriction.

**CITY MANAGER COMMENT:**

**ATTACHMENTS:**

Ordinance **XXX**

**ORDINANCE NO. 798**

**AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 5, SECTION 5.035 AND ADDING NEW SECTIONS 5.600, 5.601 AND 5.602**

WHEREAS, the City of Wilsonville (“City”) has road authority of City-owned streets located within Wilsonville city limits and may prohibit the operation of trucks upon any of its roads that are not designated by it as a truck route for good cause, so long as trucks have another viable route to reach their destination; and

WHEREAS, members of the public have provided testimony to request that, for public safety reasons, the City restrict truck traffic in the area described below; and

WHEREAS, the City is concerned with truck traffic cutting through residential neighborhoods, causing noise, vibration, and safety hazards for residents; and

WHEREAS, the City desires that trucks not delivering products in Wilsonville not use Wilsonville roads as a cut through from I-5 to I-205, or vice versa; and

WHEREAS, there are other viable unrestricted roadways in and around Wilsonville to allow trucks to reach their destination with less safety concerns and less neighborhood disturbance;

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

1. Wilsonville Code **Section 5.035 Definitions** is hereby amended to add the following definition of “**Truck**”:

*“Truck means any heavy motor vehicle with a cab and a trailer designed for carrying or pulling loads, excluding pick-up trucks used for non-commercial purposes.”*

2. The following **Sections 5.600, 5.601, and 5.602** are hereby added to **Chapter 5 VEHICLES AND TRAFFIC** of the Wilsonville City Code:

***“5.600 No Through Truck Traffic***

*The City hereby prohibits trucks larger than single unit trucks from driving on the following street segment: The segment of Wilsonville Road located between Town Center Loop East and Boeckman Road (“Restricted Truck Zone”), subject only to*

*the exceptions listed in **Section 5.601**. Prohibited trucks are those shown as numbers 8, 9, 10, 11, 12, and 13 on **Exhibit A**, attached hereto and incorporated by reference herein, and commonly referred to as a Truck with a cab and a trailer or multiple trailers.*

**“5.601 Exceptions to Truck Prohibition**

*Nothing in the Wilsonville City Code at **Section 5.600** shall prohibit any of the following trucks from traveling in the Restricted Truck Zone:*

- (a) School and mass transit buses;*
- (b) Trucks collecting solid waste or recyclables within the City of Wilsonville;*
- (c) Emergency vehicles of any nature;*
- (d) Utility trucks and City of Wilsonville trucks;*
- (e) Any single unit Truck of any size;*
- (f) Any Trucks, of any size, that are picking up, delivering to, or servicing a location within the Restricted Truck Zone;*
- (g) Personal recreational vehicles (RVs);*
- (h) Mail delivery trucks delivering within the City of Wilsonville.*

**“5.602 Civil Penalties**

*Any person who violates **Section 5.600** commits a civil infraction punishable by a fine of up to \$500 and/or may be cited for violation of ORS 811.450. Each incident shall constitute a new violation.”*

3. The City Recorder is directed to amend Wilsonville Code Chapter 5, as approved above, and to make such format, style, and conforming changes to match the format and style of the Vehicles and Traffic Section of the Wilsonville Code.
4. Except as set forth above, Chapter 5 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 3<sup>rd</sup> day of October, 2016, 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.

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Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2016, by the following votes:                    Yes: \_\_\_\_                    No: \_\_\_\_

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Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2016.

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TIM KNAPP, MAYOR

**SUMMARY OF VOTES:**

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

Attachments: Exhibit A – FHWA Vehicle Classifications

## FHWA Vehicle Classifications

**1. Motorcycles**  
2 axles, 2 or 3 tires



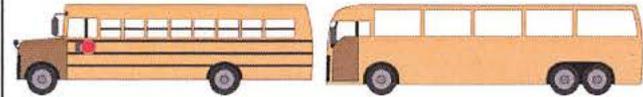
**2. Passenger Cars**  
2 axles, can have 1- or 2-axle trailers



**3. Pickups, Panels, Vans**  
2 axles, 4-tire single units  
Can have 1 or 2 axle trailers



**4. Buses**  
2 or 3 axles, full length



**5. Single Unit 2-Axle Trucks**  
2 axles, 6 tires (dual rear tires), single-unit



**6. Single Unit 3-Axle Trucks**  
3 axles, single unit



**7. Single Unit 4 or More-Axle Trucks**  
4 or more axles, single unit



**8. Single Trailer 3- or 4-Axle Trucks**  
3 or 4 axles, single trailer



**9. Single Trailer 5-Axle Trucks**  
5 axles, single trailer



**10. Single Trailer 6 or More-Axle Trucks**  
6 or more axles, single trailer



**11. Multi-Trailer 5 or Less-Axle Trucks**  
5 or less axles, multiple trailers



**12. Multi-Trailer 6-Axle Trucks**  
6 axles, multiple trailers



**13. Multi-Trailer 7 or More-Axle Trucks**  
7 or more axles, multiple trailers

