

AGENDA

**WILSONVILLE CITY COUNCIL MEETING
FEBRUARY 18, 2016
7:00 P.M.**

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

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Julie Fitzgerald
Councilor Charlotte Lehan

CITY COUNCIL MISSION STATEMENT

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

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

- 5:00 P.M. EXECUTIVE SESSION [30 min.]**
- A. Pursuant to ORS 192.660(2)(a) Employment of Public Officers
ORS 192.660(2)(e) Real Property Transactions
ORS 192.660(2)(f) Exempt Public Records
ORS 192.660(2)(h) Litigation
- 5:15 P.M. REVIEW OF AGENDA [5 min.]**
- 5:20 P.M. COUNCILORS' CONCERNS [5 min.]**
- 5:25 P.M. PRE-COUNCIL WORK SESSION**
- A. LED Light Options (Kerber) [20 min.]
 - B. Universal Health Services (Neamtzu) [20 min.]
 - C. Letter and Agreement of Understanding Bypass-Wilsonville Road (Kraushaar) [15 min.]
- 6:50 P.M. ADJOURN**
-

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CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a special session to be held, Thursday, February 18, 2016 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on February 2, 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. City Attorney's Contract
- B. Consul General's Commendation for Sister City Relationship
- C. March for Meals Proclamation (staff - Brescia)
- D. Upcoming Meetings

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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. 2564** **Page 13**
A Resolution Of The City Of Wilsonville Authorizing The Mayor To Sign A Local Agency Agreement With The State Of Oregon, Acting By And Through Its Department Of Transportation (ODOT) For Construction Of The Kinsman Road Extension (Capital Improvement Project #4004). (staff – Weigel)
- B. **Resolution No. 2567** **Page 41**
A Resolution Of The City Of Wilsonville Adopting, Authorizing, And Ratifying Addendum No. 6 To The Development Agreement Of May 24, 2004 By And Between The City Of Wilsonville, The Urban Renewal Agency Of The City Of Wilsonville, And Villebois LLC Relating To Development Of Property Known As Villebois Grande Pointe (staff – Kohlhoff)
- C. Minutes of the January 21, 2016 and February 1, 2016 Council Meetings. **Page 63**

7:50 P.M. PUBLIC HEARING

- A. **Resolution No. 2566** **Page 88**
A Resolution Approving A Rate Increase For Republic Services Of Clackamas And Washington Counties For Solid-Waste And Recycling Collection And Disposal In The City Of Wilsonville. (staff – Ottenad)
- B. **Ordinance No. 784** – 1st reading **Page 140**
An Ordinance Of The City Of Wilsonville Annexing Approximately 8.72 Acres Of Territory Located At The Southwest Corner Of SW Day Road And SW Boones Ferry Road Into The City Limits Of The City Of Wilsonville, Oregon. The Territory Is More Particularly Described As Tax Lots 400, 500 And 501 Of Section 2B, T3S, R1W, Washington County, Oregon, Universal Health Services, Inc., Willamette Valley Behavioral Health, Applicant. (Staff – Neamtzu)
- C. **Ordinance No. 785** – 1st Reading **Page 153**
An Ordinance Of The City Of Wilsonville Approving A Comprehensive Plan Map Amendment From The Washington County Future Development – 20 (Fd-20) District To The City Of Wilsonville Industrial Designation On Approximately 8.72 - Acres Comprising Tax Lots 400, 500

And 501 Of Section 2B, T3S, R1W, Washington County, Oregon, Universal Health Services, Inc., Willamette Valley Behavioral Health, Applicant. (Staff – Neamtzu)

- D. **Ordinance No. 786** – 1st Reading **Page 169**
An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Washington County Future Development - 20 (FD-20) Zone To The City's Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) Zone On Approximately 8.72 - Acres Comprising Tax Lots 400, 500 And 501 Of Section 2B, T3S, R1W, Washington County, Oregon, Universal Health Services, Inc., Willamette Valley Behavioral Health Facility, Applicant. (Staff – Neamtzu)

8:40 P.M. NEW BUSINESS

- A. **Resolution No. 2565** **Page 299**
A Resolution Of The City Of Wilsonville To Amend The Year 2000 Urban Renewal Plan To Add Property, Remove Property And Add A Project, The Tenth Amendment. (staff – Kraushaar)

Information items – No Council action needed. **Page 330**

8:50 P.M. CITY MANAGER'S BUSINESS

8:55 P.M. LEGAL BUSINESS

9:00 P.M. ADJOURN

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated. The Mayor will call for a majority vote of the Council before allotting more time than indicated for an agenda item.) 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

February 12, 2016

Representative John Davis
900 Court St. NE, H-483,
Salem, Oregon 97301

Dear Representative Davis,

We wanted to thank you for all of your efforts in seeking a resolution to the Newberg-Dundee Bypass/Wilsonville Road intersection design and construction as part of the Newberg-Dundee Phase 1 project. You requested that the parties sign a letter indicating acceptance of the Option 4 Final Environmental Impact Statement (FEIS) Wilsonville Road Relocation as a solution by Friday February 12.

The parties have been in discussion on Option 4, and by consensus agree this is the best possible solution based on the eight alternatives evaluated and proposed by the Oregon Department of Transportation. Each of the involved local governments will need to take the specific details of the proposal before their respective governing bodies for official action as will the Ladd Hill Neighborhood Association before their Board.

By this letter, we wanted to let you know the parties are supportive of bringing the attached draft Agreement of Understanding before each of their respective bodies for official action. We believe the draft Agreement of Understanding outlines the commitment of each involved party to support the process and steps necessary to bring about Option 4 as the alternative that is the best solution. Though this is only a draft and may be modified by the parties, it expresses the intent of the parties to advance Option 4.

We hope that this letter, with the attached draft Agreement of Understanding, will be sufficient for you to share with your colleagues on the House Committee on Transportation and Economic Development to demonstrate the commitment of the undersigned to this resolution of the issues regarding the intersection of Wilsonville Road and the Newberg-Dundee Bypass.

If you have any questions please contact any of the signing parties below.

Bob Andrews, Mayor
City of Newberg

Matthew Garrett, Director
Oregon Department of Transportation

Tim Knapp, Mayor
City of Wilsonville

Stan Primozich, Vice-Chair
Yamhill County

John Ludlow, Chair
Clackamas County

Stan Halle, Chair
Ladd Hill Bypass Impact Committee

Attachment: Draft Agreement of Understanding

DRAFT

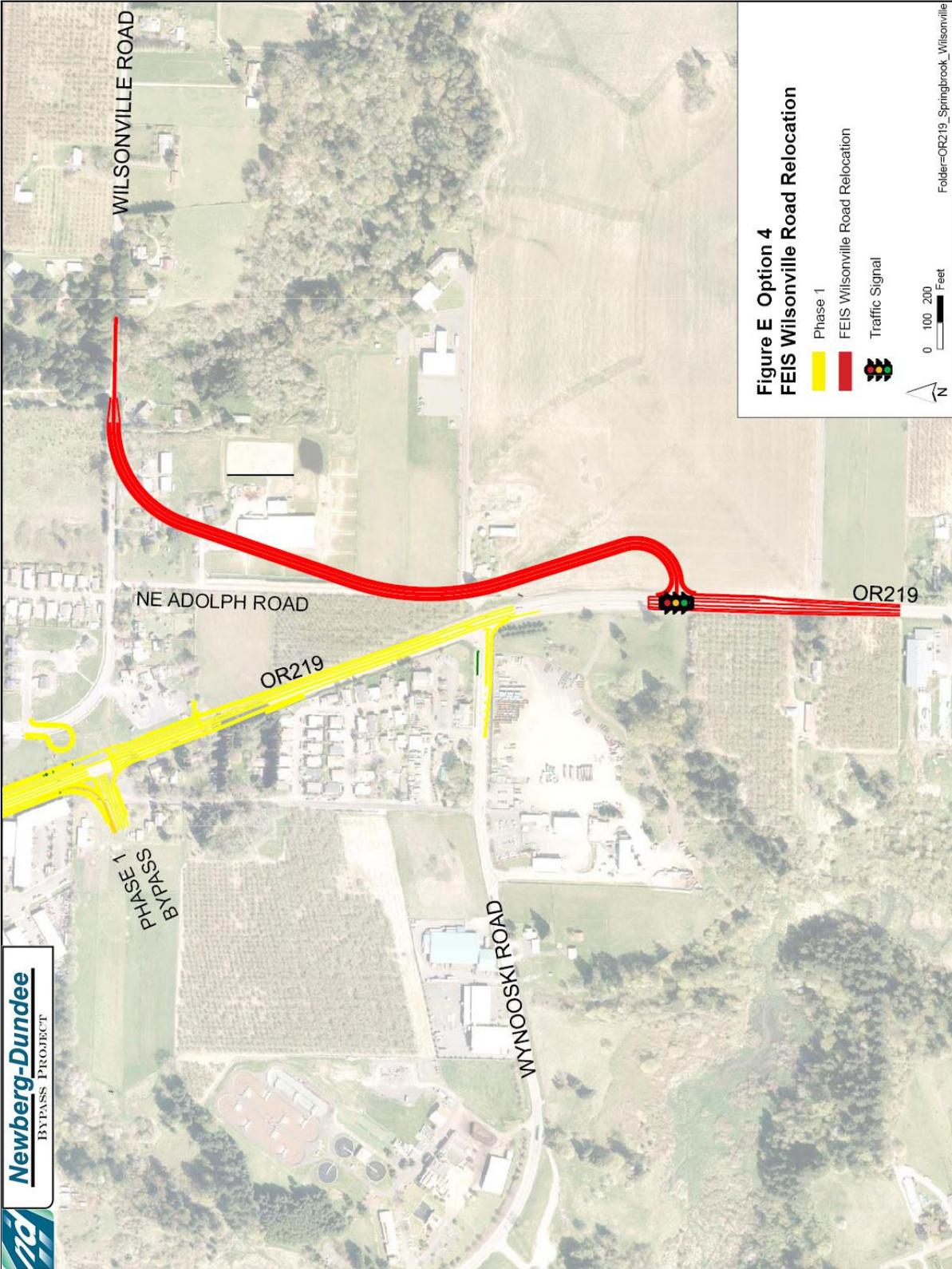
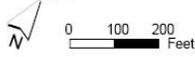




Figure D Option 3
Right In/Out at Springbrook/Wilsonville
Road Intersection

- Roadway Improvements
- Planter Strip
- Sidewalks
- Bike Lane
- Median



Folder=OR219_Springbrook_Wilsonville

AGREEMENT OF UNDERSTANDING

Newberg-Dundee Bypass Phase 1/OR 219/Wilsonville Road

THIS AGREEMENT is made and entered into by and between the CITY OF NEWBERG, hereinafter referred to as "Newberg"; STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" CITY OF WILSONVILLE, hereinafter referred to as "Wilsonville"; YAMHILL COUNTY, hereinafter referred to as "Yamhill"; CLACKAMAS COUNTY, hereinafter referred to as "Clackamas"; and LADD HILL NEIGHBORHOOD ASSOCIATION, hereinafter referred to as "Ladd Hill" all herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. Oregon Jobs and Transportation Act of 2009 (JTA) Program, hereinafter referred to as the "JTA Program", provides funding for preservation and modernization projects chosen by the Oregon Transportation Commission (OTC). On October 21, 2009 the OTC approved funding for the first phase of the Newberg Dundee Bypass project and amended the Statewide Transportation Improvement Program (STIP) to include the project.
2. Oregon Route 99W (OR 99W), Oregon Route 18 (OR 18) and Oregon Route 219 (OR 219), are part of the state highway system under the jurisdiction and control of the OTC. Springbrook Road and Wilsonville Road are part of the city street system under the jurisdiction and control of Newberg and Wilsonville Road outside of Newberg is under the jurisdiction of Yamhill and Clackamas. The first phase of the Newberg-Dundee Bypass will be temporarily routed upon Springbrook Road and will affect the intersection at Wilsonville Road. This Agreement will address only those portions of the street system within the corporate limits of the City of Newberg and within Yamhill County.
3. Phase 1 of the Newberg-Dundee Bypass (Bypass) will construct two (2) lanes, one (1) in each direction of the four (4) lane Bypass between City of Newberg and City of Dundee; approximately four (4) miles in length. Phase 1 will also include required local circulation improvements needed to accommodate construction of this phase of the Bypass. The Bypass, in Phase 1, will have access points at the two ends, OR 219 in Newberg and OR 99W south of Dundee. The Bypass is designated an expressway and will operate at fifty-five (55) miles per hour. The connection at OR 99W (Dundee) is a temporary connection and may be removed when the Bypass is extended to OR 18 in City of Dayton. This Agreement will address the Project elements constructed within Newberg's corporate limits and within Yamhill County as represented in Exhibit A.
4. Newberg and State have entered into an agreement, COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg.
5. Yamhill and State have entered into an agreement, COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 **XXXX**.

6. The City of Newberg amended its Transportation System Plan in 2013 at the request of State to reflect the approved Phase 1 Bypass which included a full movement intersection at OR 219/Phase 1 Bypass/Wilsonville Road.
7. The Parties have been discussing impacts of the Newberg-Dundee Bypass Phase 1 as it relates to the intersection design at OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road for traffic patterns and safety concerns on Wilsonville Road and Newberg's local street system through a Comprehensive Plan Text Amendment to the Newberg Transportation System Plan (CPTA-15-002). State has requested a modification to the intersection design to establish a "No Thru Traffic" option with no direct connection provided between the Newberg-Dundee Bypass Phase 1 and Wilsonville Road.
8. The Newberg Planning Commission adopted Resolution No. 2015-311 recommending to the Newberg City Council delaying their vote on the Comprehensive Plan Text Amendment to the Newberg Transportation System Plan until March 2016 to allow time for all entities to meet in an effort to mitigate impacts of the final decision.

TERMS OF UNDERSTANDING

STATE

1. State agrees to the following activities related to OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road:
 - a. Identify and allocate funding for Option 4 Final Environmental Impact Statement (FEIS) Wilsonville Road Relocation, shown as Exhibit A, and associated existing Wilsonville Road modifications.
 - b. Advance the design solution for Wilsonville Road that represents Option 4 Final Environmental Impact Statement (FEIS) Wilsonville Road Relocation, shown as Exhibit A, which includes but is not limited to right-of-way, design and construction within **XXX** years.
 - c. Withdraw the Transportation System Plan amendment for the Wilsonville Road "No Thru Traffic" option with Newberg.
 - d. Modify the construction contract for Phase 1G (Springbrook Road) to include the following:
 - i. Remove the Wilsonville Road connection to OR 219 at the OR 18 (Newberg-Dundee Bypass Phase 1) intersection.
 - ii. Retain the current Wilsonville Road alignment and connection with Springbrook Road as shown in Option 3 - Exhibit B.
 - iii. Construct an interim right-in, right-out intersection for Wilsonville Road at the Wilsonville Road and Springbrook Road intersection which may include construction of a traffic median as shown in Option 3 –Exhibit B.
 - e. Include in the Option 4 Final Environmental Impact Statement (FEIS) Wilsonville Road Relocation design and construction contract:

Comment [KN1]: It would be helpful to have some language that assures ODOT will work expeditiously (or some such language) so that the right-in / right-out is not in place for too long. It is reasonable as a short interim measure, but if in place too long, will be undesirable.

- i. Removal of the interim right-in, right-out intersection for Wilsonville Road at the Wilsonville Road and Springbrook Road intersection including the traffic median.
 - ii. Modify Wilsonville [Road](#) south of Springbrook Road to be a cul-de-sac street.
 - iii. Work with Newberg and Yamhill to determine the transportation system of the old Wilsonville Road alignment to ensure access to impacted properties from the Option 4 Final Environmental Impact Statement (FEIS) Wilsonville Road Relocation.
- f. Cooperate with Newberg to modify the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg to reflect the State's obligations of the Agreement of Understanding.
 - g. Cooperate with Newberg to make necessary Newberg Comprehensive Plan and Transportation System Plan amendments that advance the Agreement of Understanding.
 - h. Cooperate with Yamhill to modify the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 **XXXXXX** to reflect the State obligations of the Agreement of Understanding.
 - i. Cooperate with Yamhill to make necessary Yamhill County Comprehensive Plan and Transportation System Plan amendments that advance the Agreement of Understanding.

NEWBERG

- 2. Newberg agrees to the following activities related to OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road:
 - a. Not object to the withdrawal of the Transportation System Plan amendment for the Wilsonville Road "No Thru Traffic" option with Newberg.
 - b. Cooperate with State to modify the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg to reflect the State obligations of the Agreement of Understanding.
 - c. Cooperate with State to make necessary Newberg Comprehensive Plan and Transportation System Plan amendments that advance the Agreement of Understanding.
 - d. Support modifications of the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 **XXXXXX** and Yamhill County Comprehensive Plan and Transportation System Plan amendments that advance the Agreement of Understanding.

YAMHILL COUNTY

- 3. Yamhill agrees to the following activities related to OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road:
 - a. Cooperate with State to modify the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 **XXXXXX** to reflect the State obligations of the Agreement of Understanding.

- b. Cooperate with State to make necessary Yamhill County Comprehensive Plan and Transportation System Plan amendments that advance the Agreement of Understanding.
- c. Support modifications of the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg and Newberg Comprehensive Plan and Transportation System Plan amendments that advance the Agreement of Understanding.
- d. Not request a Compatibility Determination through the Department of Land Conservation and Development.

WILSONVILLE

4. Wilsonville agrees to the following activities related to OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road:
 - a. Agrees to Option 4 Final Environmental Impact Statement (FEIS) Wilsonville Road Relocation, shown as Exhibit A, and associated TERMS OF UNDERSTANDING, 1.d. and e.
 - b. Support modifications of the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg, COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 XXXXXX, Newberg Comprehensive Plan and Transportation System Plan amendments that advance the Agreement of Understanding, and Yamhill County Comprehensive Plan and Transportation System Plan amendments that advance the Agreement of Understanding.
 - c. Not request a Compatibility Determination through the Department of Land Conservation and Development [under the following conditions: 1\) ODOT has verified that the thru-thru design has been removed from the Phase 1 contract, 2\) ODOT has withdrawn the Newberg Comprehensive Plan and Transportation System Plan amendment request for the no-thru, and 3\) the Yamhill and Newberg Comprehensive Plan and Transportation System Plan amendments consistent with Option 4 have been approved by Yamhill and Newberg.](#)

CLACKAMAS COUNTY

5. Clackamas agrees to the following activities related to OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road:
 - a. Agrees to Option 4 Final Environmental Impact Statement (FEIS) Wilsonville Road Relocation, shown as Exhibit A, and associated TERMS OF UNDERSTANDING, 1.d. and e.
 - b. To support modifications of the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg, COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 XXXXXX, Newberg Comprehensive Plan and Transportation System Plan amendments that advance the Agreement of Understanding, and Yamhill County Comprehensive Plan and Transportation System Plan amendments that advance the Agreement of Understanding.

- c. Not request a Compatibility Determination through the Department of Land Conservation and Development.

LADD HILL

- 6. Ladd Hill agrees to the following activities related to OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road:
 - a. Agrees to Option 4 Final Environmental Impact Statement (FEIS) Wilsonville Road Relocation, shown as Exhibit A, and associated TERMS OF UNDERSTANDING, 1.d. and e.
 - b. Support modifications of the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg, COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 XXXXXX, Newberg Comprehensive Plan and Transportation System Plan amendments that advance the Agreement of Understanding, and Yamhill County Comprehensive Plan and Transportation System Plan amendments that advance the Agreement of Understanding.

GENERAL PROVISIONS

- 1. This Agreement may be furthered refined by subsequent agreements, comprehensive plan amendments and transportation system plan amendments that clarify the purpose and intent of advancing Option 4 Final Environmental Impact Statement (FEIS) Wilsonville Road Relocation as the preferred option for the alignment of Wilsonville Road with OR 219.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its term of understandings.

- Exhibits:
- A. Option 4 Final Environmental Impact Statement (FEIS) Wilsonville Road Relocation
 - B. Option 3 Right In/Right Out at Springbrook Road/Wilsonville Road

CITY OF NEWBERG

Bob Andrews, Mayor

Date

OREGON DEPARTMENT OF TRANSPORTATION

Matthew Garrett, Director

Date

CITY OF WILSONVILLE

Tim Knapp, Mayor

Date

YAMHILL COUNTY

Mary Starrett, Chair

Date

CLACKAMAS COUNTY

John Ludlow, Chair

Date

LADD HILL NEIGHBORHOOD ASSOCIATION

Stan Halle, Chair Bypass Impact
Committee

Date

PROCLAMATION for March 2016

MARCH FOR MEALS MONTH

WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and

WHEREAS, Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, both congregate and home-delivered, and raise awareness about the escalating problem of senior hunger in America; and

WHEREAS, the 2016 observance of March for Meals provides an opportunity to support Home Delivered Meal programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation; and

WHEREAS, Wilsonville's Home Delivered Meal program covers both in-house congregate and home-delivered meals, and has served our community admirably for more than 31 years; and

WHEREAS, volunteers for the Home Delivered Meal program in Wilsonville, are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

WHEREAS, the Home Delivered Meal program in Wilsonville provides nutritious meals to seniors that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and

WHEREAS, the Home Delivered Meal program in Wilsonville provides a powerful socialization opportunity for millions of seniors to help combat loneliness and isolation; and

WHEREAS, the Home Delivered Meal program in Wilsonville deserves recognition for the contributions it has made and will continue to make to local communities, our State and our Nation.

NOW, THEREFORE, I Tim Knapp, as Mayor of Wilsonville do hereby proclaim March 2016 as March for Meals Month and urge every citizen to take this month to honor our Home Delivered Meals program, the seniors they serve and the volunteers who care for them. Our recognition of, and involvement in, the national 2016 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.

Dated February 18, 2016.



City of Wilsonville Mayor Tim Knapp

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2016

Items known as of 02/12/16

FEBRUARY

DATE	DAY	TIME	EVENT	LOCATION
2/18	Thursday	7 p.m.	Council Meeting	Council Chambers
2/22	Monday	6:30 p.m.	DRB Panel B	Council Chambers
2/24	Wednesday	6:30 p.m.	Library Board	Library
2/25	Thursday	4:30 p.m.	Parks & Recreation Advisory Board	Council Chambers

MARCH

DATE	DAY	TIME	EVENT	LOCATION
3/1	Tuesday	10:00 a.m.	Tourism Promotion Committee	Council Chambers
3/7	Monday	7 p.m.	Council Meeting	Council Chambers
3/9	Wednesday	1 p.m.	Wilsonville Community Seniors Inc.	Community Center
3/9	Wednesday	6 p.m.	Planning Commission	Council Chambers
3/10	Thursday	4:30 p.m.	Parks & Recreation Advisory Board	Council Chambers
3/14	Monday	6:30 pm.	DRB Panel A	Council Chambers
3/21	Monday	7 p.m.	Council Meeting	Council Chambers
3/23	Wednesday	6:30 p.m.	Library Board	Library
3/28	Monday	6:30 p.m.	DRB Panel B	Council Chambers

COMMUNITY EVENTS

Daddy Daughter Dance – Western Buckaroo

February 26 at the Wilsonville Community Center starting at 7 p.m.
Register early at WilsonvilleParksandRec.com

A View From The Bridge, by Arthur Miller directed by Terry Kester

Presented by Wilsonville Stage February 18 – March 3

Frog Pond Grange with special performance venues, visit website for venue locations and times.

Tickets can be purchased online at www.wilsonvilletheater.com, or at the door.

OTHER MEETINGS:

- February 17 – Wilsonville Leadership Academy 6-9 p.m. City Hall
- March 1 – Tourism Promotion Committee 10 a.m. to 12 p.m. City Council Chambers
- March 17 – Wilsonville Leadership Academy 6-9 p.m. City Hall



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: February 18, 2016		Subject: Resolution No. 2564 Oregon Department of Transportation Local Agency Agreement for Multimodal Transportation Enhancement Program (MTEP) Funding of Kinsman Road Extension - CIP #4004 Staff Member: Zachary Weigel, P.E., Civil Engineer Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input checked="" type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: Staff recommends approval of Resolution No. 2564.			
Recommended Language for Motion:			
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>			
<input checked="" type="checkbox"/> Council Goals/Priorities Well Maintained Infrastructure; Multi-Modal Transportation Network		<input checked="" type="checkbox"/> Adopted Master Plan(s) Transportation System Plan (Project RE-08)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

A City of Wilsonville resolution authorizing the Mayor to sign a Local Agency Agreement with the Oregon Department of Transportation (ODOT) that is required to use state and federal funds

provided through the Multimodal Transportation Enhance Program (MTEP) for the construction of the Kinsman Road Extension project.

EXECUTIVE SUMMARY:

In 2009, the City entered into a Local Agency Agreement (Resolution #2168) with ODOT to begin preliminary engineering and permitting work for the extension of Kinsman Road between Barber Street and Boeckman Road. The agreement addressed \$1.4 million in Federal-Aid Surface Transportation Program (STP) funds. As design of the project proceeded, the City was awarded an additional \$2.23 million in MTEP funding through the 2015-18 Statewide Transportation Improvement Program (STIP) for the construction of the Kinsman Road Extension project.

As construction of the project nears, the City is required to enter into a Local Agency Agreement with ODOT for the expenditure of MTEP funds on the project. ODOT is the agency responsible for certifying funding and delivery of federally funded projects in accordance with federal regulations. The agreement generally defines the project work and outlines the City's and ODOT's obligations with regards to performance and funding of the project work. The IGA is attached as Exhibit 1 to Resolution No. 2564.

EXPECTED RESULTS:

Upon execution of the Local Agency Agreement and completion of project design, ODOT will advertise for construction bids and award a construction contract to the lowest, qualified and responsible bidder. Once the contract is awarded, construction of the Kinsman Road Extension project can begin.

TIMELINE:

Final construction plans and specifications are to be submitted to ODOT for preparation of the construction bid package by April 1, 2016. The Local Agency Agreement must be executed prior to this submission date to obligate the MTEP funds for construction. Should the agreement not be executed by the final submission date, the City would be required to supplement the MTEP funds until such time the agreement can be executed.

The construction bid opening is scheduled for May 26, 2016 with construction anticipated to begin in July 2016 and wrapping up in June 2018. The bid schedule provides critical deadlines necessary to meet the in-water work period for a key initial phase of construction. Any delay in the bid schedule will result in a construction delay of up to 9 months.

CURRENT YEAR BUDGET IMPACTS:

The current year budget has \$936,900 appropriated in Street System Development Charges for this project.

Approval of the Local Agency Agreement will have little to no impact to the current year budget as construction funding will be allocated beginning next fiscal year. However, construction of project #4004 is funded through a combination of Transportation System Development Charges and two sources of Federal funding.

The most current estimates place the total roadway construction costs at \$5.95 million, which includes City overhead. Federal MTEP funding amounts to \$2.23 million with the City providing a 52.85% match, amounting to \$2.5 million. In addition to the MTEP funds, it is anticipated that \$500,000 in federal STP funds will be left over from preliminary design work, which will be applied to construction activities. These funds have a required City match of 10.27%, which amounts to \$58,000.

Federal funding applied to Kinsman Road Extension construction totals \$2.73 million. The City is responsible for any funding amount over and above the federal funding and required match amounts, currently estimated at \$662,000. As a result, City Transportation System Development Charges total \$3.22 million for construction of the Kinsman Road Extension project. These funds will be allocated in future budget years.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 2/3/16

LEGAL REVIEW / COMMENT:

Reviewed by: BJ Date: 2/8/16

COMMUNITY INVOLVEMENT PROCESS:

Prior to the start of final design, the City held a public open house on June 10, 2015 for community members to review and comment on the proposed improvements. Notice of the open house was mailed to residents and businesses surrounding the roadway extension and was advertised in the June 2015 Boones Ferry Messenger. The event was lightly attended with questions related to land acquisition and impacts to neighboring properties.

In addition to the public open house, staff directly met with representatives from the properties surrounding the project location to discuss the project impacts and the procurement of right-of-way and easements needed for this work.

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

Construction of the Kinsman Road Extension project will improve travel time and increase travel safety on the City's roadways.

ALTERNATIVES:

1. Approve the IGA in its current form. Recommended.
2. Deny the IGA and return the federal MTEP grant funding and either supplement funding with other funds or cancel the project construction. This is not recommended as the City would be responsible for repayment of federal STP funds expended to date on design work and could negatively impact the City's success in being selected for future federal, state, and regional transportation funding.

CITY MANAGER COMMENT:

ATTACHMENTS: None

RESOLUTION NO. 2564

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE MAYOR TO SIGN A LOCAL AGENCY AGREEMENT WITH THE STATE OF OREGON, ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION (ODOT) FOR CONSTRUCTION OF THE KINSMAN ROAD EXTENSION (CAPITAL IMPROVEMENT PROJECT #4004).

WHEREAS, the City of Wilsonville (City) has planned and budgeted for the completion of Capital Improvement Project #4004, known as the Kinsman Road Extension: Barber St to Boeckman Rd project (the Project); and

WHEREAS, the Project will construct the Kinsman Road extension, multi-use trail and possible wetland mitigation; and

WHEREAS, the City applied for and was selected to receive federal Multimodal Transportation Enhance Program (MTEP) funds that ODOT will administer for the Project; and

WHEREAS, the City's budgeted funds will sufficiently cover the required "local match" requirements in order to receive the federal funds; and

WHEREAS, the City of Wilsonville is required to enter into Local Agency Agreements with the Oregon Department of Transportation to initiate the use of federal funding for construction projects.

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

1. The City Council does hereby approve and authorize the Mayor to sign Local Agency Agreement No. 31056 for construction of the project known as the Kinsman Road Extension: Barber St – Boeckman Rd (Project #4004) between the City of Wilsonville and the State of Oregon, acting by and through its Department of Transportation. A copy of Local Agency Agreement No. 31056 marked Exhibit "1" is attached hereto and incorporated herein.
2. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof on February 18, 2016 and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Lehan

Councilor Fitzgerald

Councilor Stevens

Attachments: Exhibit 1 – Local Agency Agreement No. 31056

Exhibit 1

**LOCAL AGENCY AGREEMENT
MULTIMODAL TRANSPORTATION ENHANCE PROGRAM (MTEP)
Project Name: Kinsman Road: Boeckman Road to Barber Street**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" and the City of Wilsonville, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statutes (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
2. Kinsman Road is an Agency facility under the jurisdiction and control of Agency.
3. State and Agency entered into Local Agency Agreement No. 24186 dated April 2, 2009. The purpose of said agreement was to provide funding in the amount of \$1,400,000 for preliminary engineering services for the Project which have been completed.
4. Agency has been awarded MTEP funding in the amount of \$2,230,000 in the 2015-2018 Statewide Transportation Improvement Program (STIP) for construction of the Kinsman Road extension, multi-use trail and possible wetland mitigation, as further defined herein and hereinafter referred to as "Project."
5. Agency, as a non-certified Local Public Agency, is entering into this Agreement with State for the funding and delivery of the Project.

NOW THEREFORE the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

DEFINITIONS

1. "Contract Award" means the issuance of a Notice to Proceed (NTP) to the construction contractor.
2. "Contract Time" means amount of time for completing the bid item work under the contract.
3. "Establishment Period" means the time specified to assure satisfactory establishment and growth of planted materials
4. "Final Acceptance" means written confirmation by Agency and State that the project has been completed according to the contract, with the exception of latent defects and

warranty obligations, if any, and has been accepted.

5. "Final Payment" – the amount of final payment will be the difference between the total amount due the contractor and the sum of all payments previously made. All prior partial estimates and payments shall be subject to correction in the final estimate and payment.
6. "Funding Ratio" means the relationship between MTEP funds and Total Project cost and Other Funds and the Total Project Cost. This ratio is established at the time the agreement is executed and does not change during the course of the project. The ratio governs the obligation of MTEP funds at the time of construction/consultant award or Project Closeout.
7. "Match" means the minimum amount State or Agency must contribute to match the federal aid funding portion of the project.
8. "MTEP" means Multimodal Transportation Enhance Program and may be funded by a combination of federal and state funds.
9. "Obligation" means Federal Highway Administration (FHWA) approval that allows a specific phase of a project to commence with spending that can be reimbursed with federal funds.
10. "Other Funds" means other funding required to complete the project including but not limited to state, federal, and agency funds.
11. "Project Completion" means Final Acceptance of the Project, Final Payment to the contractor has been made by the State and project documentation is completed per the ODOT Construction Manual.
12. "Project Overruns" means the final cost estimate at Contract Award exceeds the estimated Total Project Cost estimate in this Agreement, or the final actual project costs exceeds the final cost estimate at Contract Award.
13. "Project Underrun" means the final cost estimate at Contract Award is below the estimated Total Project Cost in this Agreement, or the final actual project costs are below the final cost estimate at Contract Award.
14. "Project Closeout" means project is ready to close as there are no more expenditures associated with project.
15. "Second Notification" means written acknowledgment by the Engineer of the end of Contract Time in accordance with ODOT Standard Specification 000180.50(g).
16. "Third Notification" means written acknowledgment by the Engineer, subject to Final Acceptance, that as of the date of the notification the Contractor has completed the Project according to the Contract, including without limitation completion of all minor corrective work, equipment and plant removal, site clean-up, and submittal of all certifications, bills, forms and documents required under the Contract.

17. "Total Project Cost" means the estimated amount as shown in this Agreement. This amount will include MTEP funds, local matching funds, and other funds as required to complete the project as stated in this Agreement.

TERMS OF AGREEMENT

1. Under such authority, Agency and State hereby agree to: (i) an extension of approximately 2,500 feet of Kinsman Road between Barber Street and Boeckman Road, (ii) a 10 foot wide shared-use path along the Coffee Lake wetland complex, and (iii) wetland mitigation within the Project area if necessitated by construction, hereinafter referred to as "Project." The location of the Project is as shown on the sketch map attached hereto, marked "Exhibit A," and by this reference made a part hereof.
2. The Project shall be conducted as a part of the Multimodal Transportation Enhance Program (MTEP) with funds provided under Title 23, United States Code and may include a combination of federal and state funds. The Total Project Cost is estimated at \$4,730,000, which is subject to change. MTEP federal and state funding for this Project shall be limited to \$2,230,000. Agency shall be responsible for all remaining costs, including the 10.27 percent match for all MTEP eligible costs, any non-participating costs, and all costs in excess of the available federal or state funds.
3. The funding ratio for this Project is 47.15% of MTEP funds to 52.85% Agency funds and applies to Project Underruns. The Funding Ratio does not apply in the case of Project overruns.
4. If, at the time of Contract Award or Project Closeout, the Project Underruns the estimated Total Project Cost in this Agreement, MTEP funding and Other Funds will be obligated proportionally based on the Funding Ratio. Any unused MTEP funds, will be retained by State, and will not be available for use by Agency for this Agreement or any other projects.
5. Project Overruns which occur at the time of Contract Award, or at the time of Project Closeout are the responsibility of the Agency.
6. Project decisions regarding design standards, design exceptions, utility relocation expenses, right of way needs, preliminary engineering charges, construction engineering charges, and Contract Change Orders as applicable shall be mutually agreed upon between Agency and State, as these decisions may impact the Total Project cost. However, State may award a construction contract at ten (10) % over engineer estimate without prior approval of Agency.
7. The scope, schedule, progress report requirements, and Project Change Request process are described in Exhibit B, attached hereto and by this reference made a part hereof. Agency agrees to the conditions set forth in Exhibit B.
8. State will submit the requests for federal funding to Federal Highway Administration (FHWA). The federal funding for this Project is contingent upon approval of each funding

request by FHWA. Any work performed prior to acceptance by FHWA or outside the scope of work will be considered nonparticipating and paid for at Agency expense.

9. State considers Agency a subrecipient of the federal funds it receives as reimbursement under this Agreement. The Catalog of Federal Domestic Assistance (CFDA) number and title for this Project is 20.205, Highway Planning and Construction.
10. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten (10) calendar years following the date all required signatures are obtained, whichever is sooner.
11. Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the Parties that State shall in all instances, except for Claims arising solely from the negligent or willful acts or omissions of State, be indemnified by the contractor and subcontractor from and against any and all Claims.
12. Any such indemnification shall also provide that neither Agency's contractor and subcontractor nor any attorney engaged by Agency's contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at any time at its election assume its own defense and settlement in the event that it determines that Agency's contractor is prohibited from defending the State of Oregon, or that Agency's contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against Agency's contractor if the State of Oregon elects to assume its own defense.
13. This Agreement may be terminated by mutual written consent of both Parties.
14. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.

- c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.
15. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
- 16 a. Information required by 2 CFR 200.331(a), except for (xiii) Indirect cost rate, shall be contained in the USDOT FHWA Federal Aid Project Agreement for this Project, a copy of which shall be provided by ODOT to Agency with the Notice to Proceed.
- b. The indirect cost rate for this project at the time the agreement is written is zero percent.
17. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are by this reference made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The Parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this Agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.
18. Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to the Federal Highway Administration, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
19. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
20. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.

21. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
22. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. In the event of conflict, the body of this Agreement and the attached Exhibits will control over Project application and documents provided by Agency to State. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.
23. State's Contact for this Agreement is Kelly Brooks, Region 1 Enhance Program Manager or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.
24. Agency's Contact for this Project is Zachary J. Weigel, PE, City of Wilsonville, 29799 SW Town Center Loop East, Wilsonville, OR 97070, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2015-2018 Statewide Transportation Improvement Program (STIP), (Key #14429) that was adopted by the Oregon Transportation Commission on December 18, 2014, (or subsequently by amendment to the STIP).

SIGNATURE PAGE TO FOLLOW

CITY OF WILSONVILLE, by and through
its elected officials

By _____

Title _____

Date _____

By _____

Title _____

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____

Agency Counsel

Date _____

Agency Contact:

Zachary J. Weigel, PE
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070
(503) 570-1565
weigel@ci.wilsonville.or.us

State Contact:

Kelly Brooks, ODOT
Interim Region 1 Policy and Development
Manager
123 NW Flanders Street
Portland, OR 97225
(503) 731-3087
Kelly.brooks@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____

Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____

Region 1 Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____

Assistant Attorney General

Date _____

EXHIBIT A – Project Location Map



CITY OF WILSONVILLE, CLACKAMAS COUNTY

LEGEND

-  Project Area
-  Shared/Multi-Use Path

EXHIBIT B**Project Cost Estimate, Progress Reports and Project Change Request Process****Agreement No. 31056****Key Number: 14429****Project Name:** Kinsman Road: Boeckman Road to Barber Street**1. Project Description and Deliverables**

Description and Deliverables: Improvements will be made to Kinsman Road between Boeckman Road and Barber Street. Project work includes the following:

- Construction of approximately 2,500 feet of new road on Kinsman Road
- Construction of a 10 foot wide shared-use path along the Coffee Lake wetland complex.
- Wetland mitigation in the Project area if necessitated by construction.

Project Description and Deliverables may only be changed through amendment of this Agreement, after obtaining an approved Project Change Request.

2. This Project is subject to progress reporting and project change process as stated below.
3. **Monthly Progress Reports (MPR)** - Agency shall submit monthly progress reports using MPR Form 734-2935, incorporated by reference and made a part of this Agreement. The Monthly Progress Report is due by the 5th day of each month, starting the first month after execution of this Agreement, and continuing through the first month after State issues Project Acceptance (Second Note) for the Project's construction contract.

The fillable MPR form and instructions are available at the following address:

http://www.oregon.gov/ODOT/TD/AT/Pages/Forms_Applications.aspx

4. **Project Milestones** – The Parties agree that the dates shown in Table 1 constitute the intended schedule for advancing and completing the Project. Project Milestones may only be changed through amendment of this Agreement, after obtaining an approved Project Change Request.

Table 1: Project Milestones – Construction Project

	Milestone Description	Completion Date
1	Obligation (Federal Authorization) of federal funds for the Construction phase of the Project	May 2016
2	Award Contract for Construction phase of Project	June 2016

5. Requirements for Construction Projects

- a. **Second Notification** –Upon completion of on-site work Second Notification shall be issued. Second Notification is further defined in the Definitions Section of this Agreement. The anticipated and actual date for issuance of Second Notification shall be reported in the required monthly report as described in paragraph 3, above.
- b. **Third Notification** – Issuance of Third Notification must be received within 120 days from the issuance of Second Notification as stated above with the exception of any Establishment Period noted in the Construction Contract or any remaining responsibilities of the Contractor. If Third notification is not issued within the required timeframe, Consequences for Non-Performance, paragraph 8 below may apply.

6. Project Change Request (PCR) Process - Agency must obtain approval from State's Contact for changes to the Project's scope, schedule, or budget as specified in paragraphs 6a, 6b and 6c, below. Agency shall be fully responsible for all costs that occur outside the established Project scope, schedule or budget and prior to an approved PCR. Amendments to this Agreement are required for all approved PCRs.

- a. **Scope** - A PCR is required for any significant change or reduction in the scope of work described in the Project Description (Paragraph 1 of this Exhibit). A significant change in project scope includes any scope element or item that:
 - i. Would increase project cost by 10% or \$100,000 whichever is less;
 - ii. Is outside of the intent of the current project scope, as determined by the ODOT Program Manager, or;
 - iii. Does not meet the minimum standards of the American Association of State Highway and Transportation Officials (AASHTO) or the Manual on Uniform Traffic Control Devices (MUTCD).
- b. **Schedule**– A PCR is required if Agency or State's Contact anticipate that any Project Milestone will be delayed by more than ninety (90) days, and also for any change in schedule that will require amendment of the Statewide Transportation Improvement Program (STIP).
- c. **Budget** – Total Project Cost and approved funds for the Project are controlled by Terms of Agreement, paragraph 4 of this Agreement.

7. PCR Form - Agency must submit all change requests using PCR Form 734-2936, attached by reference and made a part of this Agreement. The PCR Form is due no later than thirty (30) days after the need for change becomes known to Agency. The PCR shall explain what change is being requested, the reasons for the change, and any efforts to mitigate the change. A Project Change Request may be rejected at the discretion of State's Region 1 Enhance Program Manager.

The fillable PCR form and its instructions are available at the following web site:
http://www.oregon.gov/ODOT/TD/AT/Pages/Forms_Applications.aspx

8. Consequence for Non-Performance - If Agency fails to fulfill its obligations in paragraphs No. 3 through No. 7 above, or does not assist in advancing the Project or perform tasks that the Agency is responsible for under the Project Milestones, State's course of action through the duration of Agency's default may include: (a) restricting Agency consideration for future funds awarded through State's managed funding programs, (b) withdrawing unused Project funds, and (c) terminating this Agreement as stated in Terms of Agreement, paragraph No. 14 of this Agreement. State may also choose to invoice Agency for expenses incurred by State for staff time to assist in completion of the final Project documentation and issuance of Third Notification.

**ATTACHMENT NO. 1 to Agreement No. 31056
SPECIAL PROVISIONS**

1. State shall be responsible for delivering all aspects of the project except for the tasks identified below:
 - a. Agency shall be responsible for conducting the necessary field surveys, environmental studies, traffic investigations, foundation explorations, hydraulic studies, assisting State with acquisition of necessary right of way and easements; obtaining all required permits and arranging for all utility relocations/adjustments.
 - b. State shall be responsible for the award and administration of the construction contract, except Agency shall be responsible for all required materials testing and quality documentation and preparation of necessary documentation with State-qualified personnel, to allow State to make all contractor payments. Contract administration, construction engineering and inspection will follow the most current version of the *ODOT Construction Manual* and the *ODOT Inspector's Manual*.
2. To assist Agency in meeting its responsibilities identified in (1), State may make available the Region's On-Call Preliminary Engineering (PE), Design and Construction Engineering Services consultant for Local Agency Projects upon written request. If Agency chooses to use said services, Agency agrees to manage the work done by the Consultant and reimburse State for payment of any Consultant costs that are not eligible as MTEP participating costs or that are not included as part of the total cost of the Project.
3. Agency guarantees the availability of Agency funding in an amount required to fully fund Agency's share of the Project.
4. State shall perform work throughout the duration of the Project and shall provide a preliminary estimate of State costs for this work. Prior to the start of construction State shall provide Agency with an estimate of State costs for that phase. Such phases generally consist of Preliminary Engineering, Right of Way and Construction. Agency understands that State's costs are estimates only and agrees to reimburse State for actual cost incurred per this Agreement. However, if actual costs exceed estimated costs for a particular phase, State shall notify Agency and provide Agency with a revised estimate of costs.
5. Agency grants State the right to enter onto Agency right of way for the performance of duties as set forth in this Agreement.
6. State and Agency agree that the useful life of this Project is defined as **20** years.

7. If Agency fails to meet the requirements of this Agreement or the underlying federal regulations, State may withhold the Agency's proportional share of Highway Fund distribution necessary to reimburse State for costs incurred by such Agency breach. Agency will be ineligible to receive or apply for any Title 23, United States Code funds until State receives full reimbursement of the costs incurred.

ATTACHMENT NO. 2 FEDERAL STANDARD PROVISIONS

PROJECT ADMINISTRATION

1. State (ODOT) is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this Project, and Agency (i.e. county, city, unit of local government, or other state agency) hereby agrees that State shall have full authority to carry out this administration. If requested by Agency or if deemed necessary by State in order to meet its obligations to FHWA, State will act for Agency in other matters pertaining to the Project. Prior to taking such action, State will confer with Agency concerning actions necessary to meet federal obligations. Agency shall, if necessary, appoint and direct the activities of a Citizen's Advisory Committee and/or Technical Advisory Committee, conduct a hearing and recommend the preferred alternative. State and Agency shall each assign a person in responsible charge "liaison" to coordinate activities and assure that the interests of both Parties are considered during all phases of the Project.
2. Any project that uses federal funds in project development is subject to plans, specifications and estimates (PS&E) review and approval by FHWA or State acting on behalf of FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.
3. Non-certified agencies must contract with State or a State certified local public agency to secure services to perform plans, specifications and estimates (PS&E), construction contract advertisement, bid, award, contractor payments and contract administration. Non-certified agencies may use a State-approved consultant to perform preliminary engineering, and construction engineering services.

PROJECT FUNDING REQUEST

4. State shall submit a separate written Project funding request to FHWA requesting approval of federal-aid participation for each project phase including a) Program Development (Planning), b) Preliminary Engineering (National Environmental Policy Act - NEPA, Permitting and Project Design), c) Right of Way Acquisition, d) Utilities, and e) Construction (Construction Advertising, Bid and Award). Any work performed prior to FHWA's approval of each funding request will be considered nonparticipating and paid for at Agency expense. Agency shall not proceed on any activity in which federal-aid participation is desired until such written approval for each corresponding phase is obtained by State. State shall notify Agency in writing when authorization to proceed has been received from FHWA. All work and records of such work shall be in conformance with FHWA rules and regulations.

FINANCE

5. Federal funds shall be applied toward Project costs at the current federal-aid matching ratio, unless otherwise agreed and allowable by law. Agency shall be responsible for the entire match amount for the federal funds and any portion of the Project, which is not covered by federal funding, unless otherwise agreed to and specified in the intergovernmental Agreement (Project Agreement). Agency must obtain written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement. If federal funds are used, State will specify the Catalog of Federal Domestic Assistance (CFDA) number in the Project Agreement. State will also determine and clearly state in the Project Agreement if recipient is a subrecipient or vendor, using criteria in 2 CFR 200.3303.

6. If the estimated cost exceeds the total matched federal funds available, Agency shall deposit its share of the required matching funds, plus 100 percent of all costs in excess of the total matched federal funds. Agency shall pay one hundred (100) percent of the cost of any item in which FHWA will not participate. If Agency has not repaid any non-participating cost, future allocations of federal funds or allocations of State Highway Trust Funds to Agency may be withheld to pay the non-participating costs. If State approves processes, procedures, or contract administration outside the *Local Agency Guidelines Manual* that result in items being declared non-participating by FHWA, such items deemed non-participating will be negotiated between Agency and State.
7. Agency agrees that costs incurred by State and Agency for services performed in connection with any phase of the Project shall be charged to the Project, unless otherwise mutually agreed upon by the Parties.
8. Agency's estimated share and advance deposit.
 - a) Agency shall, prior to commencement of the preliminary engineering and/or right of way acquisition phases, deposit with State its estimated share of each phase. Exception may be made in the case of projects where Agency has written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.
 - b) Agency's construction phase deposit shall be one hundred ten (110) percent of Agency's share of the engineer's estimate and shall be received prior to award of the construction contract. Any additional balance of the deposit, based on the actual bid must be received within forty-five (45) days of receipt of written notification by State of the final amount due, unless the contract is cancelled. Any balance of a cash deposit in excess of amount needed, based on the actual bid, will be refunded within forty-five (45) days of receipt by State of the Project sponsor's written request.
 - c) Pursuant to Oregon Revised Statutes (ORS) 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option where a deposit is made in the Local Government Investment Pool), and an Irrevocable Limited Power of Attorney is sent to State's Active Transportation Section, Funding and Program Services Unit, or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State, or 3) cash.
9. If Agency makes a written request for the cancellation of a federal-aid project; Agency shall bear one hundred (100) percent of all costs incurred as of the date of cancellation. If State was the sole cause of the cancellation, State shall bear one hundred (100) percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of State or Agency, Agency shall bear all costs, whether incurred by State or Agency, either directly or through contract services, and State shall bear any State administrative costs incurred. After settlement of payments, State shall deliver surveys, maps, field notes, and all other data to Agency.
10. Agency shall follow the requirements stated in the Single Audit Act. Agencies expending \$500,000 or more in Federal funds (from all sources) in its fiscal year beginning prior to December 26, 2014, shall have a single organization-wide audit conducted in accordance with the Single Audit Act of 1984, PL 98-502 as amended by PL 104-156 and subject to the requirements of 49 CFR Parts 18 and 19. Agencies expending \$750,000 or more in federal funds (from all sources) in a fiscal year beginning on or after December 26, 2014 shall have a single organization-wide audit conducted in accordance with the provisions of 2 CFR part 200, subpart F.

Agencies expending less than \$500,000 in Federal funds in a fiscal year beginning prior to December 26, 2014, or less than \$750,000 in a fiscal year beginning on or after that date, is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials based on the records retention period identified in the Project Agreement. The cost of this audit can be partially prorated to the federal program.

11. Agency shall make additional deposits, as needed, upon request from State. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete the Project.
12. Agency shall present invoices for one hundred (100) percent of actual costs incurred by Agency on behalf of the Project directly to State's Liaison for review, approval and reimbursement to Agency. Costs will be reimbursed consistent with federal funding provisions and the Project Agreement. Such invoices shall identify the Project by the name of the Project Agreement, reference the Project Agreement number, and shall itemize and explain all expenses for which reimbursement is claimed. Invoices shall be presented for periods of not less than one-month duration, based on actual expenses to date. All invoices received from Agency must be approved by State's Liaison prior to payment. Agency's actual costs eligible for federal-aid or State participation shall be those allowable under the provisions of the Federal-Aid Policy Guide (FAPG), Title 23 CFR parts 1.11, 140 and 710. Final invoices shall be submitted to State for processing within forty-five (45) days from the end of each funding phase as follows: a) preliminary engineering, which ends at the award date of construction b) last payment for right of way acquisition and c) contract completion for construction. Partial billing (progress payment) shall be submitted to State within forty-five (45) days from date that costs are incurred. Invoices submitted after 45 days may not be eligible for reimbursement by FHWA. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to the Project Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period ending on the later of six (6) years following the date of final voucher to FHWA or after resolution of any disputes under the Project Agreement. Copies of such records and accounts shall be made available upon request. For real property and equipment, the retention period starts from the date of disposition ((2 CFR 200.333(c)).
13. Agency shall, upon State's written request for reimbursement in accordance with Title 23, CFR part 630.112(c) 1 and 2, as directed by FHWA, reimburse State for federal-aid funds distributed to Agency if any of the following events occur:
 - a) Right of way acquisition is not undertaken or actual construction is not started by the close of the twentieth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized for right of way acquisition. Agency may submit a written request to State's Liaison for a time extension beyond the twenty (20) year limit with no repayment of federal funds and State will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.
 - b) Right of way acquisition or actual construction of the facility for which preliminary engineering is undertaken is not started by the close of the tenth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized. Agency may submit a written request to State's Liaison for a time extension beyond the ten (10) year limit with no repayment of federal funds and State will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.

14. Agency shall maintain all Project documentation in keeping with State and FHWA standards and specifications. This shall include, but is not limited to, daily work records, quantity documentation, material invoices and quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that the Project is completed in conformance with approved plans and specifications.
15. State shall submit all claims for federal-aid participation to FHWA in the normal manner and compile accurate cost accounting records. State shall pay all reimbursable costs of the Project. Agency may request a statement of costs-to-date at any time by submitting a written request. When the actual total cost of the Project has been computed, State shall furnish Agency with an itemized statement of final costs. Agency shall pay an amount which, when added to said advance deposit and federal reimbursement payment, will equal one hundred (100) percent of the final total actual cost. Any portion of deposits made in excess of the final total costs of the Project, minus federal reimbursement, shall be released to Agency. The actual cost of services provided by State will be charged to the Project expenditure account(s) and will be included in the total cost of the Project.

STANDARDS

16. Agency agrees that minimum design standards on all local agency jurisdictional roadway or street projects on the National Highway System (NHS) and projects on the non-NHS shall be the American Association of State Highway and Transportation Officials (AASHTO) standards and be in accordance with *State's Oregon Bicycle & Pedestrian Design Guide* (current version). Agency shall use either AASHTO's A Policy on Geometric Design of Highways and Streets (current version) or State's Resurfacing, Restoration and Rehabilitation (3R) design standards for 3R projects. Agency may use AASHTO for vertical clearance requirements on Agency's jurisdictional roadways or streets.
17. Agency agrees that if the Project is on the Oregon State Highway System or State-owned facility, that design standards shall be in compliance with standards specified in the current *ODOT Highway Design Manual* and related references. Construction plans for such projects shall be in conformance with standard practices of State and all specifications shall be in substantial compliance with the most current *Oregon Standard Specifications for Highway Construction* and current *Contract Plans Development Guide*.
18. Agency agrees that for all projects on the Oregon State Highway System or State-owned facility any design element that does not meet *ODOT Highway Design Manual* design standards must be justified and documented by means of a design exception. Agency further agrees that for all projects on the NHS, regardless of funding source; any design element that does not meet AASHTO standards must be justified and documented by means of a design exception. State shall review any design exceptions on the Oregon State Highway System and retains authority for their approval. FHWA shall review any design exceptions for projects subject to Focused Federal Oversight and retains authority for their approval.
19. Agency agrees all traffic control devices and traffic management plans shall meet the requirements of the current edition of the *Manual on Uniform Traffic Control Devices and Oregon Supplement* as adopted in Oregon Administrative Rule (OAR) 734-020-0005. Agency must obtain the approval of the State Traffic Engineer prior to the design and construction of any traffic signal, or illumination to be installed on a state highway pursuant to OAR 734-020-0430.
20. The standard unit of measurement for all aspects of the Project shall be English Units. All Project documents and products shall be in English. This includes, but is not limited to, right of way, environmental documents, plans and specifications, and utilities.

PRELIMINARY & CONSTRUCTION ENGINEERING

21. Preliminary engineering and construction engineering may be performed by either a) State, b) Agency, c) State-approved consultant, or d) certified agency. Engineering work will be monitored by State or certified agency to ensure conformance with FHWA rules and regulations. Project plans, specifications and cost estimates shall be performed by either a) State, b) State-approved consultant or c) certified agency. State shall review and approve Project plans, specifications and cost estimates. State shall, at project expense, review, process and approve, or submit for approval to the federal regulators, all environmental statements. State or certified agency shall, if they prepare any of the documents identified in this paragraph, offer Agency the opportunity to review and approve the documents prior to advertising for bids.
22. Agency may request State's two-tiered consultant selection process as allowed by OAR 137-048-0260 to perform architectural, engineering, photogrammetry, transportation planning, land surveying and related services (A&E Services) as needed for federal-aid transportation projects. Use of the State's processes is required to ensure federal reimbursement. State will award and execute the contracts. State's personal services contracting process and resulting contract document will follow Title 23 CFR part 172, 2 CFR part 1201, ORS 279A.055, 279C.110, 279C.125, OAR 137-048-0130, OAR 137-048-0220(4) and State Personal Services Contracting Procedures as approved by the FHWA. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or the consultant prior to receiving authorization from State to proceed.
23. The party responsible for performing preliminary engineering for the Project shall, as part of its preliminary engineering costs, obtain all Project related permits necessary for the construction of said Project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction.
24. State or certified agency shall prepare construction contract and bidding documents, advertise for bid proposals, and award all construction contracts.
25. Upon State's or certified agency's award of a construction contract, State or certified agency shall perform quality assurance and independent assurance testing in accordance with the FHWA-approved Quality Assurance Program found in State's *Manual of Field Test Procedures*, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the Project.
26. State shall, as a Project expense, assign a liaison to provide Project monitoring as needed throughout all phases of Project activities (preliminary engineering, right-of-way acquisition, and construction). State's liaison shall process reimbursement for federal participation costs.

REQUIRED STATEMENT FOR United States Department of Transportation (USDOT) FINANCIAL ASSISTANCE AGREEMENT

27. By signing the Federal-Aid Agreement to which these Federal Standard Provisions are attached, Agency agrees to adopt State's DBE Program Plan, available at http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/pages/sbe/dbe/dbe_program.aspx#plan. Agency shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. Agency agrees to take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted

contracts. State's DBE program, as required by 49 CFR part 26 and as approved by USDOT, is incorporated by reference in this Project Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Project Agreement. Upon notification to the recipient of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 United States Code (USC) 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

Disadvantaged Business Enterprises (DBE) Obligations

28. State and Agency agree to incorporate by reference the requirements of 49 CFR part 26 and State's DBE Program Plan, as required by 49 CFR part 26 and as approved by USDOT, into all contracts entered into under this Project Agreement. The following required DBE assurance shall be included in all contracts:

"The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of Title 49 CFR part 26 in the award and administration of federal-aid contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Agency deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b))."

29. Agency agrees to comply with all applicable civil rights laws, rules and regulations, including Title V and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.
30. The Parties hereto agree and understand that they will comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work including, but not limited to, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270, incorporated herein by reference and made a part hereof; Title 23 CFR parts 1.11, 140, 635, 710, and 771; Title 49 CFR parts 24 and 26; 2 CFR 1201, Title 23, USC, Federal-Aid Highway Act; Title 41, Chapter 1, USC 51-58, Anti-Kickback Act; Title 42 USC; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, the provisions of the FAPG and *FHWA Contract Administration Core Curriculum Participants Manual & Reference Guide*. State and Agency agree that FHWA-1273 Required Contract Provisions shall be included in all contracts and subcontracts verbatim and not by reference.

RIGHT OF WAY

31. Agency and the consultant, if any, agree that right of way activities shall be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FAPG, CFR, and the *ODOT Right of Way Manual*, Title 23 CFR part 710 and Title 49 CFR part 24. State, at Project expense, shall review all right of way activities engaged in by Agency to ensure compliance with all laws and regulations.
32. State is responsible for proper acquisition of the necessary right of way and easements for construction and maintenance of projects. Agency may perform acquisition of the necessary right of way and easements for construction and maintenance of the Project provided Agency or the consultant are qualified to do such work, as required by the *ODOT Right of Way Manual*, and Agency has obtained prior approval from State's Region Right of Way office to do such work.

33. Regardless of who acquires or performs any of the right of way activities, a right of way services agreement shall be created by State's Region Right of Way office setting forth the responsibilities and activities to be accomplished by each Party. If the Project has the potential of needing right of way, to ensure compliance in the event that right of way is unexpectedly needed, a right of way services agreement will be required. State, at Project expense, shall be responsible for requesting the obligation of project funding from FHWA. State, at Project expense, shall be responsible for coordinating certification of the right of way, and providing oversight and monitoring. Funding authorization requests for federal right of way funds must be sent through State's Liaison, who will forward the request to State's Region Right of Way office on all projects. Agency must receive written authorization to proceed from State's Right of Way Section prior to beginning right of way activities. All projects must have right of way certification coordinated through State's Region Right of Way office to declare compliance and project readiness for construction (even for projects where no federal funds were used for right of way, but federal funds were used elsewhere on a project). Agency shall contact State's Liaison, who will contact State's Region Right of Way office for additional information or clarification on behalf of Agency.
34. Agency agrees that if any real property purchased with federal-aid participation is no longer needed for the originally authorized purpose, the disposition of such property shall be subject to applicable rules and regulations, which are in effect at the time of disposition. Reimbursement to State and FHWA of the required proportionate shares of the fair market value may be required.
35. Agency ensures that all project right of way monumentation will be conducted in conformance with ORS 209.155.
36. State and Agency grants each other authority to enter onto the other's right of way for the performance of non-construction activities such as surveying and inspection of the Project.

RAILROADS

37. Agency shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through the State's Liaison, who will contact State's Railroad Liaison on behalf of Agency. Only those costs allowable under Title 23 CFR part 140 subpart I, and Title 23 part 646 subpart B shall be included in the total Project costs; all other costs associated with railroad work will be at the sole expense of Agency, or others. Agency may request State, in writing and at Project expense, to provide railroad coordination and negotiations. However, State is under no obligation to agree to perform said duties.

UTILITIES

38. Agency shall follow State established statutes, policies and procedures when impacts occur to privately or publicly-owned utilities. Policy, procedures and forms are available through the State Utility Liaison or State's Liaison. Agency shall provide copies of all signed utility notifications, agreements and Utility Certification to the State Utility Liaison. Only those utility relocations, which are eligible for reimbursement under the FAPG, Title 23 CFR part 645 subparts A and B, shall be included in the total Project costs; all other utility relocations shall be at the sole expense of Agency, or others. Agency may send a written request to State, at Project expense, to arrange for utility relocations/adjustments lying within Agency jurisdiction. This request must be submitted no later than twenty-one (21) weeks prior to bid let date. However, State is under no obligation to agree to perform said duties. Agency shall not perform any utility work on state highway right of way without first receiving written authorization from State.

GRADE CHANGE LIABILITY

39. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the Project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.
40. Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.
41. Agency, if a City, by execution of the Project Agreement, gives its consent as required by ORS 373.030(2) to any and all changes of grade within the City limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, if any there be in connection with or arising out of the Project covered by the Project Agreement.

MAINTENANCE RESPONSIBILITIES

42. Agency shall, at its own expense, maintain operate, and provide power as needed upon Project completion at a minimum level that is consistent with normal depreciation and/or service demand and throughout the useful life of the Project. The useful life of the Project is defined in the Special Provisions. State may conduct periodic inspections during the life of the Project to verify that the Project is properly maintained and continues to serve the purpose for which federal funds were provided. Maintenance and power responsibilities shall survive any termination of the Project Agreement. In the event the Project will include or affect a state highway, this provision does not address maintenance of that state highway.

CONTRIBUTION

43. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
44. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.

45. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

ALTERNATIVE DISPUTE RESOLUTION

46. The Parties shall attempt in good faith to resolve any dispute arising out of this Project Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

WORKERS' COMPENSATION COVERAGE

47. All employers, including Agency, that employ subject workers who work under this Project Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability Insurance with coverage limits of not less than five hundred thousand (\$500,000) must be included. Agency shall ensure that each of its contractors complies with these requirements.

LOBBYING RESTRICTIONS – pursuant to Form FHWA-1273, Required Contract Provisions

48. Agency certifies by signing the Project Agreement that:

- a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative

agreements) which exceed one hundred thousand dollars (\$100,000), and that all such subrecipients shall certify and disclose accordingly.

- d) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31, USC Section 1352.
- e) Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars (\$10,000) and not more than one hundred thousand dollars (\$100,000) for each such failure.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: February 18, 2006	Subject: Resolution No. 2567 Adopting, Authorizing, and Ratifying Addendum 6 to the May 24, 2004 Development Agreement for Villebois. Staff Member: Mike Kohlhoff/Steve Adams Department: Legal/Engineering	
Action Required	Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input 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 type="checkbox"/> Not Applicable Comments: This is a “housekeeping” action to set out Dolan rough proportionality of agreed infrastructure costs for approved Grande Pointe subdivision in Villebois.	
Staff Recommendation: Staff recommends Council adopt Resolution No. 2567		
Recommended Language for Motion: I move to approve Resolution No. 2567.		
Project / Issue Relates To: <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)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL: Development agreement for Grahams Ferry Road improvements.

EXECUTIVE SUMMARY: Staff and the developer of the Grande Pointe subdivision, Grande Pointe at Villebois, L.L.C., whose sole member is Polygon WLH LLC, reached agreement on the estimated costs for infrastructure, primarily Grahams Ferry Road, a sewer pump station and sewer lines, and storm facilities. The methodology used for all Villebois developments was employed to provide the oversizing SDC credits to determine the estimated reimbursements, which will be trued up when final construction is completed and final costs have been submitted

and approved. Additional SDC credits were calculated from the prior LEC development and agreed upon to avoid double charging for the same impacts. Provision for future servicing when the west side of Grahams Ferry Road would be developed was provided for service conduits for franchise service providers so that the road would not be torn up in the future as well as the oversizing of the pump station now so it and the connecting pipes would not have to be torn out and replaced in the future. These costs were also prorated between the City and the developer under Dolan requirements.

EXPECTED RESULTS: The provision of necessary infrastructure for the Grande Pointe subdivision and reasonable and cost effective provision of infrastructure to support future development fairly apportioned between the parties.

TIMELINE: Completion of infrastructure in 2015/2016, with City acceptance of projects anticipated in fiscal year 2016-17.

CURRENT YEAR BUDGET IMPACTS: Any necessary SDC reimbursements will be for sanitary sewer and street improvements, and are not anticipated to occur during this fiscal year.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 2/10/16

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: Feb. 8, 2016

COMMUNITY INVOLVEMENT PROCESS: The Grande Pointe subdivision is part of the Villebois Master Plan. There were public hearings involved in the master plan, in a subsequent determination that the subdivision meet the master plan the subsequently, public hearings in the development review process of the subdivision and its approval with conditions for the infrastructure for which this agreement sets forth the Dolan financing proportionality.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups): A successful subdivision and a cost effective provision of new infrastructure.

ALTERNATIVES:

CITY MANAGER COMMENT:

ATTACHMENTS:

- A. Resolution No. 2567
- B. Addendum No. 6

RESOLUTION NO. 2567

A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING, AUTHORIZING, AND RATIFYING ADDENDUM NO. 6 TO THE DEVELOPMENT AGREEMENT OF MAY 24, 2004 BY AND BETWEEN THE CITY OF WILSONVILLE, THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE, AND VILLEBOIS LLC RELATING TO DEVELOPMENT OF PROPERTY KNOWN AS VILLEBOIS GRANDE POINTE

WHEREAS, a Development Agreement between the City of Wilsonville, the Urban Renewal Agency of the City of Wilsonville, and Villebois LLC, et al. (the “Parties”) was entered into on May 24, 2004 for the residential development of certain real property in the community known as Villebois Village, pursuant to the Villebois Village Master Plan; and

WHEREAS, the Villebois Master Plan is a land use plan regulating the development of approximately 500 acres of a planned, mixed use community of internal commercial and a mix of 2,600 residential uses, with trails, parks, and open spaces within the Villebois Village Development, supported by \$140 million in infrastructure; and

WHEREAS, The 2004 Development Agreement provided that lands in what is now referred to as the Villebois Grande Pointe development were included in the land use area provided for in the 2004 agreement. However, the incorporated Financing Plan also provided that “[A]s development proposals for specific properties come forward, separate development agreements will be required with individual developers to identify funding responsibilities, schedules, budgets, phasing, land uses, specific street layouts, and other development commitments.”; and

WHEREAS, the 2004 Development Agreement has been amended by Addendums 1 through 5; and

WHEREAS, the Parties intend this Addendum 6 “Villebois Grande Pointe Development Agreement” to be such a further development agreement;

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

1. The above recitals are incorporated herein.
2. City Council hereby authorizes, adopts, and ratifies Addendum No. 6 to the Development Agreement, attached hereto as **Exhibit A** and incorporated by reference herein.

2. This Resolution becomes effective upon the date of 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.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan

Attachments: Exhibit A: Addendum No. 6 to the Development Agreement of May 24, 2004

**ADDENDUM NO. 6
TO THE DEVELOPMENT AGREEMENT OF MAY 24, 2004
BY AND BETWEEN THE CITY OF WILSONVILLE,
THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE,
AND VILLEBOIS LLC
(VILLEBOIS GRANDE POINTE DEVELOPMENT AGREEMENT)**

This ADDENDUM NO. 6 to the 2004 Development Agreement by and between the City of Wilsonville, the Urban Renewal Agency of the City of Wilsonville, and Villebois LLC is hereinafter referred to as the “Villebois Grande Pointe Development Agreement” and is entered into this 3rd day of February, 2016, by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (“City”), and **Grande Pointe at Villebois, L.L.C.**, a Washington limited liability company (“GPV”), collectively referred to herein as the “Parties.”

RECITALS:

A. The Villebois Master Plan is a land use plan regulating the development of approximately 500 acres of a planned, mixed use community of internal commercial and a mix of 2,600 residential uses, with trails, parks, and open spaces within the Villebois Village Development, supported by \$140 million in infrastructure.

B. A Development Agreement between the City of Wilsonville, the Urban Renewal Agency of the City of Wilsonville, and Villebois LLC, et al. was entered into on May 24, 2004. The 2004 Development Agreement provided that lands in what is now referred to as the Villebois Grande Pointe development were included in the land use area provided for in the 2004 agreement. However, the incorporated Financing Plan also provided that “[A]s development proposals for specific properties come forward, separate development agreements will be required with individual developers to identify funding responsibilities, schedules, budgets, phasing, land uses, specific street layouts, and other development commitments.” The Parties intend this Addendum 6 “Villebois Grande Pointe Development Agreement” to be such a further development agreement.

C. GPV has purchased a portion of the property affected by and included in the Villebois Village Development and Villebois Master Plan area, and intends to develop the property as Villebois SAP-South PDP-7 (“Grande Pointe”). The Grande Pointe property is described on the attached **Exhibit 1**. The City and GPV wish to clarify certain respective obligations that pertain to the Grande Pointe property, as shown on the attached **Exhibit 2** (the “Site Plan”). The Site Plan has been approved by the City’s development review process and provides for 100 lots being developed on the Grande Pointe property.

D. The Urban Renewal Agency of the City of Wilsonville has been consulted in regard to this Villebois Grande Pointe Development Agreement, has no direct involvement with the Grande Pointe development, and is satisfied with the terms and conditions and has advised it waives its right to be a signator to this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the City and GPV agree as follows:

TERMS AND CONDITIONS:

1. **Condition Precedent.**

GPV has acquired tax lots 31W15 02800 and 31W15 02890, the Villebois Grande Pointe subdivision (Grande Pointe), aka Villebois SAP-South PDP-7, and construction of Phase 1 of the project started in June 2015. As part of the accepted Conditions of Approval for Grande Pointe, GPV has agreed to certain improvements to Grahams Ferry Road, some of this work being eligible for System Development Charge (SDC) credits or reimbursements.

2. **Grahams Ferry Road.**

To avoid construction coordination between contractors, to gain cost savings from only one contractor on the project, and to meet *Dolan* proportionality requirements, rather than have the City construct the west 4 feet of the required 28-foot street improvements, GPV, as the developer of Grande Pointe, hereby agrees to construct Grahams Ferry Road from the end of existing improvements adjacent to Villebois SAP-South PDP-4 southward to the southern extent of the Grande Pointe project, thereafter transitioning back to the existing street, as indicated in **Exhibit 3**, attached hereto and incorporated by reference herein.

GPV hereby agrees to dedicate to the City the additional 8.5 feet of right-of-way from Grande Pointe adjacent to Grahams Ferry Road and provide a public sidewalk and access easement over those portions of the 10-foot sidewalk that lie outside the public right-of-way. GPV will receive reimbursements or credits against street SDC fees for those construction and soft cost expenses incurred beyond its obligations, as follows:

2.1 GPV hereby agrees to provide vaults and conduits and cause to have all overhead franchise utilities located underground, at its cost. Service conduit to properties on the west side of Grahams Ferry Road shall be placed under the roadway, with transition poles located on the west side; the City shall pay for the cost of conduit and transition poles. The Parties estimate the length of this road segment to be 1,706 feet and that the estimated cost to construct, with utilities, is \$597,772, together with soft costs estimated at 24% of the construction cost, or \$143,465, which totals \$741,237 (**Exhibit 4**, attached hereto and incorporated by reference herein). The City estimates the costs subject to street SDC reimbursement from the City, from construction beyond the 24 feet of half-street improvements required of GPV, to be \$66,556, inclusive of soft costs. The City estimates the costs subject to street SDC credit from construction within the 24 feet of street improvements that are GPV's responsibility, but with excess structural capacity over and above what is required for a residential street, to be \$37,758, inclusive of soft costs. The breakdown of soft costs is set forth in Section 6.1; the breakdown between street SDC reimbursement and street SDC credit is as provided below and in **Exhibit 4**. GPV may elect to pay the full SDC per lot and be paid the street SDC credit as a reimbursement, for ease of administration, once sufficient SDCs have been collected to cover the costs.

2.1.1 The entire approximately 1,706 feet of this roadway adjacent to the Grande Pointe subdivision will be built as part of the Grande Pointe Phase 1 project, with the cross-section as indicated in **Exhibit 5**, attached hereto and incorporated by reference herein. The costs to design and construct the east 24 feet of street improvements, adjacent to the Grande Pointe project, including irrigation and landscaping up to the edge of right-of-way, and accompanying pro rata share of storm improvements, signage and striping, street lighting, and sidewalk, will be the obligation and responsibility of GPV. For the street improvements, GPV will be responsible for a typical residential structural section. Upgrades to this structural section, and accompanying costs to accommodate the expected traffic volume and loads for a minor arterial, will be the responsibility of the City, with GPV receiving credits against street SDC fees. Additionally, GPV will receive street SDC credit from the City for one half (five feet) of the 10-foot wide sidewalk along the east side of the street improvements; 10-foot sidewalk to be constructed from Villebois SAP-South PDP-4 to Athens Lane. GPV may elect to pay the full SDC per lot and be paid the street SDC credit as a reimbursement, for ease of administration, once sufficient SDCs have been collected to cover the costs.

2.1.2 The costs to design and construct the west 4 feet of street improvements, plus gravel shoulder, swale, and adjustments to existing adjacent driveways, are the responsibility of the City and are subject to reimbursement from the City to GPV. These street improvements are described as the west 4 feet of street improvements and accompanying pro rata share of storm improvements, signage and striping, and street lighting.

3. **Sanitary Sewer Lift Station.**

To provide future sanitary sewer service to 18 acres of land west of Grahams Ferry Road (see Exhibit 6) when the land is brought into the UGB and annexed by the City, the sanitary sewer lift station in Grande Pointe has been oversized. Oregon DEQ Standards provide that the minimum flow for a sanitary lift station is 135 GPM when using a 4-inch force main to provide the minimum 3.5 fps velocity. As such, only that portion of the capacity over the minimum 135 GPM is subject to sanitary sewer SDC credit. The lift station design is for 146.48 GPM to provide service for the homes in GPV and up to 83 residential units located in the area shown in Exhibit 6. GPV will be responsible for design and construction of all components of the sanitary lift station. The Parties estimate the costs to construct the sanitary lift station, including electrical but excluding the building shell, is \$307,230. The extra capacity of 11.48 GPM over the minimum Oregon DEQ rate is subject to sanitary SDC credits. The Parties estimate that the costs of construction of the sanitary sewer lift station components at \$307,230 (see Exhibit 7), together with soft costs estimated at 24% of the construction cost, or \$73,735, totals \$380,965. The lift station building is excluded from SDC credits. The City's portion of these lift station costs is estimated at \$29,857 (inclusive of soft costs), and GPV's portion is estimated to be \$351,108.40.

4. **Parks and Open Spaces.**

There are no Villebois Master Plan parks planned for this site. However, there are certain neighborhood parks, woodland trails, and landscaped areas GPV has proposed for its site development plan. To the extent approved, GPV shall be responsible for their design, construction,

and maintenance, at its cost. Since there is no Park SDC credit, the City Park SDC shall be paid by GPV at the time of building permit, in the normal course in this regard, including any applicable CPI annual adjustment.

5. **Master Plan Fee.**

The initial Villebois Development Agreement provides that the developer will pay a master planning fee of \$900 per lot, with \$690 of that fee being paid to the master planner, Costa Pacific Communities, and \$210 of that fee being paid to the City, subject to an annual increase per the Seattle Engineering Record's published construction cost index. GPV is subject to paying the master planner's fee, which is currently, for fiscal year 2015-16, a total of \$1,152, with \$883 to Costa Pacific Communities and \$269 to the City. The total current estimate for 100 lots is \$115,200.

6. **SDC Credit and Reimbursement Calculations**

6.1 Included Costs. The standards for calculating the costs of constructing infrastructure, including both soft and hard construction costs, are standards known to the City and GPV and have been used for the calculations herein, against which SDC credits are calculated or reimbursement provided. Soft costs incurred in connection with the improvements described in this Development Agreement are included in SDC credits. GPV shall be treated equitably and consistently with the other developers receiving SDC credits in Villebois, and such soft costs for the purposes of SDC credits shall be calculated as a percentage of construction costs as follows: Design, Engineering, and Surveying, 10%; City Permit Fee, 7%; Geotechnical Inspection, 2%; and Construction Management, 5%; for a total of 24% of construction costs.

The Villebois Development Agreement addresses the respective SDC and SDC credit calculations and is to be followed, except as may otherwise be specifically set forth in this Development Agreement. All SDC credits shall be credited to GPV before GPV must pay any SDC for the Grande Pointe project lots unless GPV elects to pay the full SDC cost per lot and receive the credits as a reimbursement. Upon completing an infrastructure project and becoming entitled to the applicable SDC credits as provided in this Development Agreement, GPV may apply, in whole or in part, such applicable SDC credits against the SDC otherwise owed, until such credits may become exhausted, before GPV is obligated to pay any remaining applicable SDC that may be owed.

6.2 SDC Reimbursements. For the additional work in constructing the western portion of Grahams Ferry Road, as described in Section 2 above, over and beyond City development requirements for the Grande Pointe project, and the extra capacity provided by the sanitary sewer lift station, as described in Section 3 above, the City hereby agrees to reimburse GPV for its costs incurred. Reimbursement costs subject to the Excluded Costs, Final Estimates, and True Up are outlined in the following subsections 6.3 and 6.4.

6.3 Excluded Costs. The Parties to this Development Agreement agree that the various infrastructure costs and SDC credit calculations shall not include the cost of any property or any easement, right of entry, or license for any property necessary to be dedicated, or otherwise transferred by any of the respective Parties to this Development Agreement, to the City for the

infrastructure improvements, including parks, provided for in this Development Agreement and which shall be provided to the City without cost to the City. GPV will not be required to pay for any rights of entry, easements, or dedications from other property owners.

6.4 Final Estimates and True Up. In order to secure a public works permit for the infrastructure provided for herein, plans for the construction of the infrastructure, including parks, must be provided to and approved by the City. In constructing the infrastructure, the approved plans must be followed and, to ensure the cost for providing the infrastructure is reasonable, and thus any credit entitlement is reasonable, GPV shall provide the construction contract costs for Grande Pointe to the City as the final estimate for the City's review and approval, which approval shall not be unreasonably withheld. The final cost, SDC credits, and reimbursements shall be based on actual costs true-up from the construction contract costs; provided, however, that for any such true-up change cost, the Parties must mutually agree they are reasonable.

Final construction contract costs, inclusive of all true-up for contract changes, shall be presented to the reimbursing party within 90 days of acceptance of the improvement by the City. The reimbursing party shall pay the reimbursement within 30 days of receiving the final construction costs request for reimbursement, provided there is mutual agreement on any true-up charges. If there is a disagreement on any or all of the true-up charges, that true-up sum(s) may be withheld until such time as any such disagreement is resolved, with that sum(s) being paid within 7 days of resolution.

6.5 SDC Credits from Existing Development. The City has records indicating the previous existing facility at this site (the Living Enrichment Center) had paid the City certain SDC fees, as follows, which are creditable to the new development. For these SDC Credits, the Building department will spread the credits evenly across the 100 building permits within the Grande Pointe subdivision.

6.5.1 Street SDC Credits. A street SDC of \$28,620.00 was paid for 27 full-time equivalent employees (FTE) under 1994 permit #94145. Based on the memo by Kittleson & Associates, Inc., dated October 23, 2014, a Street SDC Credit for 16 SF homes is applicable. Currently, for fiscal year 2015-16, the Street SDC is \$7,566.00 per single family detached home, or a total credit of **\$121,056.00**, or \$1,210.56 per building permit.

6.5.2 Storm SDC Credits. A Storm SDC of \$5,227.00 was paid for 13,675 SF of impervious surfaces under 1993 permit #93038. Currently, for fiscal year 2015-16, the Storm SDC is \$1,601.00 per Equivalent Dwelling Unit (2,750 SF/EDU), or a total credit of **\$7,961.00**, or \$79.61 per building permit.

6.5.3 Sanitary Sewer SDC Credits. A Sanitary Sewer SDC of \$49,792.00 was paid for 64 EDU's under 1994 permit #94021. Currently, for fiscal year 2015-16, the Sanitary Sewer SDC is \$4,768.00 per EDU, or a total credit of **\$305,152.00**, or \$3,051.52 per building permit.

6.6 Insurance and Bonds. Prior to commencement of construction of the infrastructure set forth in this Development Agreement, GPV must provide to the City performance and payment

bonds, satisfactory to the City, to provide for the respective infrastructure set forth in this Development Agreement. GPV shall cause the City to be named as an additional insured on the applicable contractor's insurance policy for the construction of the respective infrastructure provided for in this Development Agreement, in amounts and coverage satisfactory to the City.

7. Model Homes and Infrastructure.

GPV is planning on constructing several model homes to be located north of Athens Lane, between Sicily Street and Belvedere Way. With the model homes, GPV has proposed a temporary perimeter fence (partially in the City right-of-way) and only partial construction of the public sidewalk on the north side of Athens Lane and along Belvedere Way. Upon terminating the use of the model homes, GPV agrees to remove the perimeter fence from the City right-of-way and complete construction of the public sidewalk per the approved construction plans.

8. Recitals Incorporated.

The recitals set forth above, inclusive of exhibits, are incorporated by reference as general terms of this Agreement to provide for the intent of the Parties in developing and constructing the specific provisions of the Terms and Conditions of this Development Agreement.

9. Miscellaneous.

This Development Agreement amends the Villebois Development Agreement as specifically set forth herein. Except as set forth in this Development Agreement, the Villebois Development Agreement, as previously amended, remains in full force and effect as to the Parties to the Villebois Development Agreement.

10. Assignment.

GPV shall have the right to assign, without release, this Development Agreement to an affiliate of GPV, including Polygon at Villebois, L.L.C. An affiliate of GPV is defined as any entity that is managed or controlled by the same people who manage GPV.

11. SDC Adjustments.

All references to SDCs in this Development Agreement are references to system development charges established for the 2015-2016 fiscal year. Those charges are subject to adjustment on an annual basis proportionate to the changes in the Seattle Engineering Record's published construction cost index.

12. Notices.

All notices, demands, consents, approvals, and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, hand delivered, or sent by overnight courier or United States Mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands,

consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail, or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machine, such notice shall be deemed given at the time and on the date of machine transmittal.

To City: City of Wilsonville
Attn: Michael E. Kohlhoff, City Attorney
29799 SW Town Center Loop East
Wilsonville, OR 97070

To GPV: Polygon Northwest Company, L.L.C.
Attn: Fred Gast
109 E. 13th Street
Vancouver, WA 98660

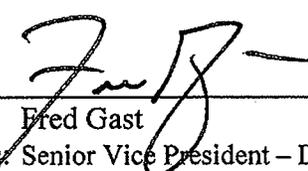
with a copy to: Radler White Parks & Alexander LLP
Attn: Barbara Radler
111 SW Columbia Street, Suite 1100
Portland, OR 97201

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first written above.

GRANDE POINTE AT VILLEBOIS, L.L.C.

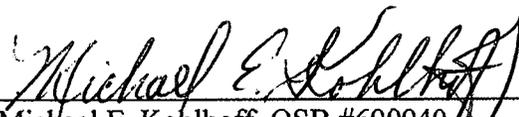
CITY OF WILSONVILLE

By: Polygon WLH LLC,
a Delaware limited liability company
Its: Sole Member

By: 
Fred Gast
As Its: Senior Vice President – Division President

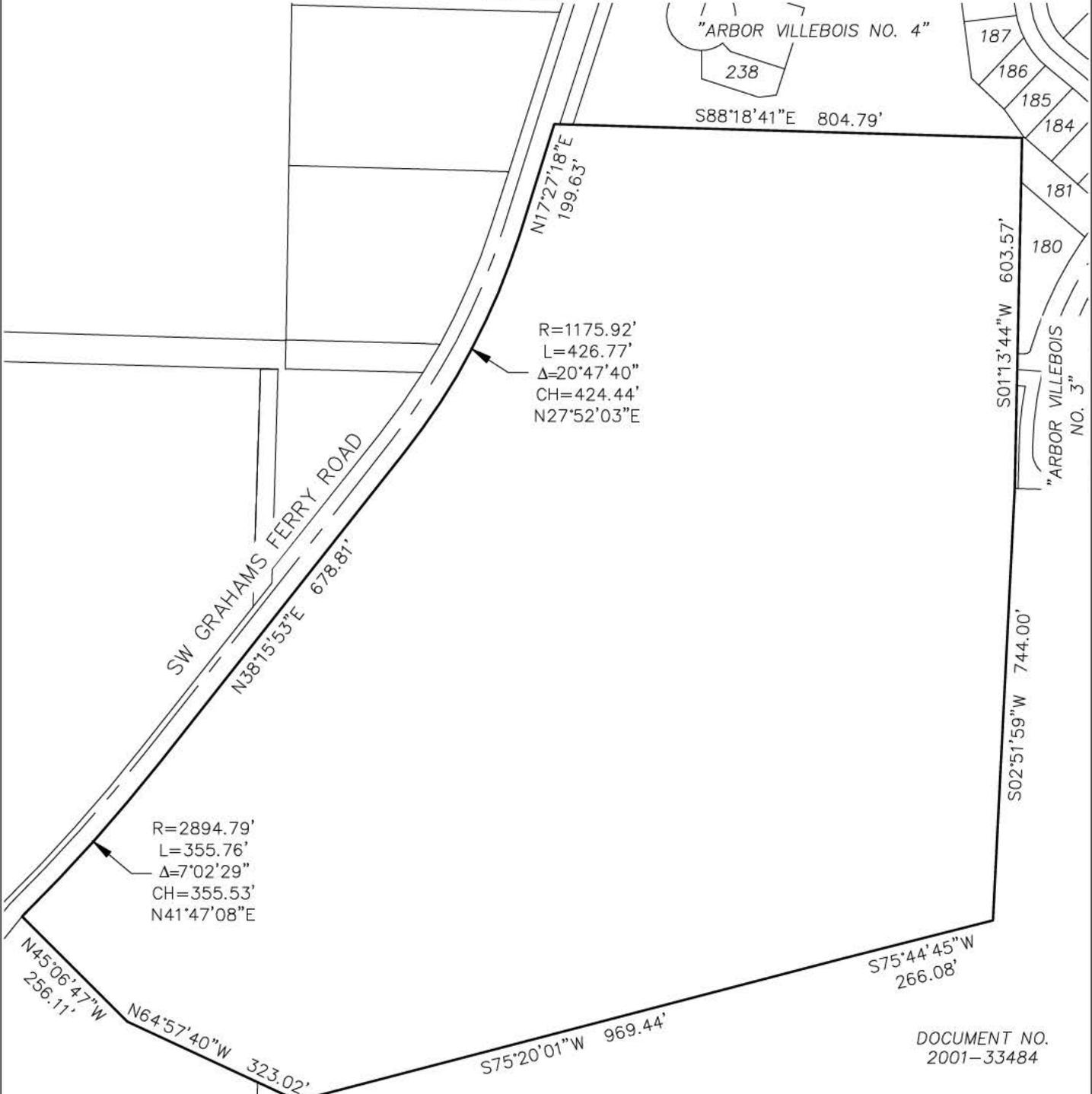
By: 
Bryan Cosgrove
As Its: City Manager

APPROVED AS TO FORM:


Michael E. Kohlhoff, OSB #690940
City Attorney for the City of Wilsonville

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EXHIBIT 1



DOCUMENT NO.
2001-33484

DOCUMENT NO.
2008-052882



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DRAWN BY: CLL DATE: 7/8/14
 REVIEWED BY: TCJ DATE: 7/8/14
 PROJECT NO.: 395-021
 SCALE: 1"=250'
PAGE 3 OF 3



12564 SW Main St
 Tigard, OR 97223
 [T] 503-941-9484
 [F] 503-941-9485



POLYGON NW COMPANY



OTTEN LANDSCAPE ARCHITECTS, INC.
GEODESIGN, INC.

PDP 7S
VILLEBOIS

Preliminary
Development Plan

Exhibit 2

Site / Land
Use Plan

DATE 11/13/2015



SCALE
0 50 100
1 INCH = 100 FEET

LEGEND:

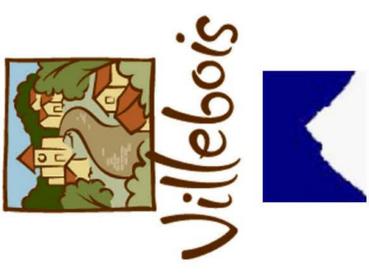
STD	STANDARD LOTS
M	MEDIUM LOTS
LG	LARGE LOTS
OS	OPEN SPACE
PP	POCKET PARK
L/G	LINEAR GREEN
LT	LANDSCAPE TRACT
WQ	WATER QUALITY/DETENTION

LOT COUNT:

25	STANDARD LOTS	
40	MEDIUM LOTS	
35	LARGE LOTS	
100	TOTAL	

LAND AREA TABLE:

TOTAL AREA:	42.8 AC
PUBLIC STREETS:	6.8 AC
OPEN SPACE / PARK AREAS:	24.1 AC
LOTS & ALLEYS:	11.6 AC
WATER QUALITY TRACT:	0.3 AC
AVG. DENSITY PER NET ACRE:	8.6 UNITS / AC
100/ 11.58 =	



POLYGON NW COMPANY



GEODESIGN, INC

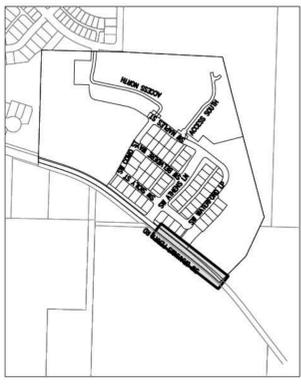
REVISIONS	DATE	DESCRIPTION

Grande Pointe at Villebois

Villebois 7S
Phase I
Construction Documents

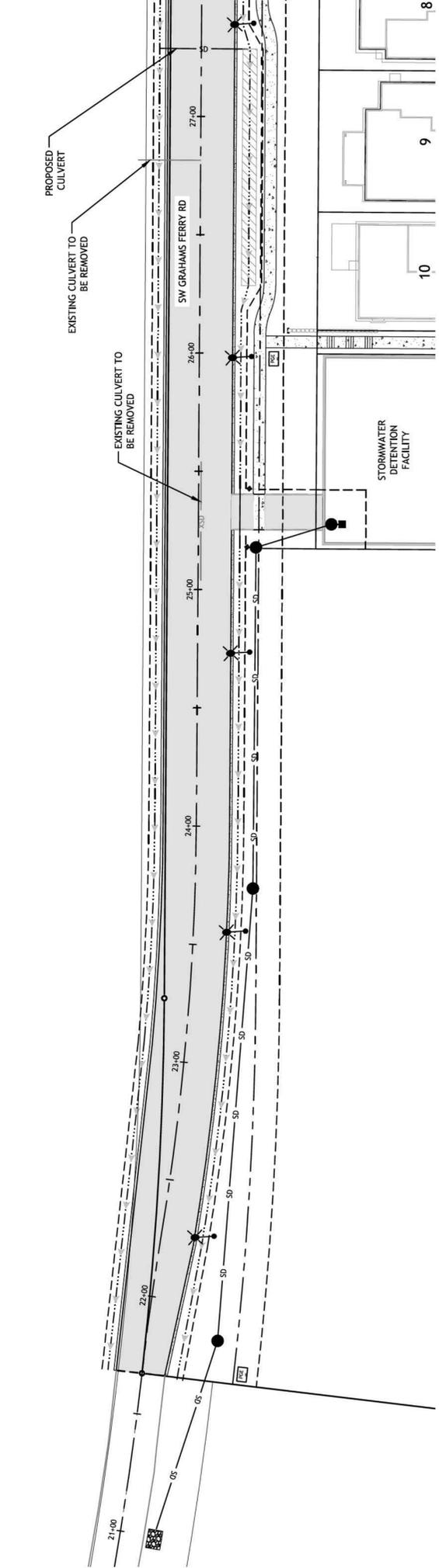
**SW GRAHAM'S FERRY RD
FERRY RD
IMPROVEMENTS
SOUTH
SECTION**

DATE: 9/23/2015



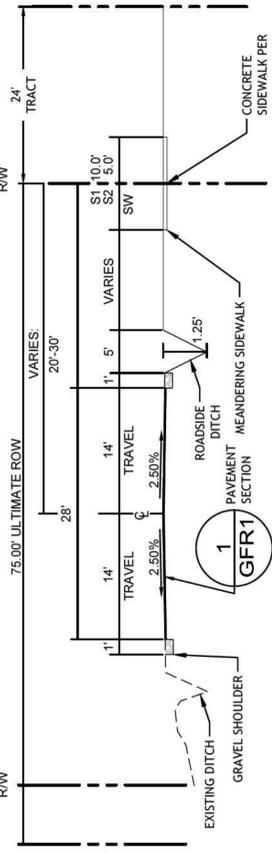
KEY MAP

MATCH LINE
SEE SHEET GFR2

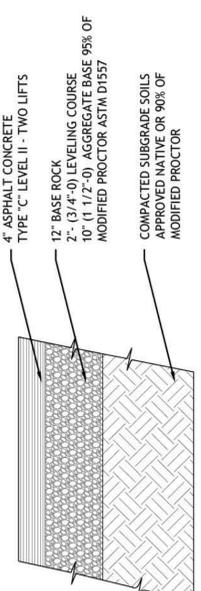


SW GRAHAM'S FERRY RD - PLAN

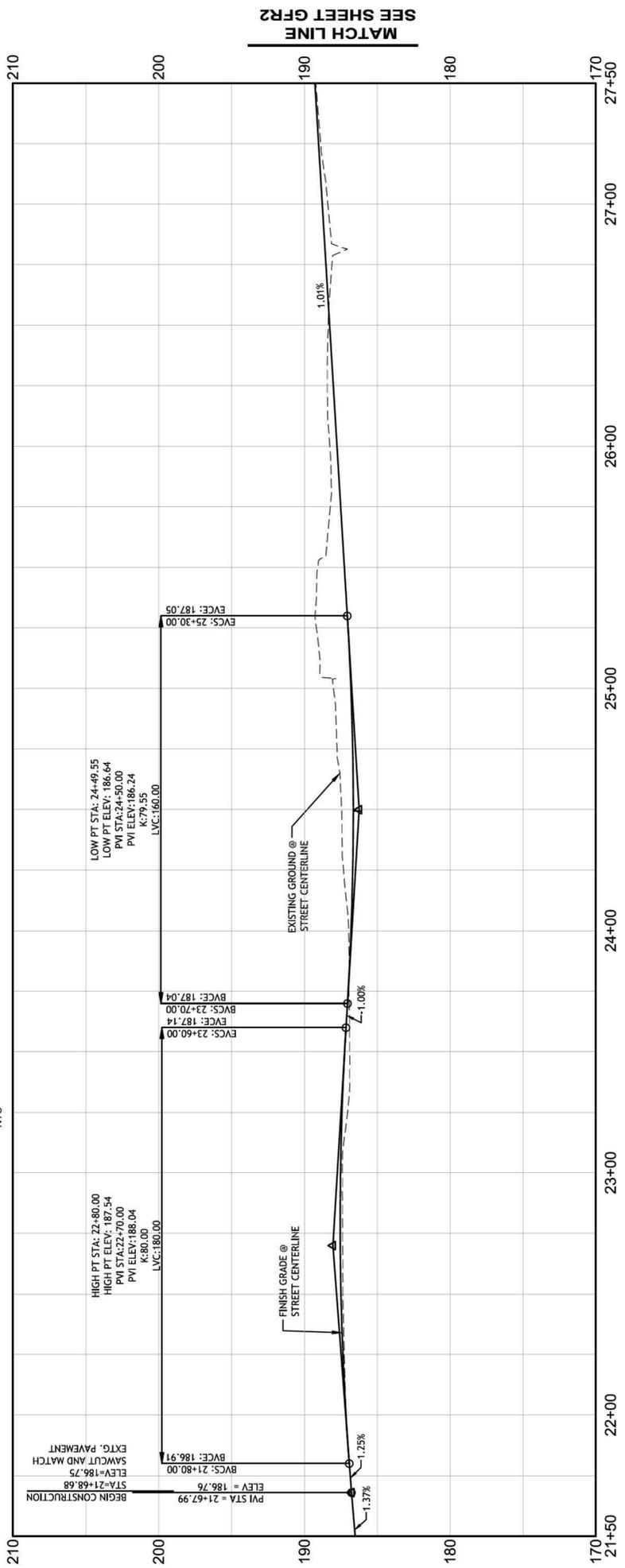
SCALE: 1" = 30'



MINOR ARTERIAL SW GRAHAM'S FERRY ROAD
NTS



1 TYPICAL A.C. PAVEMENT STRUCTURAL SECTION
NTS



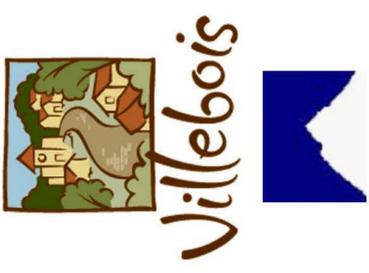
SW GRAHAM'S FERRY RD - PROFILE

HORIZONTAL SCALE: 1" = 30' VERTICAL SCALE: 1" = 5'



ELEVATION DATUM: NAVD 88

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POLYGON NW COMPANY



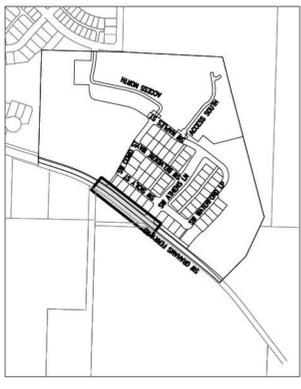
GEODESIGN, INC

REVISIONS	DESCRIPTION
DATE	

Grande Pointe at Villebois
 Villebois 7S
 Phase I
 Construction Documents

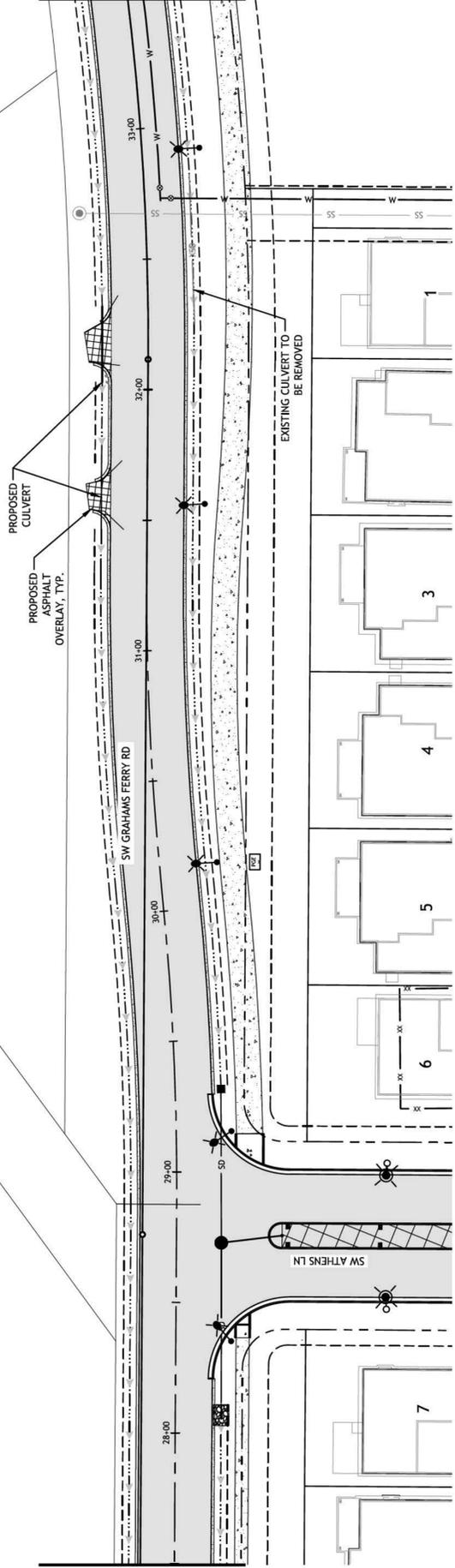
**SW GRAHAMS FERRY RD
 IMPROVEMENTS
 MIDDLE
 SECTION**

DATE: 9/23/2015



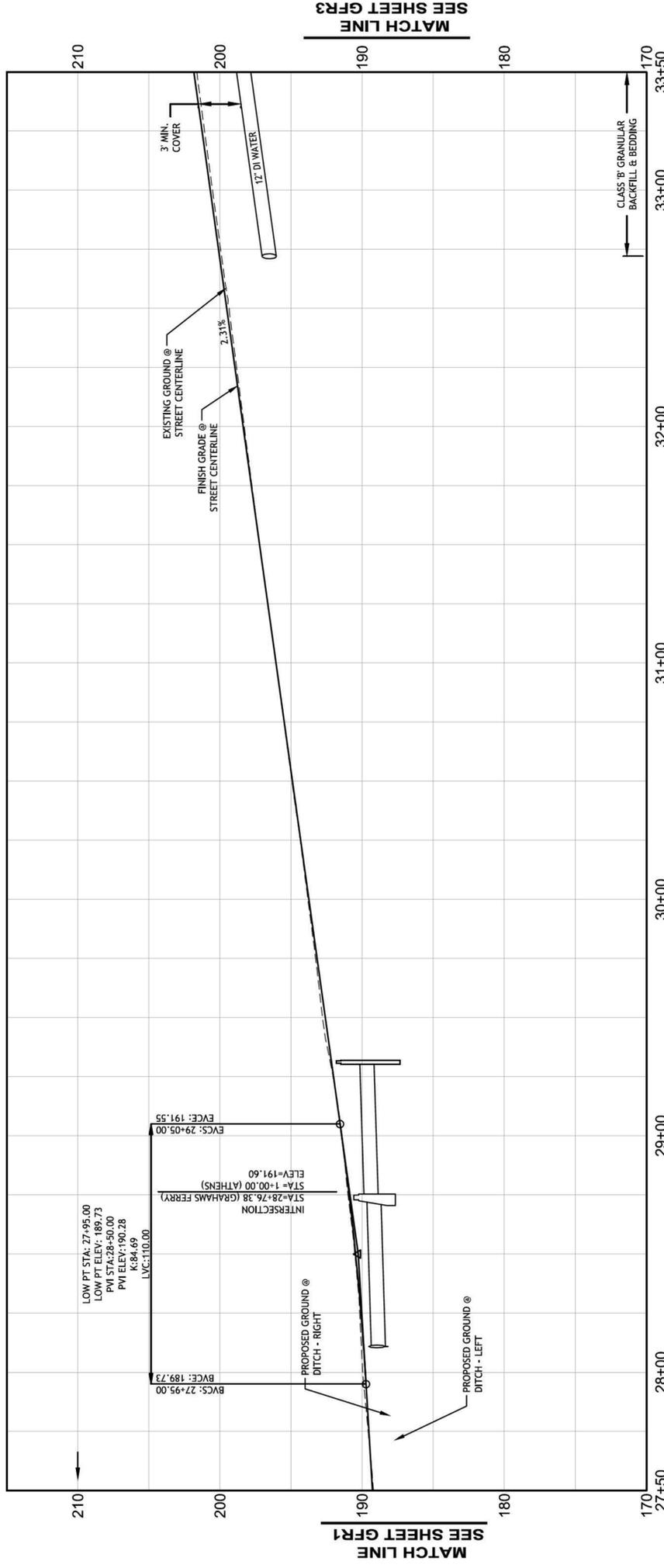
KEY MAP

MATCH LINE
 SEE SHEET GFR1



SW GRAHAMS FERRY RD - PLAN

SCALE: 1" = 30'



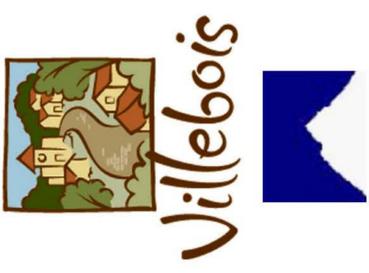
SW GRAHAMS FERRY RD - PROFILE

HORIZONTAL SCALE: 1" = 30' VERTICAL SCALE: 1" = 5'

ELEVATION DATUM: NAVD 88



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POLYGON NW COMPANY



GEODESIGN, INC

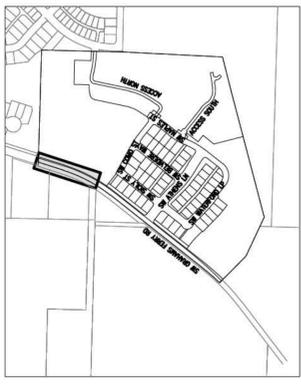
REVISIONS	DESCRIPTION

Grande Pointe at Villebois
 Villebois 7S
 Phase I
 Construction Documents

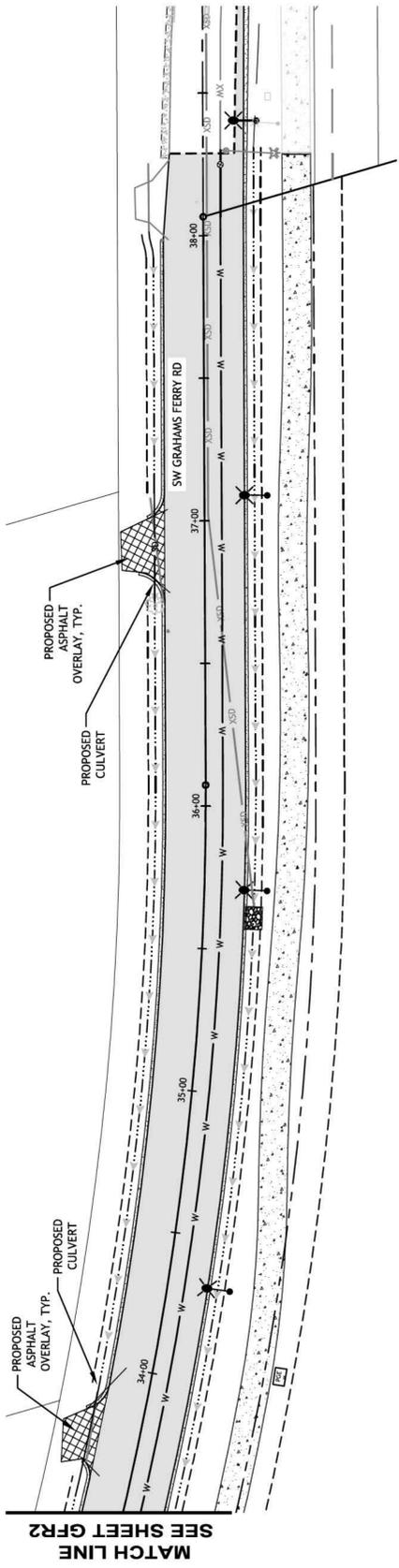
SW GRAHAMS FERRY RD IMPROVEMENTS NORTH SECTION

DATE 9/23/2015

GFR3

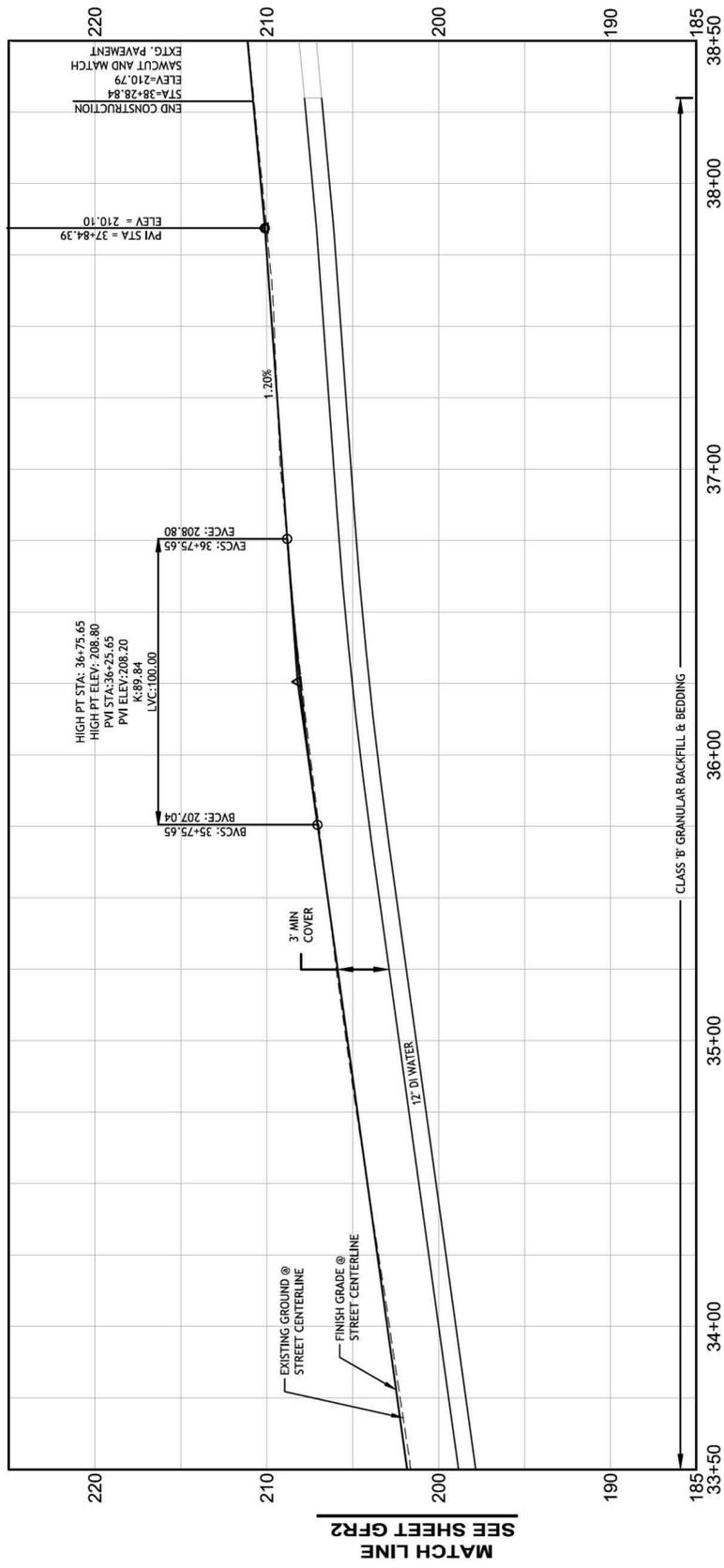


KEY MAP



SW GRAHAMS FERRY RD - PLAN

SCALE: 1" = 30'



SW GRAHAMS FERRY RD - PROFILE

HORIZONTAL SCALE: 1" = 30' VERTICAL SCALE: 1" = 5'

ELEVATION DATUM: NAVD 88

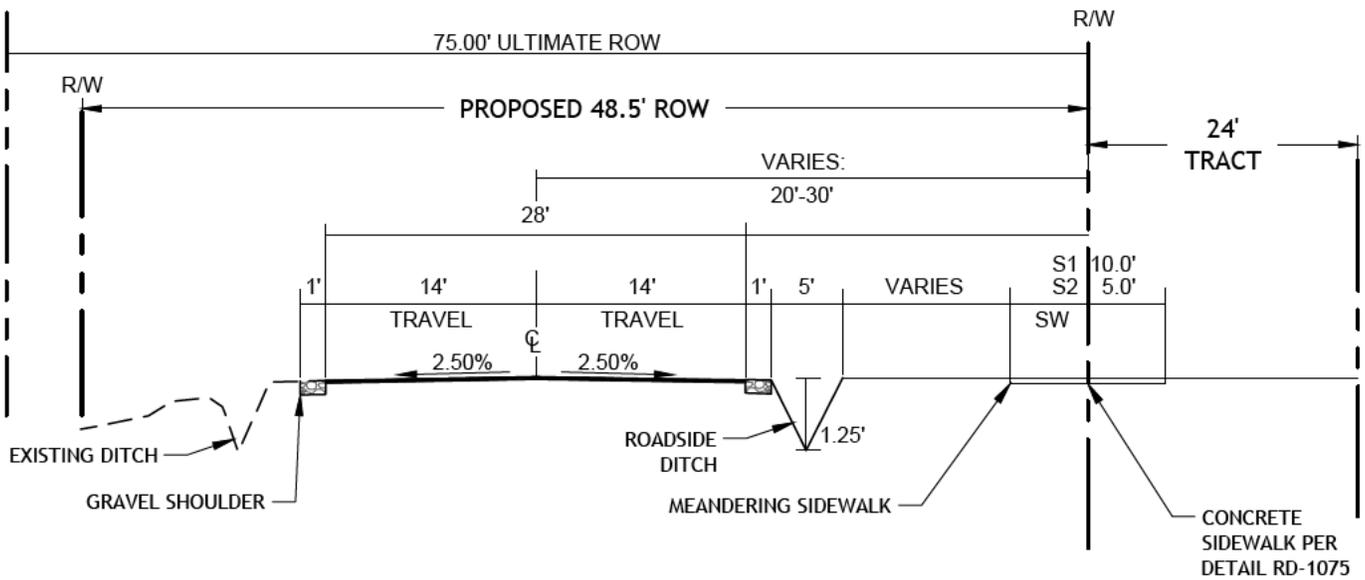


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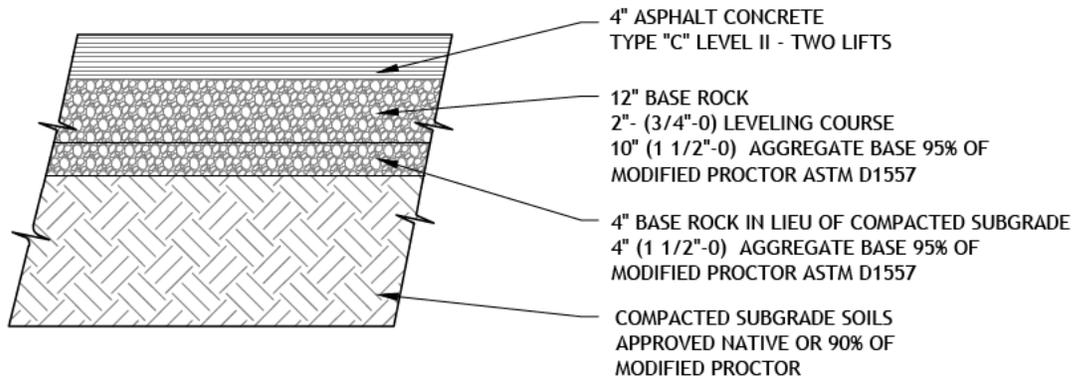
Villebois Grande Pointe - Grahams Ferry Road Construction Costs	Prepared by NORTHWEST EARTHMOVERS INC. 2/17/2015 Modified by S. Adams, City of Wilsonville, 9/28/2015
--	--

SDC Reimbursable Costs	UNIT	QTY	BID	TOTAL COSTS	CITY SHARE	EXPLANATION
1 Traffic Control	LS	1	\$ 17,790.00	\$ 17,790.00	\$ 1,597.37	pro rata share of city costs
2 Remove Existing Grahams Ferry Road	SY	1955	\$ 4.70	\$ 9,188.50	--	
3 Excavation, Cut to Fill	CY	3618	\$ 16.90	\$ 61,144.20	\$ 10,166.74	4/28 of 5087 SY, plus
4 Remove and Replace Existing 12" RCP Culvert	LF	35	\$ 70.80	\$ 2,478.00	\$ 531.00	1/2 of 357 SY.
5 Water Quality Swales	SF	600	\$ 3.00	\$ 1,800.00	--	7.5 feet City
6 Grade Roadside Ditches	LF	1860	\$ 4.10	\$ 7,626.00	\$ 3,813.00	one half
7 Connect to Existing 12" Water Line	EA	1	\$ 642.00	\$ 642.00	--	
8 Fully Restrained Ductile Iron Water Main with Granular Backfill	LF	974	\$ 96.20	\$ 93,698.80	--	
9 12" MJ x FLG Butterfly Valves	EA	3	\$ 1,883.00	\$ 5,649.00	--	
10 12" x 8" FLG Tee Assembly	EA	1	\$ 983.00	\$ 983.00	--	
11 Temporary Asphalt Patching	SF	3896	\$ 1.30	\$ 5,064.80	--	
12 16" Depth Aggregate Base, Grahams Ferry Road	SY	5444	\$ 15.40	\$ 83,837.60	\$ 7,485.50	28 ft width for base rock; City: 10" of western 4-ft; + SDC Credit
13 Geotextile Subgrade Fabric	SY	5444	\$ 0.70	\$ 3,810.80	\$ 633.64	
14 2" Depth Aggregate Leveling Course, Grahams Ferry Road	SY	5087	\$ 2.80	\$ 14,243.60	\$ 2,034.80	4/28 of total
15 4" Depth Asphalt Pavement, 2 Lifts, Grahams Ferry Road	SY	5087	\$ 16.80	\$ 85,461.60	\$ 12,208.80	4/28 of total
16 Gravel Shoulders, Grahams Ferry Road	SY	357	\$ 6.60	\$ 2,356.20	\$ 1,178.10	one half
17 Grahams Ferry Road Concrete Walks	SF	11250	\$ 4.50	\$ 50,625.00	--	SDC credit
18 Striping	LS	1	\$ 11,970.00	\$ 11,970.00	\$ 1,710.00	4/28 of total
19 Joint Utility Trench W/Native Backfill	LF	1615	\$ 4.30	\$ 6,944.50	--	
20 Joint Utility Trench W/Granular Backfill	LF	100	\$ 21.10	\$ 2,110.00	--	
21 Crossings	EA	4	\$ 1,645.00	\$ 6,580.00	\$ 6,580.00	City 100%
22 612 PGE Switch Vault	EA	2	\$ 8,690.00	\$ 17,380.00	--	
23 660 PGE Switch Vault	EA	1	\$ 3,721.00	\$ 3,721.00	--	
24 644 PGE Vault	EA	3	\$ 2,352.00	\$ 7,056.00	--	
25 6" SCH 40 Conduit-PGE	LF	3400	\$ 5.90	\$ 20,060.00	--	
26 6" Fiberglass Bends - PGE	EA	4	\$ 182.00	\$ 728.00	--	
27 4" SCH 40 Conduit -PGE	LF	1700	\$ 3.60	\$ 6,120.00	--	
28 4" Fiberglass Bends-PGE	EA	2	\$ 102.00	\$ 204.00	--	
29 2" SCH 40 Conduit - PGE	LF	750	\$ 2.20	\$ 1,650.00	--	
30 2" Fiberglass Bends - PGE	EA	8	\$ 85.00	\$ 680.00	--	
31 Transformer Pad	EA	2	\$ 253.00	\$ 506.00	--	
32 4" SCH 40 Conduit - Phone	LF	3400	\$ 3.60	\$ 12,240.00	--	
33 4" PVC Bends-Phone	EA	12	\$ 42.90	\$ 514.80	--	
34 Provide and Install Phone Vaults	EA	6	\$ 2,127.00	\$ 12,762.00	--	
35 Black Aluminum Cobra Street Lights (Allowance, waiting on firm pricing)	EA	13	\$ 2,327.00	\$ 30,251.00	\$ 4,321.57	4/28 of total
36 2" SCH 40 Conduit - Street Lights	LF	1665	\$ 1.80	\$ 2,997.00	\$ 428.14	4/28 of total
37 2" PVC Bends - Street Lights	EA	46	\$ 30.60	\$ 1,407.60	\$ 201.09	4/28 of total
38 Street Light Junction Box 1324	EA	2	\$ 342.00	\$ 684.00	\$ 97.71	4/28 of total
39 Street Light Junction Box 1730	EA	11	\$ 437.00	\$ 4,807.00	\$ 686.71	4/28 of total
TOTAL OFFSITE CONSTRUCTION COSTS, w/out mob				\$ 579,982	\$ 52,077	
TOTAL OFFSITE CONSTRUCTION COSTS, including mob				\$ 597,772	\$ 53,674	
Soft costs 24%				\$ 143,465	\$ 12,882	
TOTAL SDC REIMBURSABLE:				\$ 741,237	\$ 66,556	

SDC Creditable Costs						
1 Traffic Control	LS	1	\$ 17,790.00		\$ 880.02	pro rata share of city costs
12 2" extra depth Aggregate Base, GFR	SY	5444	\$ 15.40		\$ 8,982.60	2" of eastern 24 feet one half of 10-ft section; total length ± 915 ft.
17 TOTAL Sidewalks, SDC creditable	SF	4575	\$ 4.50		\$ 20,587.50	
TOTAL SDC CREDITABLE CONSTRUCTION COSTS, including mob					\$ 30,450	
Soft costs 24%					\$ 7,308	
TOTAL SDC CREDITS:					\$ 37,758	
TOTAL SDC REIMBURSABLE AND CREDITS:				\$	104,314	



MINOR ARTERIAL SW GRAHAMS FERRY ROAD
NTS



STRUCTURAL SECTION
NTS

EXHIBIT 5 - GRAHAMS FERRY ROAD SECTION

DRAWN BY: PRE DATE: 11/13/2015
 REVIEWED BY: - DATE: -
 PROJECT NO.: 395-021
 SCALE: N.T.S.
EXHIBIT 4



12564 SW Main St
 Tigard, OR 97223
 [T] 503-941-9484
 [F] 503-941-9485



POLYCON NW COMPANY



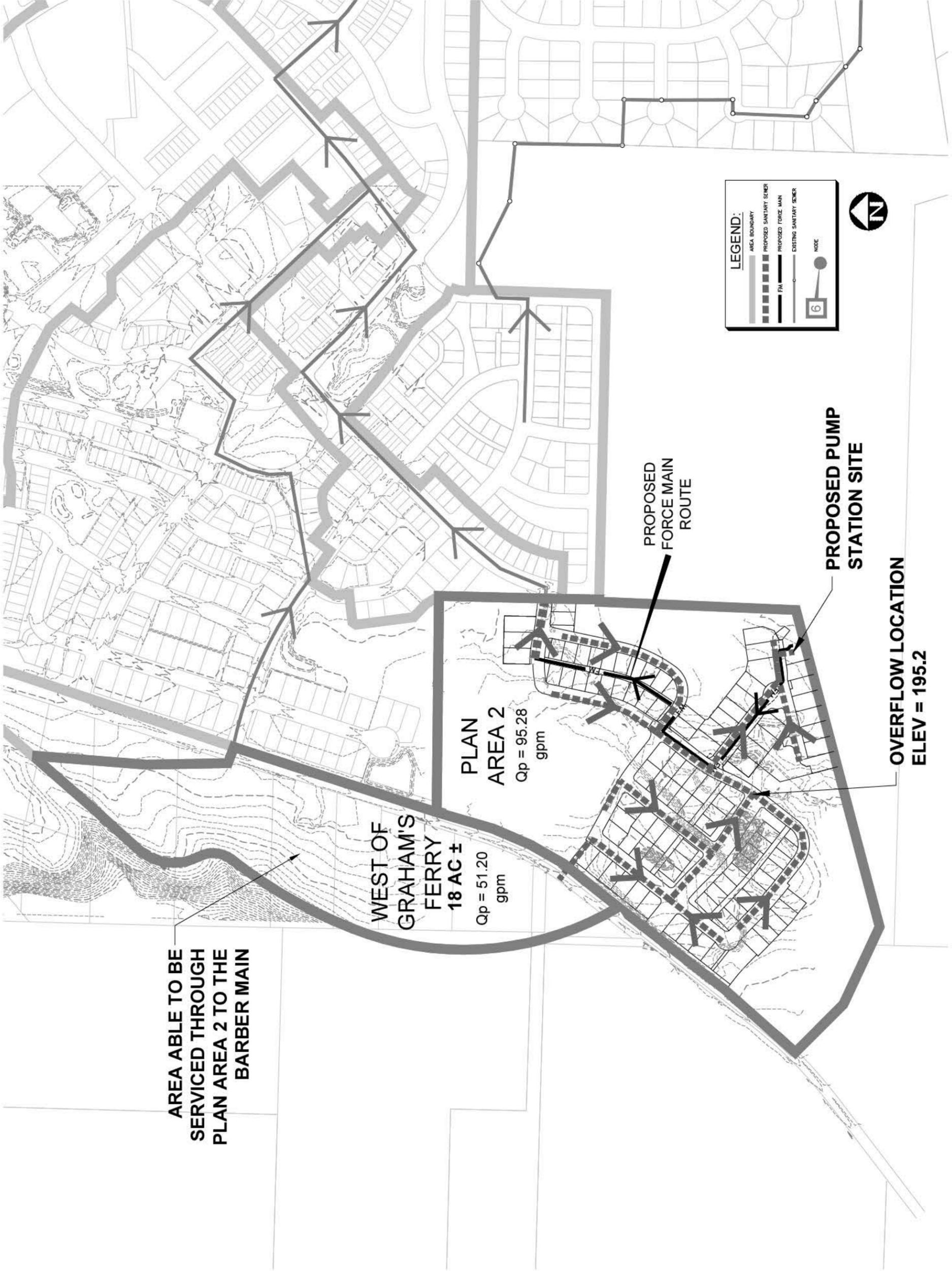
Villebois
SAP South
Plan Area 2

Sanitary Sewer
Master Plan
Plan Area 2

DATE

7/2/15

B





Job Name: Grande Pointe at Villebois
 Job Number: 395-021

Prepared By: Olson Engineering/R&W Engineering
 Reviewed By: Jaki Hunt
 Date: October 21, 2015

Engineer's Cost Estimate (Grande Pointe at Villebois - Pump Station)

Schedule A - Infrastructure Construction Costs

	Item	Unit Price	Unit	Quantity	Cost
	Olson Engineering Inc				
	Sanitary Sewer Pump Station (see attached cost estimate breakdown)	\$175,530.00	LS	1	\$175,530
	R&W Engineering				
	Pump Station Electrical (see attached cost estimate breakdown)	\$131,700.00	LS	1	\$131,700
	TOTAL PROJECT COST				\$307,230
				Permit Review Fee (2%)	\$6,145
				City Permit Fee (5%)	\$15,362
				Performance Bond (150%)	\$460,845

Fee Estimate Exclusions

- 1 Connection fees, building permit, and other building permit fees.
- 2 Landscaping & fencing
- 3 Contingency - we recommend a minimum of 10% contingency on construction and design costs
- 4 School Construction Excise Tax
- 5 Metro Construction Excise Tax

OLSON ENGINEERING INC.

222 E. EVERGREEN BLVD., VANCOUVER, WA 98660 (360) 695-1385 (503) 289-9936

Grande Pointe - Sanitary Sewer Pump Station - Cost Estimate

Item #	Description	Unit Of Measure	Quantity	Unit Price	Total Price
GENERAL CONDITIONS					
1	Mobilization	LS	1	\$ 8,500.00	\$ 8,500.00
				Total	\$ 8,500.00
PUMP STATION					
2	Excavate For Valve Vault (Haul Off)	LS	1	\$ 500.00	\$ 500.00
3	Wet Well (8' Dia. X 27.4') Coating	EA	1	\$ 13,000.00	\$ 13,000.00
4	Supply & Install Valve Vault (810)	EA	1	\$ 17,500.00	\$ 17,500.00
5	Supply & Install Pumps	LS	1	\$ 27,500.00	\$ 27,500.00
6	Supply & Install Piping (Wet Well & Valve Vault)	LS	1	\$ 18,750.00	\$ 18,750.00
7	Supply & Install Disconnect Panel	EA	1	\$ 10,500.00	\$ 10,500.00
8	Supply & Install Control Panel	EA	1	\$ 17,000.00	\$ 17,000.00
9	Electrical (Connect All Components)	LS	1	\$ 38,500.00	\$ 38,500.00
10	Supply & Install 2" Air Release Valve / Vault w/ Piping	EA	1	\$ 2,750.00	\$ 2,750.00
11	Supply & Install 6" PVC Sch. 40 D2241 For Odor Control Ducting	LF	30	\$ 35.00	\$ 1,050.00
12	Supply & Install Pureair DS-300 Drum Scrubber	EA	1	\$ 12,000.00	\$ 12,000.00
13	Supply & Install 12" Cable Trench w/ Removable Cover (Oldcastle Plastibeton 128)	LF	26	\$ 230.00	\$ 5,980.00
14	De - Watering	LS	1	\$ 2,000.00	\$ 2,000.00
				Total	\$ 167,030.00

Total Construction Cost **\$ 175,530**

Note: This estimate is based on the Preliminary Wastewater Pump Station Design Report by Olson Engineering dated March 3, 2015. Quantities and costs reported are for fee determination only and are subject to change during final engineering design.



EXPIRES: 12/31/16
9/04/15

ENGINEER'S CONSTRUCTION COST OPINION								
TITLE: Grande Pointe PS			PROJECT NUMBER: 790.002.001			SHEET 1 OF 1		
PREPARED BY: R&W ENGINEERING INC			DIVISION: Electrical		LABOR O&P: 45%			
DATE: 8/26/2015			HOURLY LABOR RATE: \$58.62		MAT'L MARKUP: 10%			
			LABOR MULTIPLIER: 1.150		MAT'L MULTIPLIER		1.150	
ITEM NO.	DESCRIPTION	QTY	UNITS	UNIT MATERIAL COST	UNIT LABOR HOURS	TOTAL LABOR COST	TOTAL MATERIAL COST	TOTAL COST
1	Utility Transformer	1	LS	\$7,500.00	8	\$782.00	\$9,487.50	\$10,269.50
2	Meter Base	1	EA	\$300.00	8	\$782.00	\$379.50	\$1,161.50
3	Main Circuit Breaker	1	LS	\$1,500.00	4	\$391.00	\$1,897.50	\$2,288.50
4	ATS	1	LS	\$910.00	4	\$391.00	\$1,151.15	\$1,542.15
5	Generator	1	EA	\$16,200.00	8	\$782.00	\$20,493.00	\$21,275.00
6	Pump Terminal Box Stand	1	EA	\$3,000.00	8	\$782.00	\$3,795.00	\$4,577.00
7	Pump Terminal Box	1	LS	\$3,500.00	16	\$1,564.00	\$4,427.50	\$5,991.50
8	Pump Control Enclosure	1	EA	\$1,030.00	40	\$3,910.00	\$1,302.95	\$5,212.95
9	PDB Enclosure	1	EA	\$250.00	4	\$391.00	\$316.25	\$707.25
10	Load Center	1	EA	\$325.00	8	\$782.00	\$411.13	\$1,193.13
11	Pump Disconnect (Plug/Receptacle)	2	EA	\$150.00	8	\$1,564.00	\$379.50	\$1,943.50
12	SPD	1	EA	\$900.00	4	\$391.00	\$1,138.50	\$1,529.50
13	PMR	1	EA	\$500.00	4	\$391.00	\$632.50	\$1,023.50
14	Motor Circuit Protector	2	EA	\$1,200.00	4	\$782.00	\$3,036.00	\$3,818.00
15	Contactors	2	EA	\$2,900.00	8	\$1,564.00	\$7,337.00	\$8,901.00
16	ISR's	5	EA	\$300.00	4	\$1,955.00	\$1,897.50	\$3,852.50
17	Level transducer	1	EA	\$400.00	8	\$782.00	\$506.00	\$1,288.00
18	Relay control	1	LS	\$2,500.00	12	\$1,173.00	\$3,162.50	\$4,335.50
19	Float switches	4	EA	\$150.00	4	\$1,564.00	\$759.00	\$2,323.00
20	Misc. circuit breakers	1	LS	\$1,500.00	8	\$782.00	\$1,897.50	\$2,679.50
21	PLC control	1	LS	\$4,500.00	16	\$1,564.00	\$5,692.50	\$7,256.50
22	UPS	1	LS	\$130.00	2	\$195.50	\$164.45	\$359.95
23	Telemetry Accessories	1	LS	\$800.00	16	\$1,564.00	\$1,012.00	\$2,576.00
24	Conduit	1	LS	\$7,000.00	24	\$2,346.00	\$8,855.00	\$11,201.00
25	Wire	1	LS	\$10,000.00	24	\$2,346.00	\$12,650.00	\$14,996.00
26	Lighting	1	LS	\$5,600.00	24	\$2,346.00	\$7,084.00	\$9,430.00
27								
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TOTAL MATERIAL COST				\$99,865.43				
TOTAL LABOR HOURS				326.00				
TOTAL LABOR COST				\$31,866.50	TOTAL THIS SHEET		\$131,700.00	

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A special meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Thursday, January 21, 2016. Mayor Knapp called the meeting to order at 7:15p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Councilor Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Sandra King, City Recorder
Holly Miller, IT Manager
Mark Ottenad, Government Affairs Director
Nancy Kraushaar, Community Development Director
Mike Kohlhoff, Special Projects Attorney
Mike Ward, City Engineer

Motion to approve the order of the agenda.

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

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

Mayor Knapp indicated he had been interviewing applicants for the City's boards and commissions. He reported on the meetings he attended on behalf of the City and announced a contingent of mayors from the country of Albania will be traveling to Wilsonville the first week of February 2016 to learn about municipal government. Councilor Fitzgerald indicated she would be interested in participating.

COMMUNICATIONS

A. IT Strategic Plan Survey (staff – Miller)

Holly Miller, IT Manager, announced the City is embarking on developing an IT strategic Plan. Information about the Plan its purpose and goals, along with a virtual open house and a survey is available on the City's website. Ms. Miller encouraged the public to provide their input on the technologies the City currently provides, and what the public would like to see for the future.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

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.

Simon Springall, spoke about the request from Republic Services for a rate increase. He suggested looking at the rate structure in Lake Oswego where the smaller bins are less expensive, and to do more to encourage residents to recycle and to take a more socially environmental conscious approach.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

A. Council President Starr – (Park & Recreation Advisory Board Liaison) reported the Parks and Recreation Advisory Board met and discussed the proposed Rec Aquatic Recreation Center. Councilor Starr said he had spoken to the Wilsonville Rotary to provided information on the proposed project and he will be speaking to community service organizations these next few months. Councilor Starr announced the Daddy Daughter Dance.

B. Councilor Fitzgerald – (Development Review Panels A & B Liaison) announced the decisions of Development Review Board Panel A, and the date of the next Development Review Board Panel B meeting.

C. Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) said the Wilsonville Seniors heard from Stan Sherer, Parks and Recreation Director about the remodeling activities taking place in the Community Center. She noted the Wilsonville Seniors will be organizing a targeted mailing for fundraising events. The date of the next Library Board meeting was provided. Councilor Stevens stated she had attended the French Prairie Forum meeting where they set goals for the coming year.

D. Councilor Lehan– (Planning Commission and CCI Liaison) reported the Planning Commission discussed the Basalt Creek concept plan, and noted the date of the next Commission meeting.

Mayor Knapp invited the public to attend a fundraising event for Wilsonville Community Sharing set for February 13 at the Community Center.

CONSENT AGENDA

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

A. Minutes of the December 16, 2015 Council Meetings. (Staff – King)

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

Vote: Motion carried 5-0.

CITY COUNCIL MEETING MINUTES

JANUARY 21, 2016

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PAGE 2 OF 16

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

PUBLIC HEARINGA. **Ordinance No. 783** – 1st Reading

An Ordinance Of The City Of Wilsonville Making Certain Determinations And Findings Relating To And Approving A Substantial Amendment To The City Of Wilsonville's West Side Urban Renewal Plan (Second Amendment) And Directing That Notice Of Approval Be Published. (Staff – Kraushaar)

Ms. Jacobson read the title of Ordinance No. 783 into the record on first reading.

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

The staff report was prepared by Nancy Kraushaar and Elaine Howard, Urban Renewal Consultant and is included here in its entirety to provide background:

Begin Staff Report.

The Wilsonville City Council (City Council) is being asked to conduct a public hearing, take testimony and review the Second Amendment to the West Side Urban Renewal Plan (Second Amendment) to increase the financial capacity of the Plan (maximum indebtedness¹) and to remove property and a project from the West Side Urban Renewal Plan (Plan). The Second Amendment is termed a substantial amendment because it increases the maximum indebtedness of the Plan. The funding from this Second Amendment will be allocated to complete projects already specified in the Plan. No new projects are added to the Plan.

This Second Amendment was recommended by the Wilsonville Urban Renewal Strategic Plan Task Force as part of the Wilsonville Urban Renewal Strategy adopted in October 2014.

EXECUTIVE SUMMARY:

The Plan was adopted on November 3, 2003 and has been amended one time, to add property. The present amendment will increase the maximum indebtedness by \$9,400,000 from \$40,000,000 to \$49,400,000, remove property and one project, and update the following sections:

- I. Introduction
- IV. Map and Legal description of the Urban Renewal Area
- V. Urban Renewal Projects
- VI. Relationship to Local Objectives
- X. Tax Increment Financing and Maximum Indebtedness
- XIII. Recording of Plan
- Add Section XIV. Recording of Substantial Amendments
- Update Exhibit A: Legal Description of the Area
- Update the Report on the Plan.

¹ Maximum indebtedness is the limit on an urban renewal plan for how much can be spent on projects and programs throughout the life of the plan. In accordance with state law, every urban renewal district has a maximum indebtedness.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

There are no new projects being added to the Plan, only the financial capacity to complete the projects already designated in the Plan.

In 2013 the City of Wilsonville appointed the Wilsonville Urban Renewal Strategic Plan Task Force (Task Force) with the task to determine how to proceed with urban renewal in the City of Wilsonville. There were recommendations for the current urban renewal plan areas as well as recommendations to pursue urban renewal in other areas in Wilsonville.

The Task Force's recommendation for the West Side Urban Renewal Plan was to increase the maximum indebtedness to the amount that could be increased through the authority of the Wilsonville City Council. The Task Force also recommended that an advisory vote was not recommended for this action. The recommendation of the Task Force also included moving the Old Town Escape project to the Year 2000 Plan and not adding any additional projects into the West Side Urban Renewal Plan.

One of the changes made by the 2009 Oregon legislature was instituting revenue sharing with impacted taxing jurisdictions. This revenue sharing clause is applied to existing urban renewal plans when actions are taken that result in an increase in the maximum indebtedness of these existing plans. Revenue sharing is instituted at certain specified trigger points as specific in ORS 457.470. The financial projections, completed by ECONorthwest, project that the West Side Urban Renewal Area (Area) will begin revenue sharing in 2017 as a result of this Second Amendment.

AMENDMENT PROCESS

The process of adopting a substantial amendment to the Urban Renewal Plan consists of the following steps. In addition to these required steps, there is property that is in the urban renewal area and is being annexed prior to the City Council vote on this amendment.

- Preparation of the Second Amendment, including the opportunity for citizen involvement. (An advisory committee has been involved in the decision making and there will be two public hearings, one before the Planning Commission and one before the City Council.)
- Urban Renewal Agency review of the Second Amendment and accompanying Report and recommendation to forward the Second Amendment to City Council for adoption. (The Urban Renewal Agency recommended the Second Amendment on February 19, 2015 and was forwarded the final Second Amendment for review in December 2015.)
- Forwarding a copy of the Second Amendment and the Report to the governing body of each taxing district. (This occurred on December 1, 2015.)
- Review and recommendation by the Planning Commission. (The Wilsonville Planning Commission review occurred on November 12, 2015 and December 9, 2015.)
- Presentation to the Clackamas County Commission. (This occurred on December 15, 2015)
- Notice to all citizens of Wilsonville of a hearing before the City Council. (Notice was provided in the January Boones Ferry Messenger.)
- Hearing by City Council and adoption of the Second Amendment and accompanying Report by a non-emergency ordinance. (The hearing for City Council is scheduled for January 21, 2016. The vote is scheduled for February 1, 2016. The ordinance must be a

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

non-emergency ordinance, which means that the ordinance does not take effect until 30 days after its approval and during that period of time may be referred to Wilsonville voters if a sufficient number of signatures are obtained on a referral petition.)

ORDINANCE ADOPTING AMENDED PLAN

The ordinance adopting the Plan requires the City Council to make certain findings, which are listed in the first section following “Now, Therefore.” These findings are based on various documents and events. These findings are outlined below with the sentence below each finding describing its purpose in the ordinance:

1. The process for the adoption of the Second Amendment has been conducted in accordance with ORS 457 of the Oregon Revised Statutes and local ordinance;

As described in Section III above, the City has followed the procedures as outlined by ORS 457.

2. The area designated in the Plan as the West Side Urban Renewal Area (“Area”) is blighted, as defined by ORS 457.010(1) and continues to be eligible for inclusion within the Plan because of conditions described in the Report in the section “Existing Physical, Social and Economic Conditions and Impacts on Municipal Services”, including the existence of inadequate streets within the Area (ORS457.010(e)) and the underdevelopment of property within the Area (ORS457.010(1)(g).

This is the basic justification for the Plan and the Council’s finding is meant to make that justification explicit.

3. The rehabilitation and redevelopment described in the Second Amendment to be undertaken by the Agency is necessary to protect the public health, safety and welfare of the City because, absent the completion of the urban renewal projects, the Area will fail to contribute its fair share of property tax revenues to support City services and will fail to develop and/or redevelop according the goals of the City’s Comprehensive Plan;

This finding states the public purpose of the Plan, which is for the property in the Area to develop and redevelop according to the Comprehensive Plan. Property which is not developed or not fully developed and/or is unoccupied does not contribute as much property taxes as fully developed property. The improvement of property in the Area will add to the tax base in the Area and further support additional economic activity in the Area.

4. The Second Amendment conforms to the Wilsonville Comprehensive Plan and provides an outline for accomplishing the projects described in the Plan, as more fully described in the Plan as amended by this Second Amendment and the Planning Commission Recommendation;

This finding is supported by the Planning Commission’s conclusion that the Plan conforms to the City’s Comprehensive Plan, identified in Section VI of the Plan and Section V of the Plan describing projects in the Plan and the Sections V and VI of the Report identifying costs and timelines of Projects.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

5. The Plan conforms to the Wilsonville Economic Development Strategy as a whole, as described in the Second Amendment.

The original Plan did not contain this finding as there was not an adopted Economic Development Strategy. The Second Amendment includes the finding which will be incorporated into the original Plan.

6. The acquisition of property for public infrastructure projects was anticipated in the original Plan and continues to be anticipated in the Second Amendment.

No residential displacement is anticipate as a result of any acquisition needed for projects identified in the Plan and therefore the Second Amendment does not include provisions to house displaced persons. In the event of unanticipated displacements the Agency would be obligated to provide relocation assistance;

The Second Amendment does not contemplate acquisition of property that would displace residents or businesses. Should a project result in an acquisition that causes displacement the Agency would be obligated to provide relocation assistance.

7. Adoption of, and carrying out, the Plan, as amended by this Second Amendment is economically sound and feasible in that eligible projects and activities will be funded by urban renewal tax revenues derived from a division of taxes pursuant to section 1c, Article IX of the Oregon Constitution and ORS 457.440 and other available funding as more fully described in the Section “Financial Analysis of the Plan” of the Report;

The Report contains information on the projected revenues and projected expenditures under the Second Amendment and supports a finding that the Second Amendment is economically sound and feasible.

8. The City shall assume and complete activities prescribed to it by the Plan as amended by the Second Amendment;

The Second Amendment does not prescribe specific activities to the City.

9. The Agency consulted and conferred with affected overlapping taxing districts prior to the Second Amendment being forwarded to the City Council.

The Agency sent a copy of the Second Amendment and the Report to the affected overlapping taxing districts on December 1, 2015. The letter included an invitation to provide comments in writing on the Second Amendment and Report.

To date the City has not received written recommendations from the affected taxing districts other than the approvals noted above. If such recommendations are received, the Council will be required to “accept, reject or modify” the recommendations and language to that effect will be added to the ordinance.

Finally, the ordinance notes the process of preparing the Second Amendment included a public hearing on the proposed changes, presenting the Second Amendment and Report to the Planning Commission of the City of Wilsonville for its recommendation, sending a copy of the Second Amendment and Report to affected taxing districts, including Clackamas County, for their review.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

The ordinance also calls for publication of a notice that the Council has adopted the ordinance, for the recording of the Plan by the Clackamas County Clerk and for transmitting the Plan to the Clackamas County Assessor.

EXPECTED RESULTS:

When enacted, Ordinance No. 783 will allow the Urban Renewal Agency to complete projects within the West Side Urban Renewal Plan and subsequently terminate the Plan and return assessed value to the tax rolls. The Tooze Road improvement project is the first project scheduled to occur under the Substantial Amendment. Property acquisition is scheduled to begin the spring of 2016.

TIMELINE: Termination of the Plan is anticipated for 2025.

CURRENT YEAR BUDGET IMPACTS: N/A

FINANCIAL REVIEW / COMMENTS:

The removal of acres from the Urban Renewal Districts does not materially impact the tax increment revenue. As ECONorthwest demonstrates in their report, there is sufficient revenue to meet all debt requirements and pay off all outstanding debt. The Westside District is projected to bring in approximately \$4.8 million in tax increment revenue in FY 2015-16, and the estimated loss due to removal of parcels is about \$55,000, or 1.2% of the total.

LEGAL REVIEW / COMMENT:

The Ordinance is approved as to form. In accordance with ORS 457.095 and 457.115, statutory notice of adoption of the ordinance approving the plan and the provisions of ORS 457.135 shall be published no later than 4 days following the ordinance adoption.

COMMUNITY INVOLVEMENT PROCESS:

The City of Wilsonville engaged stakeholders in a lengthy public involvement process that resulted in the October 27, 2014 Wilsonville Urban Renewal Strategic Plan. That plan includes this West Side Renewal Plan amendment.

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

The increase in maximum indebtedness will allow for certain discrete projects to be completed and meet the expectations of the Wilsonville community. Removing properties and one project will allow for effective use of urban renewal tax increment and acreage in the City of Wilsonville.

End of Staff Report.

Ms. Kraushaar introduced Elaine Howard, Elaine Howard Consulting and noted Kristin Retherford former City Economic Development Manager was in the audience for questions.

Ms. Howard noted she had worked on this project the past two years with Ms. Retherford and Councilor Starr on the Urban Renewal Strategy which helped bring forward this series of amendments the Council will be reviewing.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

The first amendment is a substantial amendment to the West Side Urban Renewal Plan. It is a substantial amendment because it increases the maximum indebtedness of the Plan. The West Side Urban Renewal Plan was created in November 2003 and it has a frozen tax base of about \$16.6 million; the incremental assessed value has increased by over 296 million dollars that means that amount of new investment has occurred within that urban renewal area, so it has been quite successful. The current total assessed value is over \$312 million in the urban renewal area.

The Urban Renewal Task Force set out a number of recommendations about how to pursue urban renewal in Wilsonville. The Task Force looked at different urban renewal areas and potential new urban renewal areas. Recommendations for this urban renewal area were to increase the maximum indebtedness by \$9.4 million to allow for the completion of projects that are existing projects in the plan. No new projects will be added to the plan. The Old Town Escape project will be moved to the Year 2000 Plan because there was more financial capacity within the Year 2000 Plan than there was within the West Side Plan.

The Task Force recommended removal of some acreage from both plan areas to allow for that acreage to be used in the formation of a new urban renewal area in Coffee Creek.

Adoption of a substantial amendment will trigger sharing requirements, were adopted in the 2009 legislature. The new requirements state once a substantial amendment is amended when certain thresholds are met as identified in the statute, the urban renewal district begins sharing a portion of the taxes off of the increased assessed value with the different taxing jurisdictions. This is a positive outcome of the new legislative requirements because the other taxing districts will begin to receive increment from the urban renewal area sooner. Financial projections show the debt for the total amount of projects in the plan will be satisfied at the end of fiscal year 2024.

A citywide advisory vote was held on the Coffee Creek plan in November approving the creation of a new district in that area.

Ms. Howard stated with the boundary changes the remaining area in the West Side Urban Renewal area will be a little less than 400 acres, with 70 acres to be removed. Projects listed in the Plan are infrastructure projects originally identified in the Plan. Additional funds are needed to complete these projects because it has taken longer to construct those projects, and inflation has increased the cost of those projects. About \$40 million of the maximum indebtedness has been used with a total remaining project cost of over \$15 million; the increase of maximum indebtedness is \$9.4 million.

Ms. Kraushaar noted the projects recommended by the Task Force are projects the City has contractual or legal obligations to complete, or there is no other funding source to complete

Councilor Starr asked staff to discuss the sprinklers referenced in the Plan.

Ms. Kraushaar explained one of the projects was to put sprinkler systems in the homes built in Villebois. At that time there was concern from TVF&R about sufficient fire flows and service to the Villebois area.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Councilor Lehan clarified the urban renewal agency entered into an agreement with TVF&R so that they would not be negatively impacted by the additional service and fire calls or the need to build and man another fire station during the early years of building in Villebois. TVF&R used this agreement as an example around the state of how the City had done an excellent job of making urban renewal work for the other taxing entities, and the fact that Villebois was the first significant housing development in the state to be fully fire sprinkled.

Ms. Howard outlined the schedule for this amendment.

Mayor Knapp asked if the increase in assessed value was a routine experience. Ms. Howard responded this was not a normal increase in assessed value. And the amazing amount of housing the City has been able to build within the City was implemented because the infrastructure was provided to make that happen. Wilsonville is a great example of how urban renewal should work.

Mayor Knapp referenced the new legislative requirement that the City return some of the tax base; however, the City uses an approach that accomplished much the same when the City voluntarily limited the flow of money out of the district and returned increment to the taxing entities.

The Mayor invited public testimony, hearing nothing he closed the public hearing at 7:55 p.m.

Motion: Councilor Starr moved to adopt Ordinance No. 783 on first reading. Councilor Lehan seconded the motion.

Councilor Lehan noted Wilsonville's urban renewal success is not typical.

The Mayor said urban renewal is sometimes denigrated for ways that is has been used in some places, but Wilsonville has an exemplary record of using urban renewal responsibility and achieving results that would not have been achievable any other way. The City did not have the ability to build infrastructure on the scale and time table without this tool.

Councilor Starr added some of the changes put into place were approved by citizens of this City, and members of the school district and fire district. Wilsonville is strategic in the way projects are selected and completed in a timely manner.

Vote: Motion carried 5-0.

CONTINUING BUSINESS

A. Ordinance No. 779 – 2nd Reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Facilities (PF) Zone To The Village (V) ZONE On Approximately 3.20 Acres Northwest Of SW Villebois Drive North Between SW Costa Circle West And SW Berlin Avenue. Comprising Tax Lot 3200 And Adjacent Right-Of-Way Of Section 15AC, T3S, R1W, Clackamas County, Oregon, Polygon WLH LLC, Applicant. (Staff – Pauly)

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Ms. Jacobson read the title of Ordinance No. 779 into the record on second reading.

Motion: Councilor Lehan moved to adopt Ordinance No. 779 on second reading. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 5-0.
Council President Starr - Yes
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Councilor Lehan - Yes
Mayor Knapp - Yes

- B. **Ordinance No. 780** – 2nd Reading
An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Facilities (PF) Zone To The Village (V) Zone On Approximately 5.03 Acres Located In The Villebois Village Center Between Costa Circle And Villebois Drive. Comprising Tax Lots 3000 And 3400 Of Section 15AC, T3S, R1W, Clackamas County, Oregon, Polygon WLH LLC, Applicant. (Staff – Pauly)

Ms. Jacobson read the title of Ordinance No. 780 into the record on second reading.

Motion: Councilor Fitzgerald moved to adopt Ordinance No. 780 on second reading. Councilor Stevens seconded the motion.

Vote: Motion carried 5-0.
Council President Starr - Yes
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Councilor Lehan - Yes
Mayor Knapp - Yes

- C. **Ordinance No. 781** – 2nd Reading
An Ordinance Of The City Of Wilsonville Annexing Specific Segments Of SW Grahams Ferry Road And SW Tooze Road, And Territory Located At The Northern Edge Of Villebois Of The City Of Wilsonville, Oregon. The Territory Is More Particularly Described As Tax Lots 700, 800, 900 And 1000, Of Section 15, 3S, RANGE 1W, Willamette Meridian, Clackamas County, City Of Wilsonville And Allen T. Chang Owners. (Staff – Edmonds)

Ms. Jacobson read the title of Ordinance No. 781 into the record on second reading.

Motion: Councilor Stevens moved to adopt Ordinance No. 781 on second reading. Councilor Fitzgerald seconded the motion.

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Vote: Motion carried 5-0.
 Council President Starr - Yes
 Councilor Fitzgerald - Yes
 Councilor Stevens - Yes
 Councilor Lehan - Yes
 Mayor Knapp - Yes

- D. **Ordinance No. 782** – 2nd Reading
 An Ordinance Of The City Of Wilsonville Adopting The City Of Wilsonville Public Works Standards – 2015. (staff – Rappold/Ward)

Ms. Jacobson read the title of Ordinance No. 782 into the record on second reading.

Motion: Councilor Starr moved to adopt Ordinance No. 782 on second reading. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 5-0.
 Council President Starr - Yes
 Councilor Fitzgerald - Yes
 Councilor Stevens - Yes
 Councilor Lehan - Yes
 Mayor Knapp - Yes

- E. **Resolution No. 2561**
 A Resolution Of The City Of Wilsonville Approving And Accepting Modified Sales Price Of Surplus Land. (staff – Kohlhoff)

The staff report was presented by Mike Kohlhoff, Special Projects Attorney. This item had been continued from the January 4, 2016 Council meeting.

Ms. Jacobson read the title of Resolution No. 2561 into the record.

The staff report was prepared and presented by Mr. Kohlhoff.

An incorrect diagram in the bid documents related to the location of internal road connection to Tooze Road led to the bidder miscalculating the number of and type of buildable lots that would fit on the site, resulting in an over-valued bid. Discovered during buyers due diligence, a price modification (\$200,000) negotiated that retained sale substantially over minimum bid requirement and still best offer. Staff negotiated a better road connection to Tooze Road with the developer, and also preserved a red oak tree on the city-owned property, which reduced the sales price by an additional \$50,000

Staff is recommending the City Council approve a modification of the previously awarded sale to Polygon WLH LLC of the surplus property on Tooze Road from \$5,150,000 to \$4,900,000. The recommendation is based on two factors. (1) The bid solicitation document contained a diagram illustrating that the internal road connection from Tooze Road was in the middle of the property.

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In fact, to properly connect to the designed improvements to Tooze Road, the connection needed to be to the east. In reliance on the diagram, the buyer laid out the number and types of lots that would conform to the Villebois Master Plan as the basis for establishing the value of the land for its bid offer, ran its calculations, and made its offer. During the due diligence period, the error was discovered, and rather than terminate the agreement, as the bidder wanted to develop the land and the City viewed the bid as favorable, a modification of the due diligence period was negotiated with the view to planning a lesser number of lots and reconfiguring types of lots to create a maximum valuation. This resulted in a change in valuation the buyer was willing to pay to \$4,950,000.

Originally, when improvements to Tooze Road were being engineered, there were two potential road connections to Tooze Road based on the then planned school for the site. The first, which was at the westerly portion of the site, received ODOT approval but included removing a significant red oak tree. The definition of a significant tree is any tree with a diameter of 30 inches or greater, measured at 4 ½ feet above mean ground level (also known as diameter at breast height or d. b. h.). See *Trees and Development, A Technical Guide to Preservation of Trees During Land Development* (1998).

On December 10, 2014, at the City's request, International Society of Arboriculture Certified Arborist Morgan Holen evaluated the tree. She reported: "This tree measured 52-inches in diameter and approximately 100-feet in height with an 80-foot crown spread. Multiple scaffold leaders are attached at approximately 14-feet and the juncture appears stable. There is a minor mistletoe infection throughout the crown. All in all, the tree is in excellent condition and is a prominent feature along Tooze Road."

In May of 2010, The Villebois Master Plan, Figure 5, rated trees in Villebois. The highest rating was listed as "important" for health, species, compatibility with development, and form/value interest/mature size. Important trees were color coded green. The approximate location of the red oak was colored green as an important tree.

A second design, retaining the tree and placing the connection at the east of the site, was subsequently approved by ODOT. This was the design approved at the time of the bid in October 2015.

During the course of the negotiations referenced above, and given the site was to be developed for residential home sites, different potential lot configurations were reviewed. It was determined that a lot pattern that supported the approved eastern connection could support a \$4,950,000 valuation. However, this created potential traffic conflict with driveways of 11 homes backing out onto the eastern connector and a more circuitous route would occur to connect to the Villebois Village Center. The lot pattern connected with the western connection had no driveways on site backing onto it, was not a circuitous route to the Villebois Village Center, and would allow the eastern road to function as a local road without a connection to Tooze and avoid the driveway conflict with peak hour through traffic.

(2) The second factor is the preservation of the red oak tree. Lot patterns consistent with the eastern connection, known as Amsterdam, were explored to protect the root line. The tree meets

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the generally accepted definition of a significant tree. It is also rated as an important tree under the Villebois Master Plan and, as such, its preservation meets the City's Comprehensive Plan Policy Implementation Measure 4.1.6.b.2 to incorporate designs that will implement Villebois Village Concept Plan principles that include protection of trees. To preserve the tree, the developer's engineer has provided a lot pattern that protects the root line on the west by manipulating the western connection, referred to now as Paris Avenue, to the south by realigning Barcelona and by reducing the size of a few of the lots. This option will result in a \$50,000 reduction of the purchase price to \$4,900.00. Another option that provided a greater number of larger lots along Tooze was explored, but that option results in a further reduction of \$75,000, on top of the \$50,000, due to a lesser number of lots created. Conditions of development approval will be imposed through the developer's homeowners association that will prohibit interference with the root line by homeowners to aid in the tree's preservation.

In conjunction with the preservation of the tree, and in response to the concerns of property owners across the street and outside the urban growth boundary, the road design was reassessed by engineering staff and modified to provide more room for the tree and the need for less taking from private property owners. The redesign will cost the City up to \$75,000 but is anticipated to save the City up to \$175,000 in road construction costs, while at the same time mitigating its impact on the rural edge. Engineering staff believes that these road modifications should not in and of themselves cause a delay in the project, having received recent information from OBEC that the redesign can be finalized in March of this year and from ODOT that they can review and approve within three weeks of receiving the new design.

Therefore, the proposed Resolution is based on the attached option with the western connection of Paris Street with the preservation of the red oak tree, which is subject to Development Review Board site development approval, and approves a modified purchase price of \$4,900,000. The revised purchase price is 118% of the minimum bid requirement of \$4,150,000.

EXPECTED RESULTS: Expected results are completing the sale with an April 2016 closing and using the majority of the proceeds to apply to the cost of Tooze Road improvements, provide for the protection of a significant red oak tree, have the least amount of take of property north of Tooze Road, and develop a well-planned subdivision.

TIMELINE: The reading of the Resolution for January 4, 2016 was continued to January 21, 2016 in order for staff to explore further options and cost effects involving the western Paris Avenue connection, preserving the tree, and effects on lot patterns. Development application calendared for Development Review Board for February 8, 2016 hearing. Resolution goes into effect upon adoption. Sale completed in April, 2016.

CURRENT YEAR BUDGET IMPACTS: Receipt of \$4,900,000 purchase price.

COMMUNITY INVOLVEMENT PROCESS: Bid solicitation process, approval, and acceptance of initial sale price at open Council meeting, Resolution approving and accepting modified sale price at open Council meeting.

ALTERNATIVES: Do not approve Resolution, buyer can rescind waiver of due diligence period

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and withdraw sales offer, and the City rebids the sale. Do not approve the Resolution, buyer might seek specific performance based on waiver of due diligence and negotiation authority and seek an applicable site plan and pay in the \$4,950,000 when due. Alternatively, adopt a resolution that selects the Paris Avenue alignment with removal of the tree.

End of Staff Report.

Through the negotiations it was determined the lotting pattern would use Paris and preserve the Red Oak tree and not cost the reduction of \$50,000. In keeping with preserving the \$4,950,000 the resolution needs to be modified. Mr. Kohlhoff recommended the following changes to page 2 of 3 of the Resolution (new language underlined, deleted language ~~interlined~~):

WHEREAS, the parties viewed different lot configurations to accommodate the western connection, one removing a large and significant red oak tree, and one preserving the tree (it had been preserved under the prior approved eastern road connection design), and have now determined that neither the design to preserve the red oak tree or the one that removed the tree would not further change the number and types of lots that could be built, including along Tooze Road, and therefore would not impact the valuation beyond the modified price recited above. However, by preserving the tree there would be a slightly greater need to acquire property on the north side of Tooze Road than if it were removed; determined the design that preserved the red oak tree would change the number and types of lots that could be built along Tooze Road, decreasing the value of the property by \$50,000, and the one that removed the tree would not impact the valuation beyond the modified price recited above; and

Suggested changes to the Now Therefore clauses on page 3 of 3:

2. The City Council approves and accepts a modification in the sales price offer by Polygon WLH LLC from \$5,150,000 to \$4,950,000, and further finds and concludes that the modified amount is reasonable and still is the highest and best bid amount received for the approximately 10-acre piece of property, as more particularly described on Exhibit A, attached hereto and incorporated by reference as if fully set forth herein.
3. Legal staff is directed to provide the appropriate legal documents to carry out the City Council's approval of the modified purchase price, and the City Manager is authorized to execute such documents. Any actions or ~~preliminary~~ documents heretofore executed in order to extend the due diligence period and/or obtain a waiver of the due diligence period based on final approval of the City Council are hereby ratified, approved, and accepted with the understanding the final price is \$4,950,000.

Councilor Lehan asked how the City we came to own this property in the first place.

Mr. Kohlhoff explained the original Villebois Master Plan called for a school site and the City worked with the West Linn-Wilsonville School District to locate this school site; because of funding issues the City advanced the funds and purchased the site based on the ability to exchange the location of the school for a parcel on Advance Road to be used for future sports fields. In the meantime, another location in Villebois became available for a school site in the

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western portion of Villebois which was a better location because the infrastructure was already in place. The original school location parcel was then surplusd at the right time.

Councilor Lehan added this was another example of jurisdictional cooperation to address their concerns and needs.

Motion: Councilor Fitzgerald moved to adopt Resolution No. 2561 including the modifications described by the Special Attorney as noted in the record. Councilor Lehan seconded the motion.

Councilor Starr thought the City is benefiting from the timing and economics with the sale of the property. The Councilor would like to see some of the windfall used in a creative way to help first time homebuyers while creating revenue for the City. The Councilor was more comfortable with the final negotiated decision on the tree, while at the same time providing land for needed housing and saving a beautiful tree.

Councilor Lehan agreed with comments of Councilor Starr, she commended the work of staff in putting the pieces together and saving the significant tree. In the end the tree will make that neighborhood more valuable.

Mr. Kohlhoff added Polygon and Jim Lange and his engineering firm did a lot of work in the design of the solution.

Councilor Fitzgerald commented the tree is iconic and has the attributes to make it worthy of being in that neighborhood.

Mayor Knapp seconded all of the comments expressed. He thought one of the special things about Wilsonville is the thoughtful planning of the community, and it was necessary to continue to build holistically and consider how the built environment provides support for people in many ways.

Vote: Motion carried 5-0.

CITY MANAGER'S BUSINESS

Mr. Cosgrove complimented the Public Works staff for the work done during the heavy rain events this past month. He noted the building permit volume has been record setting the past three years.

Nancy Kraushaar provided a brief update on the Newberg-Dundee issue. The City is actively engaged with Newberg, Ladd Hill HOA, and Clackamas County in trying to find a positive solution for all the stakeholders involved who have concerns in the configuration of Wilsonville Road and the intersection of 219 across from the Newberg-Dundee bypass. The City of Wilsonville is concerned about any new traffic on Wilsonville Road because of safety concerns and core operations in Wilsonville. The Newberg Planning Commission considered the TSP amendment proposed by ODOT that would change the through-through to a no-through

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intersection; however, the Newberg PC retained the through-through in their TSP with the recommendation that the Newberg City Council delay action until all stakeholders met to find a solution for the intersection configuration. A letter from the City of Wilsonville will be sent to ODOT describing how the City would like to be involved in the mitigation meetings.

Councilor Lehan asked that a representative from the Ladd Hill HOA be included in those meetings, and that the meetings be scheduled quickly due to bid letting by ODOT.

Mark Ottenad gave an update on the activities of the Tourism Promotion Committee. The Committee reviewed the Tourism Development Strategy, reviewed the Strategic Actions for Success and re-prioritized them into top level, most important, and lower level priorities. Jeff Brown was elected as the chair, and Al Levitt elected as vice-chair. The Committee separated into two subcommittees. One subcommittee will focus on the organizational framework and at specific issues surrounding the Wilsonville DMO. This subcommittee will make a recommendation whether to hire an employee, or use a contract employee.

The other subcommittee will address marketing to look at website and online marketing topics. The two subcommittees will provide reports by February, and then look at crafting one year and five year action plans for implementing the strategy, with the goal of having a draft of the plan by mid-March.

Mr. Cosgrove stated Councilors received a copy of the book this year's Leadership Academy will be reading and discussing.

LEGAL BUSINESS - No report.

ADJOURN

Mayor Knapp adjourned the meeting at 8:47 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor

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A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:30 p.m. on Monday, February 1, 2016. Mayor Knapp called the meeting to order at 7:32 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

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

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Barbara Jacobson, City Attorney
Sandra King, City Recorder
Jon Gail, Community
Stephan Lashbrook, SMART Director
Nancy Kraushaar, Community Development Director
Delora Kerber, Public Works Director

Motion to approve the order of the agenda.

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

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

Mayor Knapp provided an update on the meetings he attended on behalf of the City and announced the date of the next Council meeting. The Mayor announced mayors from the country of Albania will be visiting Wilsonville to learn about municipal government.

After interviewing the applicants for vacancies on the standing City Boards and Commissions, Mayor Knapp recommended the following appointments and Council ratified the appointments.

Appointments to Boards and Commissions

Budget Committee

Motion: Councilor Stevens move to reappoint Andrew Karr to the Budget Committee for a 3-year term beginning 2/1/16 and ending 12/31/18. Councilor Lehan seconded the motion.

Vote: Motion carried 4-0.

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Motion: Councilor Fitzgerald move to appoint Paul Bunn to the Budget Committee for a 3-year term beginning 2/1/16 and ending 12/31/18. Councilor Lehan seconded the motion.

Vote: Motion carried 4-0.

Development Review Board

Motion: Councilor Lehan moved to appoint Samy Nada, Fred Ruby, and Samuel Scull to the DRB boards, the assignment to Panel A or Panel B to be determined by staff, for first a 2-year term beginning 2/1/16 and ending 12/31/17. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 4-0.

Planning Commission

Motion: Councilor Fitzgerald moved to reappoint Eric Postma and Peter Hurley to a second 4-year term on the Planning Commission beginning 2/1/16 and ending 12/31/19, and to appoint Kamran Mesbah to a first 4-year term beginning 2/1/16 and ending 12/31/19. Councilor Lehan seconded the motion.

Vote: Motion carried 4-0

Parks and Recreation Board

Motion: Councilor Stevens moved to reappoint Elaine Swyt and Steve Benson to a second 4 year term on the Parks and Recreation Board beginning 2/1/16 and ending 12/31/19. Councilor Fitzgerald seconded.

Councilor Lehan noted Mr. Benson is a former City Councilor.

Vote: Motion carried 4-0.

Wilsonville-Metro Community Enhancement Committee

Motion: Councilor Fitzgerald moved to appoint Larry Beck, Katherine Johnson, Jimmy Lee, and Roseann O’Laughlin to the Wilsonville Metro Community Enhancement Committee for a one year term beginning 2/1/16. Councilor Stevens seconded the motion.

Vote: Motion carried 4-0.

Councilor Stevens volunteered to fill the Councilor position on the Committee.

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Mr. Cosgrove indicated letters will be sent to those the newly appointed members welcoming them to their service, and to those applicants who were not selected thanking them for their interest and advising their applications will be retained for future consideration.

Mayor Knapp asked that the applications be maintained for consideration to any new task force that may be formed.

COMMUNICATIONS

A. Energy Trust Results (staff – Kerber)

Delora Kerber, Public Works Director, stated the City participated in a Strategic Energy Management Program sponsored by Energy Trust of Oregon. This was an opportunity to engage in strategic energy management practices that could help with immediate and ongoing energy savings through energy mapping, scanning, and monitoring the energy used in both the City's Water Treatment Plant and the Wastewater Treatment Plant. Staff from both plants participated and implemented management practices over the past year, and found additional ways to conserve energy. Through that program the City will receive a one-time incentive in the amount of \$16,025 for participating in the program, and anticipates saving about \$26,000 per year in energy costs due to conservation practices put into practice in both plants.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS – There was none.

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.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Councilor Fitzgerald – (Development Review Panels A & B Liaison) noted the decisions made by the DRB Panel B regarding the Universal Health Services and the next meeting dates of the two DRB Panels. The Councilor invited the community to attend a benefit for Wilsonville Community Sharing and announced the WilsonvilleSTAGE will be presenting “A View From a Bridge” by Arthur Miller in February at a variety of venues in town.

Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) reported on the next meeting date of the Wilsonville Seniors. The Library Board participated in Library Family Night for their last meeting. The Library Director spoke about the fundraising efforts being made by the Library Foundation and the Friends of the Library that make the programs possible at the Library. The Councilor announced the Daddy Daughter Dance scheduled for February 26th.

Councilor Lehan – (Planning Commission and CCI Liaison) announced the Planning Commission will be conducting a work session on the Transit Master Plan Public Involvement Strategy and will receive a presentation on the Bicycle Wayfinding and Signage Plan. A number of Development Review Board members and Commission members will be attending the Smart Growth Conference scheduled in Portland this month.

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CONSENT AGENDA

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

A. **Resolution No. 2563**

A Resolution Of The City Council Of The City Of Wilsonville Acting As The Local Contract Review Board, Authorizing The South Metro Area Regional Transit Department (SMART) To Enter A Contract For The Expansion And Replacement Of Compressed Natural Gas Fueling Equipment Through A Congestion Management-Air Quality Grant. (Staff – Simonton)

B. Minutes of the January 4, 2016 Council Meeting. (Staff – King)

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

Vote: Motion carried 4-0.

CONTINUING BUSINESS

Ms. Jacobson read the title of Ordinance No. 783 into the record for second reading.

A. **Ordinance No. 783** – 2nd Reading

An Ordinance Of The City Of Wilsonville Making Certain Determinations And Findings Relating To And Approving A Substantial Amendment To The City Of Wilsonville’s West Side Urban Renewal Plan (Second Amendment) And Directing That Notice Of Approval Be Published. (Staff – Kraushaar)

Motion: Councilor Lehan moved to approve Ordinance No. 783 on second reading. Councilor Fitzgerald seconded the motion.

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

NEW BUSINESS

Ms. Jacobson read the title of Resolution No. 2562 into the record.

A. **Resolution No. 2562**

A Resolution Of The Wilsonville City Council Declaring Its Intent To Have Its Service Boundaries Of South Metro Area Regional Transit (SMART) As Co-terminous With The Wilsonville City Limits. (Staff – Lashbrook)

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The staff report was prepared and presented by Stephan Lashbrook, SMART Director.

The City has annexed properties this past year bringing additional acreage into the city limits. The subject properties include land that is expected to be primarily residential (Frog Pond planning area) and other properties that will be designated as employment land (Coffee Creek and Basalt Creek planning areas). Concept planning is now nearing completion for much of that land and SMART staff has played an active part in that planning, with a clear intention to be the ultimate transit provider to those areas upon annexation and development. Some of the recently annexed land is within TriMet's district boundaries and some is not.

South Metro Area Regional Transit (SMART) staff members have, for some years, opined that SMART can more efficiently provide transit service to lands brought into the City of Wilsonville than TriMet and that those lands should receive transit service from SMART, rather than from TriMet. Large transit agencies are often not really geared to providing services to suburban areas, while SMART was created specifically for that purpose.

Logically, the owners of any businesses located in areas that are brought into the City should pay City payroll taxes to help fund SMART, rather than paying to fund TriMet, if SMART is their transit service provider. Historically, this has only been an issue where annexed properties have remained within TriMet's district boundaries. A case in point is the Coffee Creek Correctional Facility (CCCF), which was annexed into the City to allow for the development of the prison, but which was never removed from the TriMet district. As a result, the Oregon Department of Corrections is believed to have paid a total of more than \$1,000,000 of fees in lieu of payroll taxes since CCCF opened approximately 15 years ago, in spite of the fact that the nearest TriMet fixed bus route (Route 96) remains roughly ½ mile from the prison. For some time, SMART has routed an early-morning bus to the prison to take released prisoners, and anyone else seeking a ride, to connect with WES and other transit systems at the Wilsonville Transit Center.

In discussing the future of the Basalt Creek area, Tualatin Mayor Lou Ogden recently summarized a commonly held view when he said that he did not care what color the bus is, or what name is written on the side of it; what he cares about is receiving quality transit service. How should we determine which transit agency is better prepared to serve new growth areas? Mayor Ogden's statement is a reasonable place to start, and could lead to the following three primary criteria:

- A) Which transit agency can provide better service to passengers?
- B) Which transit agency can provide less expensive service for taxpayers?
- C) Which transit agency can provide less expensive service for passengers?

Each of the following scenarios (described in greater detail below) has received at least some public discussion in recent years:

1. Expand SMART's service territory as far north as property owners want our service;
2. Expand SMART's service territory every time land is annexed into the City, making SMART's service territory coterminous with the Wilsonville City limits;

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3. Expand into land that is currently within the TriMet District only where SMART service has been requested by a majority of contiguous property owners; or
4. Expand SMART's service territory only into areas that are outside of TriMet's boundaries.

Scenario 1.

What if the City of Tualatin wanted to receive SMART transit service rather than TriMet service? Realistically, TriMet could be expected to strenuously object to having land inside Tualatin removed from the TriMet District. Tualatin, like Wilsonville, is a job-rich community that provides considerable payroll tax revenue to the transit agency. If the Tualatin City Council formally requested the City of Wilsonville to provide transit service within our neighboring city, SMART could conceivably provide service within the TriMet boundary via inter-governmental agreement (IGA) between the two transit agencies. It is not known how the TriMet Board of Directors might react to such a request, but it seems doubtful that TriMet's unionized employees would favor it. If the two cities were to approach the TriMet Board of Directors about actually changing the district's boundaries (rather than just providing service through an IGA), we should expect a contentious process with a low likelihood of success.

Scenario 2.

One might think that expanding SMART's service territory would be simply a matter of having the City Council declare its intention to have the City's transit agency provide service to all land within the City limits. However, past experience with the Coffee Creek Correctional Facility makes it clear that TriMet will oppose efforts to withdraw territory that generates payroll tax revenues, or fees paid in lieu of taxes. (Had the prison been removed from TriMet and made a part of the SMART service territory upon annexation, the Oregon Department of Corrections would have paid a much smaller amount to the City, as provided in an inter-governmental agreement between the DOC and the City.) Scenario 2 conveys the policy direction recommended by staff.

Scenario 3.

At this point, the staff has only anecdotal information about which transit agency would be preferred by property owners in areas that are within Wilsonville's growth plans. Obviously, neither transit agency can function efficiently without logical and consistent boundaries. Attempting to provide transit service to an area where some properties are within one transit system and some are in another could be inherently inefficient. Therefore, it makes sense that transit system boundaries be based on serviceability rather than on some sort of popularity contest.

That said, SMART remains committed to providing transit service to annexed properties, whether residential or employment lands. If residents or property owners beyond the future Wilsonville City limits want to receive service from SMART that will create a situation akin to Scenario 1, above. TriMet could be expected to object to losing employment land from its service territory, but would probably be less concerned about residential land that is never likely to generate a significant amount of payroll tax revenue.

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State law (ORS 267) gives the TriMet Board of Directors a tremendous amount of discretion in making boundary decisions for their district. However, there appears to be no clear path for citizens to seek the removal of land from the district in cases such as this, unless the TriMet Board chooses to authorize it.

ORS 267.250 (1) includes the following definition of an affected area which can petition for withdrawal from the TriMet District: *“Affected area” means a contiguous area of not less than one square mile in which 200 or more district electors reside and which is within the boundaries of a district, but is outside the boundaries of any city with a population exceeding 10,000. However, the term does not include an area if the withdrawal of that area from the district results in the district having two or more noncontiguous parts.*

Note that the portion of the Basalt Creek planning area that is now planned for eventual inclusion within Wilsonville may total one square mile, but may not have 200 or more electors residing there.

Scenario 4.

TriMet is not expected to object to the City’s plans to provide transit service outside of the District’s boundaries, as the City continues to grow. A pending land development application at the corner of Day Road and Boones Ferry Road could confirm this as the City Council will have the opportunity to clearly state its intention to bring the property into SMART’s service territory and provide transit service to the site.

Summary of Scenarios.

In all of the scenarios listed above, the suggested criteria would break out as follows:

Criteria A (better service): Favors SMART. Because of local proximity, SMART is able to adjust routes and provide service as needed within the community.

Criteria B (costs to taxpayers): Favors SMART, staff does not believe that Wilsonville’s payroll tax rate will ever reach TriMet’s rate. Wilsonville’s rate is currently .5%, while TriMet’s rate is now .7337%, and rising annually to a pre-approved level of .8237%.

Criteria C (costs to passengers): Favors TriMet where service includes transfers between systems or longer trips. Favors SMART for service within the community, where no fares are charged.

In conclusion, there are obviously ample justifications for SMART to be the transit service provider for all properties with the Wilsonville City limits. Whether SMART should also provide transit service outside the City is a larger issue, best left to a future time when such service is formally requested by the City of Tualatin or some large group of private property owners. For those reasons, staff is recommending the adoption of Resolution No. 2562, which will implement Scenario 2, above.

Staff is already beginning a public outreach effort in connection with the on-going update of the City’s Transit Master Plan. Upon approval of Resolution No. 2562, staff and consultants will

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include the owners and occupants of planned growth areas in that effort, inviting them to help plan for future transit service.

It should be noted that, if the statutorily provided system of petitioning for removal of land from the TriMet District by registered voters is followed, there is a deadline that petitions be filed by the end of August, 2016. The next opportunity comes five years later.

Mr. Lashbrook noted language to include the TVF&R station on Elligsen Road into the SMART service area should be included in the resolution.

Councilor Stevens asked what the fee is the Coffee Creek Correctional Facility (CCCF) pays to Tri-Met.

Mr. Lashbrook said because Coffee Creek Correctional Facility is a State facility with state employees the funds are paid to the state who then distributes funds back to Tri-Met at a rate of .6%.

Councilor Stevens commented on the lack of service provided by Tri-Met to CCCF impacting employees and families visiting inmates versus the services provided by SMART for newly released inmates.

Mr. Lashbrook indicated an agreement had been negotiated with the Department of Corrections before the prison was built, that they would pay the city a fee in lieu of payroll taxes if SMART was successful in including CCCF into the SMART service area. SMART's Operations Manager informed Mr. Lashbrook that had that money been coming to SMART these past years SMART would have been providing a high level of service.

Mayor Knapp agreed with the comments of Councilor Stevens and Mr. Lashbrook. As development occurs in the Coffee Creek and Basalt Creek areas transit services will need to be provided to the north end of town, which means SMART will be literally driving by CCCF on a regular basis, and it seemed there was no logic for the program as it is structured. He was concerned that Tri-Met has the unilateral authority to decide what will happen in Wilsonville. The Mayor was hopeful Tri-Met will be collaborative should the City approach them.

Motion: Councilor Lehan moved to approve Resolution No. 2562 and incorporate language to include the Elligsen Road Fire Station into the SMART service area. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 4-0.

CITY MANAGER'S BUSINESS

No report.

LEGAL BUSINESS

No report.

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ADJOURN

Mayor Knapp adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: Feb. 18, 2016	Subject: Resolution No. 2566 Rate Increase Request by Solid-Waste Franchisee Staff Members: Barbara Jacobson, Interim City Attorney; Mark Ottenad, Public/Government Affairs Director Departments: Legal; Administration
Action Required	Advisory Board/Commission Recommendation
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: 2/18/2016 <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: Public hearing on resolution authorizing a system-wide 4.4 percent aggregate rate increase effective March 1, 2016, for solid-waste collection/disposal franchisee Republic Services, Inc.
Staff Recommendations: Staff recommends that Council consider the information in the staff report and testimony of the Franchisee and public to make a determination if the rate increase, as proposed, is warranted.	
Recommended Language for Motion: <i>First motion for resolution:</i> I move to adopt [or amend] Resolution No. 2566. <i>Second motion for staff direction unrelated to resolution:</i> I move that the City Council direct the City Manager to develop an updated solid-waste franchise agreement.	
PROJECT / ISSUE RELATES TO:	
<input type="checkbox"/> Council Goals/Priorities <input type="checkbox"/> Adopted Master Plan(s) <input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL

A public hearing regarding the City's solid-waste collection franchisee, Republic Services, Inc., request for a cumulative, system-wide rate increase of 4.4 percent effective March 1.

BACKGROUND INFORMATION

Solid-waste disposal is regulated by Wilsonville Code (WC) 8.4 and Ordinance No. 204 of 1982 (Ordinance). Subsequent ordinances, some prompted by State mandates, have broadened the service to include the collection of yard debris and recyclable materials. Governing Ordinance No. 204, lays-out six (6) factors that the City Council should consider in determining whether or

not to grant the Franchisee a rate increase. This report reviews the six criteria of ordinance applied to the rate-increase request.

Appendix 1 provides a table of data comparing “regular service” current 2015 rates with the proposed rates effective in 2016. Appendix 2 includes response from Franchisee to the list of potential Council concerns and questions reviewed at the Jan. 21 City Council work session.

Republic Services, Inc., is the successor in interest through acquisition of the City’s solid-waste collection franchise that is governed by Ordinance No. 204 (1982). Republic Services provides a full-range of solid-waste services, including collection and disposal of garbage, large bulky items, recyclable materials and yard debris. Franchisee was last granted a 4.0 percent rate increase effective August 1, 2013.

ANALYSIS OF REQUEST BASED ON ORDINANCE CRITERIA

Matter Is Appropriately before Council

Solid-waste disposal is regulated by Wilsonville Code 8.4 and Ordinance No. 204, enacted in 1982. Through acquisition, Republic Services is the successor-in-interest to Allied Waste Services, which was the successor-in-interest via acquisition to the original franchisee, United Disposal Service, Inc.

Republic Services submitted the request in writing with supporting data for the rate increase on Dec. 18, 2015, providing the required minimum 30-day timely notice for City Council (Council) consideration for the February 18, 2016, public hearing at City Council meeting; Ordinance section 13.

Ordinance Approval Criteria for Rate Increase

Section 13 of Ordinance No. 204 provides six (6) total criteria that the Council “shall consider” in “determining the appropriate rate to be charged by the Franchisee”:

- “1. The cost of performing the service provided by the franchisee;
- “2. The anticipated increase in the cost of providing service;
- “3. The need for equipment replacement and the need for additional equipment to meet service needs; compliance with federal, state and local law, ordinances and regulations; or technological change;
- “4. The investment of the franchisee and the value of its business and necessity that the franchisee shall have a reasonable rate of return;
- “5. The rates in other cities for similar services;
- “6. The public interest by assuring reasonable rates to enable the franchisee to provide efficient and beneficial service to the residents and other users of the service.”

This report reviews each set of criteria and provides a recommendation.

1. The cost of performing the service provided by the Franchisee.

The Franchisee describes in the Dec. 18, 2015, cover letter that the various “Costs incurred are summarized in eight (8) categories: disposal, labor, fuel and vehicle operations, administrative, insurance, depreciation, facility and franchise fees.” Attachment A, page 1.

Franchisee amplifies that the “purpose of this request is to offset the negative impact of 6.5 percent inflation on our operating expenses since our last price increase and to recover the negative expense incurred to deliver recyclables to markets.” Attachment A, page 1.

Specifically, “Republic’s most significant category of operating costs is disposal expense. This cost alone represents 44 percent of Republic’s operating costs. Cost of disposal has increased 8.0 percent since the City last approved a rate adjustment for our company” in August 2013; Attachment A, page 2.

The four primary factors that impact the cost of disposal are “(1) transfer, transport, landfill disposal and waste recovery, (2) Metro’s Regional System Fee and Excise Tax, (3) DEQ fee and (4) City of Wilsonville’s Host [franchise] Fee.” These costs factors are detailed by Franchisee on Attachment A, page 2.

Franchisee notes that some expenses have decreased and may further decline: “Vehicle operating costs declined each year following our 2013 rate adjustment. Furthermore, costs for this category are expected to decline significantly in 2016.” Attachment A, page 2.

However, vehicle depreciation expense is increasing: “Depreciation costs increased 21 percent since our rate adjustment in 2013. This increase was due to the addition of a new maintenance facility on the property operated by Willamette Resources, Inc., the purchase of new vehicles, installation of CNG fueling stations for the new vehicles, plus new roll carts and containers. The amount of reduction in vehicle operating costs should offset approximately 75 percent of the cost of depreciation.” Attachment A, page 3.

The Franchisee has provided a proforma Statement of Income [and Expenses] and proforma Schedule of Direct Expenses showing that the cost of operations has increased from \$3,737,049 in 2014 to \$3,771,210 in 2015, which is a net increase of \$34,161 or 0.9% in the cost of operations. *See* Attachment B, page 3:

	2011	2012	2013	2014	2015	% Change to 2014	2016 with rate change	% Change to 2015
Revenue	4,655,237	4,902,229	5,141,169	5,167,317	4,994,567	-3.3%	5,215,405	4.4%
Cost of Operations	3,239,916	3,669,471	3,633,454	3,737,049	3,771,210	0.9%	3,926,216	4.1%

The Franchisee’s financial statements indicate that the cost of providing service has increased by 4.1% from 2011 to 2015; however, this timeframe does not appear relevant since a 4.0% rate increase was granted during the interim in August 2013. The time to start the clock on measuring the change in cost of performing the service would appear to be from the date of the last rate increase, August 2013, rather than an arbitrarily chosen timeframe such as 2011. Thus, 2014 serves as the only full-year of baseline data. *See* Attachment B, page 3.

Interestingly, in contrast to the cost of operations, Franchisee’s revenue has been flat or declining. Given record single-family home building for three consecutive years primarily in the Villebois neighborhood, which implies an increasing number of customers in greater density, one would expect revenues to increase. For example, during calendar year 2015, the City added 360 new service locations to the City’s utility billing database; while not dispositive of the solid-waste “utility” market, the number is an indication of an increasing number of new residences in the City needing all utility services — including solid-waste “utility” service.

There may be other factors that impact Franchisee’s revenues, such as declining commercial or industrial customer demand. However, given that the Great Recession ended a sometime ago—U.S. National Bureau of Economic Research states that the U.S. recession began in December 2007 and ended in June 2009—and City commercial and industrial vacancies are down considerably from the recession, one would anticipate that commercial and industrial demand for solid-waste services would rebound along with the rest of the economy.

Franchisee has indicated that in meetings with staff that the global collapse of recycled materials markets has significantly negatively impacted revenues, which the rate increase is designed to help ameliorate: “The purpose of this request is...to recover the negative expense incurred to deliver recyclables to markets.” Attachment A, page 1. Based on the Schedule of Direct Expenses, the cost “incurred to deliver recyclables to markets” is *not listed* as a specific expense, and therefore the precise impact on expenses is unclear; Attachment 2, page 4.

The table below shows the change in revenue over the past five years; Attachment B, page 3:

Statement of Income	2011	2012	2013	2014	2015
Revenue	\$ 4,655,237	\$ 4,902,229	\$ 5,141,169	\$ 5,167,317	\$ 4,994,567
Change from prior year:					
• Amount of change		\$ 246,992	\$ 238,940	\$ 26,148	\$ (172,750)
• Percent of change		5%	5%	1%	-3%

Franchisee’s change in revenue, however, is not one of the listed criteria *per se* that is to be used for evaluating a request for a rate change.

One question or issue that is unclear pertains to what kinds of “expenses” are valid for consideration. Specifically, the issue of income-tax expense on gross profit. Franchisee has reported on the Statement of Income, Attachment B, page 1, an operating margin ranging from 13% to 18.3% of gross income. The amount of income tax a company is assessed can vary, based on organizational structure and other factors such as tax credits; plus, taxes are not filed and or paid in the same year, resulting in a time lag. Ordinance No. 204 that provides for the solid-waste franchise is silent on the matter.

	2011	2012	2013	2014	2015
Revenue	4,655,237	4,902,229	5,141,169	5,167,317	4,994,567
Cost of Operations	3,239,916	3,669,471	3,633,454	3,737,049	3,771,210
Gross Profit	1,415,321	1,232,758	1,507,715	1,430,268	1,223,356
Salaries, General and Administrative	561,135	594,000	590,674	595,263	506,076
Gross Income	854,186	638,758	917,041	835,006	717,280
Provision for Income Taxes	341,674	255,503	366,816	334,002	286,912

Summarized below are calculations regarding gross profit or income before income taxes.

Statement of Income	2011	2012	2013	2014	2015
Revenue	\$ 4,655,237	\$ 4,902,229	\$ 5,141,169	\$ 5,167,317	\$ 4,994,567
Gross Income (Before Taxes)	\$ 854,186	\$ 638,758	\$ 917,041	\$ 835,006	\$ 717,280
Operating Margin	18.3%	13.0%	17.8%	16.2%	14.4%

In researching this issue, staff have learned that a number of jurisdictions across the metro region that conduct an annual solid-waste rate review process—including Washington County and the cities of Beaverton, Gresham, Portland, and Milwaukie—consider only the margin before taxes.

In reviewing prior rate increase requests that were granted in full or part, this issue does not appear to have been raised by staff or public, and therefore may not be appropriate for consideration at this time. The issue does, however, highlight an ambiguity in the three-decades-plus-old current franchise agreement that could be clarified in an updated franchise agreement.

In summary, based on proforma Statement of Income and prior City practice in looking at income as a percentage of revenue, the Franchisee appears to demonstrate the cost of providing the service has increased marginally, by 0.9%, during the approximate two-year period since the last rate adjustment in August 2013.

2. The anticipated increase in the cost of providing service.

The Franchisee anticipates the cost of operations to increase by 4.9%, from \$3,737,049 in 2014 to an estimated \$3,920,342 in 2016 without a rate change. The Franchisee sites in the Dec. 18, 2015, cover letter on page 3 a number of factors that are estimated to impact the cost of doing business to provide the desired service.

In researching this issue, staff has learned that some jurisdictions, such as Clackamas County, do not consider cost projections in setting rates, and rather use only actual, full-year data. The City's ordinance governing the solid-waste disposal franchise explicitly allows consideration of this factor — the anticipated increase in the cost of providing service. Thus, the City Council may wish to consider updating the franchise agreement that may incorporate provisions addressing the matter, if deemed appropriate.

The proposed rate increase results in an estimated cost of operations in 2016 of \$3,926,216, which is 5% greater than the costs of operations in 2014. See Attachment B, page 3.

	2014	2015	% Change to 2014	2016 with rate change	% Change to 2015	2016 no rate change
Revenue	5,167,317	4,994,567	-3.3%	5,215,405	4.4%	4,994,567
Cost of Operations	3,737,049	3,771,210	0.9%	3,926,216	4.1%	3,920,342

In summary, the Franchisee appears to demonstrate that the anticipated increase in the cost of providing the service is estimated to increase during 2016 by 4.9% to 5% from 2014.

3. The need for equipment replacement and the need for additional equipment to meet service needs; compliance with federal, state and local law, ordinances and regulations; or technological change.

The Franchisee describes various equipment and operational issues in the Dec. 18 cover letter, Attachment A, pages 3-4. In particular, Franchisee notes the fleet transition underway now from diesel-powered trucks to CNG (compressed natural gas) vehicles that are less costly over time to maintain and operate and offer a more sustainable mode of operations.

Franchisee shows the depreciation expense associated with the acquisition of new equipment in the Schedule of Direct Expenses, Attachment B, page 4. The last full-year reported, 2014, shows depreciation expense of \$213,267, which equates to 5.7% of total operating costs.

	2011	2012	2013	2014	2015	2016 with Rate Change to 2015	% Change	2016 No Rate Change
Depreciation	244,976	187,954	195,097	213,267	235,683	295,075	25.2%	295,075

Other factors beyond general inflation may influence future costs that require changes to comply with ordinances and regulations. For example, mandatory recycling of commercial food-scrap wastes may create new expenses that are recouped through a rate change.

4. The investment of the Franchisee and the value of its business and necessity that the Franchisee shall have a reasonable rate of return.

Franchisee indicates that it is “targeting an 8.8 percent rate of return based on an annualized 12-month revenue.” Attachment A, page 4.

According to Rick Winterhalter, Waste Coordinator for the Clackamas County Office of Sustainability, Department of Transportation and Development, the accepted, reasonable rate of return in the solid-waste disposal industry is in the 8% to 12% range.

Franchisee provides the following financial information pertaining past, current and projected “rates of return,” or income as a percentage of revenue. See Attachment B, page 3. Added in below are calculations by staff of the percentage change of income as a percentage of revenue for “% Change [from 2011] to 2014” and “% Change [from 2011] to 2015,” which the City Council inquired about at the Jan. 21 work session.

	2011	2012	2013	2014	2015	% Change to 2014	2016 with rate change	% Change to 2015	2016 no rate change
Income as a Percentage of Revenue	11.0%	7.8%	10.7%	9.7%	8.6%	11.0%	8.8%	7.3%	6.6%

Net income as a percentage of revenue has varied over the past four years between 7.8% and 11%. The Franchisee projects that without the requested rate increase the rate of return in 2016 would be 6.6%, substantially below the target rate of return.

As was noted above under criteria No. 1, the cost of performing the service, there is a question as to which measurement should be the appropriate one to evaluate the rate of return, namely pre-tax gross income or post-tax net income. However, this question does not appear appropriate given a lack of explicit mandate in the solid-waste disposal franchise ordinance and past practice.

The Franchisee appears to demonstrate that the requested rate increase produces an 8.8% rate of return based on the requested rate increase taking place.

5. The rates in other cities for similar services.

The Franchisee has provided information on the solid-waste collection and disposal rates of nearby cities Lake Oswego and Tualatin, which are also served by Franchisee; see Attachment A, pages 5-7. One might argue that comparison of Wilsonville to these cities is most appropriate and close to an “apples-to-apples” comparison in that the three communities are in close proximity to each other and are all served by the same solid-waste Franchisee.

Franchisee highlights numerous factors unique to each community that influence a given class of customers’ rates. These factors include the quantity of customers in a given category (residential, commercial and industrial), the volume and types of waste generated by each class of customer, the frequency of collection, number of customers on a route (“route density”), issues of

transportation distance, government fee variations, and even policy preferences by Councils in the various cities.

In terms of residential rates, Franchisee indicates that, *using propriety information*, the average residential rate per customer in the three cities served by Franchisee (Lake Oswego, Tualatin and Wilsonville) is \$27.56; see Attachment A, page 6:

Franchisee Propriety Methodology of Comparative Residential Rates

City	Ave Rate per Customer	Variance from Average	
		\$	%
Wilsonville (proposed)	\$ 27.52	(\$ 0.04)	-0.16%
Lake Oswego (approved)	\$ 28.88	\$ 1.32	4.56%
Tualatin (current)	\$ 26.29	(\$ 1.27)	-4.84%
Average	\$ 27.56	\$ 0.00	0.00%

Franchisee indicates that this table “shows the average rate per customer for comparable residential services. The information enables us to evaluate the comparability of the cost of service for these customers. On the basis of average cost per month, Wilsonville customers will pay less than customers in the other two cities. This is primarily the result of a greater proportion of Wilsonville customers using the smallest 20-gallon cart.” Attachment A, page 6.

However, when looking at the actual rates as listed, greater divergence appears. Franchisee indicates that the differences in rates are accounted for in part by variations of the customer classes in each city—the various factors noted on the previous page (enumerated in greater detail in Attachment A, pages 5-6)—as well as other factors such a differences in required fees and diverse Councils preferences for advancing certain public policies, such as encouraging less waste generation that favors substantially lower rates for smaller-sized carts.

Similar proprietary information is presented for both commercial and residential customers; see Attachment A, pages 6 and 7:

Franchisee Propriety Methodology of Comparative Commercial Rates

City	Revenue Per Lift	Variance from Average	
		\$	%
Wilsonville (proposed)	\$ 16.29	\$ 2.23	13.69%
Lake Oswego (approved)	\$ 12.82	(\$ 1.24)	-9.67%
Tualatin (current)	\$ 13.07	(\$ 0.99)	-7.57%
Average	\$ 14.06	\$ 0.00	0.00%

Franchisee Propriety Methodology of Comparative Industrial Rates

City	Ave Haul Rate	Variance from Average	
		\$	%
Wilsonville (proposed)	\$ 143.93	\$ 6.96	4.84%
Lake Oswego (approved)	\$ 136.94	(\$ 0.03)	-0.02%
Tualatin (current)	\$ 130.03	(\$ 6.94)	-5.33%
Average	\$ 136.97	\$ 0.00	0.00%

Following is table showing a comparison of rates for residential, commercial and industrial customers for 2015, prior to rate increases approved by Lake Oswego in late 2015.

Customer Account Type / Cart Size	Rates of 3 Cities - 2015			Average of 3 Cities	Wilsonville Variance	
	Wilsonville	Lake Oswego	Tualatin		\$	%
Residential Cart Rates						
20 gallon	\$ 21.84	\$ 18.80	\$ 20.65	\$ 20.43	\$ 1.41	6.9%
35 gallon	\$ 24.54	\$ 24.88	\$ 24.21	\$ 24.54	(\$ 0.00)	0.0%
65 gallon	\$ 32.34	\$ 39.69	\$ 31.93	\$ 34.65	(\$ 2.31)	-6.7%
Commercial Rates						
35 gallon	\$ 16.48	\$ 24.46	\$ 18.18	\$ 19.71	(\$ 3.23)	-16.4%
65 gallon	\$ 26.18	\$ 36.44	\$ 24.72	\$ 29.11	(\$ 2.93)	-10.1%
90 gallon	\$ 32.97	\$ 38.75	\$ 31.00	\$ 34.24	(\$ 1.27)	-3.7%
1.5 yard	\$ 121.00	\$ 150.27	\$ 112.12	\$ 127.80	(\$ 6.80)	-5.3%
2 yard	\$ 158.29	\$ 187.79	\$ 148.63	\$ 164.90	(\$ 6.61)	-4.0%
3 yard	\$ 230.05	\$ 248.13	\$ 206.41	\$ 228.20	\$.85	0.8%
4 yard	\$ 299.68	\$ 311.67	\$ 262.16	\$ 291.17	\$ 8.51	2.9%
6 yard	\$ 441.38	\$ 390.80	\$ 370.18	\$ 400.79	\$ 40.59	10.1%
8 yard	\$ 585.26	\$ 504.10	\$ 465.30	\$ 518.22	\$ 67.04	12.9%
Industrial Rates						
10 yard	\$ 103.88	\$ 110.03	\$ 92.17	\$ 102.03	\$ 1.85	1.8%
20 yard	\$ 103.88	\$ 110.03	\$ 108.68	\$ 107.53	(\$ 3.65)	-3.4%
30 yard	\$ 141.70	\$ 130.01	\$ 125.13	\$ 132.28	\$ 9.42	7.1%
40 yard	\$ 163.38	\$ 149.94	\$ 139.41	\$ 150.91	\$ 12.47	8.3%

Following is a table showing a comparison of rates for residential, commercial and industrial customers for 2016 that includes the rate increase approved by Lake Oswego on Dec. 1, 2015, and proposed by Franchisee for 2016 in Wilsonville. Note that the same size carts/containers are used on both the 2015 and 2016 tables; other sizes of carts or containers are available but not show below; for a complete list of all size carts/containers, see Attachment 2, page 13.

Customer Account Type / Cart Size	Proposed/New Rates of 3 Cities - 2016			Average of 3 Cities	Wilsonville Variance	
	Wilsonville*	Lake Oswego	Tualatin		\$	%
Residential Cart Rates						
20 gallon	\$ 23.00	\$ 19.91	\$ 20.65	\$ 21.19	\$ 1.81	8.6%
35 gallon	\$ 25.89	\$ 26.34	\$ 24.21	\$ 25.48	\$ 0.41	1.6%
65 gallon	\$ 34.12	\$ 42.03	\$ 31.93	\$ 36.03	(\$ 1.91)	-5.3%
Commercial Rates						
35 gallon	\$ 25.89	\$ 25.90	\$ 18.18	\$ 23.32	\$ 2.57	11.0%
65 gallon	\$ 34.12	\$ 38.59	\$ 24.72	\$ 32.48	\$ 1.64	5.1%
90 gallon	\$ 39.25	\$ 41.04	\$ 31.00	\$ 37.10	\$ 2.15	5.8%
1.5 yard	\$ 134.19	\$ 159.14	\$ 112.12	\$ 135.15	(\$ 0.96)	-0.7%
2 yard	\$ 175.22	\$ 198.87	\$ 148.63	\$ 174.24	\$ 0.98	0.6%
3 yard	\$ 242.70	\$ 262.77	\$ 206.41	\$ 237.29	\$ 5.41	2.3%
4 yard	\$ 316.16	\$ 330.06	\$ 262.16	\$ 302.79	\$ 13.37	4.4%
6 yard	\$ 441.38	\$ 446.47	\$ 370.18	\$ 419.34	\$ 22.04	5.3%
8 yard	\$ 585.26	\$ 533.84	\$ 465.30	\$ 528.13	\$ 57.13	10.8%
Industrial Rates						
10 yard	\$ 115.00	\$ 117.50	\$ 92.17	\$ 108.22	\$ 6.78	6.3%
20 yard	\$ 115.00	\$ 117.50	\$ 108.68	\$ 113.73	\$ 1.27	1.1%
30 yard	\$ 145.00	\$ 138.00	\$ 125.13	\$ 136.04	\$ 8.96	6.6%
40 yard	\$ 165.00	\$ 159.00	\$ 139.41	\$ 154.47	\$ 10.53	6.8%

Following is a table showing metro-area, region-wide comparison of residential solid-waste rates, which shows considerable diversity in rates. Average refers to the average of all the rates listed for a given size cart.

Jurisdiction	20 gallon	Variance from Average		32/35 gallon	Variance from Average		60/65 gallon	Variance from Average	
		\$	%		\$	%		\$	%
Beaverton	\$ 22.05	(\$ 0.33)	-1%	\$ 25.20	(\$ 0.87)	-3%	\$ 38.85	\$ 2.56	7%
Clackamas County (Urban)	\$ 26.15	\$ 3.77	17%	\$ 29.95	\$ 3.88	15%	\$ 39.25	\$ 2.96	8%
Damascus	\$ 22.90	\$ 0.52	2%	\$ 29.65	\$ 3.58	14%	\$ 38.95	\$ 2.66	7%
Gresham	\$ 25.91	\$ 3.53	16%	\$ 29.69	\$ 3.62	14%	\$ 38.99	\$ 2.70	7%
Gresham	\$ 25.91	\$ 3.53	16%	\$ 29.69	\$ 3.62	14%	\$ 38.99	\$ 2.70	7%
Hillsboro	\$ 19.10	(\$ 3.28)	-15%	\$ 22.85	(\$ 3.22)	-12%	\$ 32.85	(\$ 3.45)	-9%
Lake Oswego (new rate)	\$ 19.91	(\$ 2.47)	-11%	\$ 26.35	\$ 0.28	1%	\$ 42.03	\$ 5.74	16%
Milwaukie	\$ 25.00	\$ 2.62	12%	\$ 28.85	\$ 2.78	11%	\$ 38.25	\$ 1.96	5%
Oregon City	\$ 20.63	(\$ 1.75)	-8%	\$ 25.83	(\$ 0.24)	-1%	\$ 35.55	(\$ 0.75)	-2%
Portland	\$ 24.75	\$ 2.37	11%	\$ 28.55	\$ 2.48	10%	\$ 36.65	\$ 0.35	1%
Portland - West Hills	\$ 24.75	\$ 2.37	11%	\$ 29.35	\$ 3.28	13%	\$ 35.65	(\$ 0.65)	-2%
Sherwood	\$ 21.52	(\$ 0.86)	-4%	\$ 23.65	(\$ 2.42)	-9%	\$ 31.45	(\$ 4.85)	-13%
Tigard with yard debris	\$ 21.51	(\$ 0.87)	-4%	\$ 24.50	(\$ 1.57)	-6%	\$ 36.43	\$ 0.13	0%
Tigard without yard debris	\$ 19.10	(\$ 3.28)	-15%	\$ 21.99	(\$ 4.08)	-16%	\$ 36.43	\$ 0.13	0%
Tualatin	\$ 20.65	(\$ 1.73)	-8%	\$ 24.21	(\$ 1.86)	-7%	\$ 31.93	(\$ 4.37)	-12%
Washington County (Rural)	\$ 21.51	(\$ 0.87)	-4%	\$ 23.36	(\$ 2.71)	-10%	\$ 35.04	(\$ 1.26)	-3%
Washington County (Urban)	\$ 21.09	(\$ 1.29)	-6%	\$ 22.96	(\$ 3.11)	-12%	\$ 33.32	(\$ 2.98)	-8%
West Linn	\$ 20.34	(\$ 2.04)	-9%	\$ 24.25	(\$ 1.82)	-7%	\$ 38.83	\$ 2.54	7%
Wilsonville - 2015/current	\$ 21.84	(\$ 0.54)	-2%	\$ 24.54	(\$ 1.53)	-6%	\$ 32.34	(\$ 3.96)	-11%
Wilsonville - 2016/proposed	\$ 23.00	\$ 0.62	3%	\$ 25.89	(\$ 0.18)	-1%	\$ 34.12	(\$ 2.18)	-6%
Average of All	\$ 22.38			\$ 26.07			\$ 36.30		

Research courtesy of Mark Yager, HR City Intern.

6. The public interest by assuring reasonable rates to enable the Franchisee to provide efficient and beneficial service to the residents and other users of the service.

The Franchisee believes that the proposed rates are reasonable to enable the Franchisee to provide efficient and beneficial service to the residents and other users of the service.

A question that the Council may wish to consider in terms of “assuring reasonable rates” pertains to particular proposed rate increases for smaller bin sizes for Commercial customers. See Appendix and Attachment B, pages 12, 13 and 15.

Related Issue for Future Discussion

While not part of the rate-increase request or process, staff believes that Council may wish to consider having staff update the Ordinance that governs the solid-waste disposal and collection franchise the following related issue. Staff made to Council a similar suggestion in 2013 during the last rate increase process by Franchisee. Franchisee has indicated agreement that updating the Franchise is a worthy endeavor that could provide greater clarity to all parties.

Specifically, Ordinance No. 204, is 33 years old (passed in 1982). While subsequent ordinances and resolutions (Ordinance No. 281, 1985; Ordinance No. 424, 1994; Resolution No. 2300, 2009) have enlarged the scope of services and increased the rates, the original Ordinance text still governs. Staff suggests that Ordinance should be updated to reflect newer information and methods of doing business, liability insurance coverage and changes in law and technology.

Additionally, through various mergers and acquisitions, the City has done business with the same franchise-holder for over 30 years. While there appear to be no performance issues with the quality of the Franchisee’s services and Franchisee has served the community well for many years, the City Council may be interested in opening-up the solid-waste franchise for bid at some point in the future in order to be consistent with competitive public contracting laws and objectives.

TIMELINE

The Franchisee has requested a rate increase effective March 1, 2016. Staff believes that providing less than a month’s notice to the Wilsonville customers is not sufficient and that more advance notice to customers would be more courteous, reasonable and appropriate. Staff suggests an effective date that provides customers a reasonable 30–60 days’ notice is more appropriate.

CURRENT YEAR BUDGET IMPACTS

This increase would not impact the current year due to the timing of the effective date, but would increase the revenue estimate for the franchise fee for the following year by approximately \$6,625, raising the amount of projected revenue from about \$149,837 to \$156,462.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: S. Cole Date: 2/11/2016

LEGAL REVIEW / COMMENT:

Reviewed by: B. Jacobson Date: 2/11/16

As noted in this report and as discussed in 2013 when the last rate increase was approved, the underlying franchise agreement dates back to 1982 and is in need of updating to, at the least, accurately cite to current state law. A new agreement could also address any concerns that the Council may raise with respect to how rate increases are to be requested, documented or justified in the future.

At the Jan. 21 City Council work session on this topic, Councilor Stevens inquired about the feasibility of establishing an annual rate-review process similar to that utilized by other area jurisdictions. An updated franchise agreement with an annual review process could employ objective metrics to calculate any kind of rate change; presumably an annual review process would result in smaller rate adjustments more frequently rather than periodic increases that are larger.

COMMUNITY INVOLVEMENT PROCESS

City staff notified the community of the requested rate increase and public hearing through media releases, web posts, social media and 12,500-circulation monthly *Boones Ferry Messenger*. The February 2016 issue of the all-city newsletter featured a front-page article on the proposed rate change. Similarly, the Jan. 27, 2016, edition of the *Wilsonville Spokesman* featured a large, above-the-fold article on the proposed rate change. Both articles featured a convenient link to the City's website page, www.ci.wilsonville.or.us/RateRequest, which includes background information on the rate increase request and a comment form.

CITY MANAGER COMMENT

City has sought to notify residents and businesses of proposed change in solid-waste collection and disposal rates, and to respond to questions raised by City Council members.

APPENDICES

1. Comparison of 2015 Current Rates with 2016 Proposed Rates in Wilsonville.
2. Responses to Potential Council Concerns or Questions Regarding Rate-Increase Request by Solid-Waste Franchisee
3. Public comments received as of Feb. 3 via City website feedback form at www.ci.wilsonville.or.us/RateRequest.

ATTACHMENTS

- A. Republic Services cover letter to Mayor and City Council, RE Rate Increase, December 18, 2015.
- B. Republic Services, City of Wilsonville 2016 Rate Increase Packet

Resolution No. 2566, A Resolution Approving a Rate Increase for Republic Services of Clackamas and Washington Counties for Solid-Waste and Recycling Collection and Disposal in the City of Wilsonville.

APPENDIX 1**Comparison of 2015 Current Rates with 2016 Proposed Rates in Wilsonville**

Customer Account Type / Cart Size	2015 Current Wilsonville	2016 Proposed Wilsonville	Variance	
			\$	%
Residential Cart Rates				
20 gallon	\$ 21.84	\$ 23.00	\$ 1.16	5.3%
35 gallon	\$ 24.54	\$ 25.89	\$ 1.35	5.5%
65 gallon	\$ 32.34	\$ 34.12	\$ 1.78	5.5%
Commercial Rates				
35 gallon	\$ 16.48	\$ 25.89	\$ 9.41	57.1%
65 gallon	\$ 26.18	\$ 34.12	\$ 7.94	30.3%
90 gallon	\$ 32.97	\$ 39.25	\$ 6.28	19.0%
1.5 yard	\$ 121.00	\$ 134.19	\$ 13.19	10.9%
2 yard	\$ 158.29	\$ 175.22	\$ 16.93	10.7%
3 yard	\$ 230.05	\$ 242.70	\$ 12.65	5.5%
4 yard	\$ 299.68	\$ 316.16	\$ 16.48	5.5%
6 yard	\$ 441.38	\$ 441.38	\$ -	0.0%
8 yard	\$ 585.26	\$ 585.26	\$ -	0.0%
Industrial Rates				
10 yard	\$ 103.88	\$ 115.00	\$ 11.12	10.7%
20 yard	\$ 103.88	\$ 115.00	\$ 11.12	10.7%
30 yard	\$ 141.70	\$ 145.00	\$ 3.30	2.3%
40 yard	\$ 163.38	\$ 165.00	\$ 1.62	1.0%

APPENDIX 2**Responses to Potential Council Concerns or Questions Regarding Rate-Increase Request by Solid-Waste Franchisee**

City staff met with Franchisee's representatives to review issues that City Council expressed an interest in during the Jan. 21 City Council work session.

QUESTION A: Why are three smallest commercial carts proposed to have the largest rate increase by percentage?

RESPONSE A: Two commercial customers in Wilsonville utilize 70% the two smallest commercial carts: both accounts are multifamily-dwelling communities. Franchisee indicates that it has contacted the property management to indicate that lower-cost disposal alternatives are available and that are used by other multifamily-dwelling communities in the city.

The three smallest commercial carts are identical to the three smallest residential carts. However, the cost to service these commercial carts is greater than that of the residential carts for several reasons:

- More manual labor by Franchisee employees to exit truck, retrieve and move carts into position for unloading, and then move carts back into position.

- Costs associated with bringing a residential-servicing truck out of normal residential-route servicing to provide special service to the two commercial accounts.

QUESTION B: How are solid-waste fees and rate increases passed along to multifamily dwelling residents?

RESPONSE B: City staff and Franchisee both understand that all utility cost increases, including solid-waste services, are passed along in some fashion to residents of multifamily dwelling communities in the form of rental increases.

QUESTION C: Why is Lake Oswego’s smallest residential cart at such a lower rate compare to other Lake Oswego or Wilsonville residential rates?

RESPONSE C: Franchisee indicates that the Lake Oswego City Council has made a deliberate public-policy decision to favor the reduction of garbage solid-waste by rewarding residents who generate less waste with a lower-cost rate.

The Lake Oswego City Council is also considering expanding recycling options to include a new residential food-scrap recycling program to be co-mingled with yard debris; Lake Oswego would be first suburban city in Clackamas County to adopt such a program. Portland was the first City in the metro region to adapt a residential organics program.

Franchisee has indicate that if Lake Oswego advances a food-scrap recycling program, that the objective by Council is to keep the smallest cart at the current rate and to increase the rates on the larger size carts to fund the recycling program expansion.

QUESTION D: How does the current and projected decline in the price of fuel impact the cost of operations?

RESPONSE D: Franchisee includes the cost of fuel in the Expense line-item Vehicle Operating Costs; see Attachment B, page 4 “Schedule of Direct Expenses”; page 5, “Republic Services - Wilsonville Cost Structure”; and page 8, “Average Diesel Fuel Price Per Gallon.”

Attachment B, page 4 “Schedule of Direct Expenses,” shows:

COST OF OPERATIONS	2011	2012	2013	2014	2015	2016 with	%	2016 No
						Rate Change	Change to 2015	Rate Change
Vehicle Operating Costs	184,965	210,782	204,172	165,788	151,006	111,744	-26.0%	111,744

Franchisee has specifically touched on this subject in the cover letter; Attachment A, page 2:

“Vehicle operating costs declined each year following our 2013 rate adjustment. Furthermore, costs for this category are expected to decline significantly in 2016. **This reduction is the result of lower prices for diesel fuel**; replacement of fully retired vehicles with newer and better performing vehicles; and, first time use of four (4) new collection vehicles fueled with Compressed Natural Gas (CNG). We expect to start next March using vehicles fueled with CNG.” (emphasis added)

Franchisee also indicates in the cover letter; Attachment A, page 3:

“**Our request for this composite price increase of 4.4-percent includes the fuel savings that will result from the changeover now underway from a fleet of collection vehicles using diesel fuel to a fleet of vehicles fueled with Compressed Natural Gas**

(CNG) that has substantially reduced (26-percent) vehicle operating costs; and, added depreciation costs for new collection vehicles fueled with CNG along with the new property tax expense for our recently completed maintenance shop.” (emphasis added)

In researching this question further, According to Rick Winterhalter, Waste Coordinator for the Clackamas County Office of Sustainability, Department of Transportation and Development, fuel costs constitute “3% to 5% of the direct costs across all services.” Thus, while fuel costs in general and diesel fuel in particular are declining, the cost of fuel constitutes only a small portion of the total vehicle operating costs.

QUESTION E: Are alternative residential pick-up schedules (e.g., every other week or once a month) feasible, and able to result in a reduced rate?

RESPONSE E: Franchisee indicates that alternative pick-up schedules are not feasible for both logistical and practical reasons where some customers would be weekly and others every other week.

Logistical concerns relate to issues around routing schedule pick-ups and account tracking. Practical issues focus on the generation of odors and other public-health concerns that could arise from keeping putrid, decaying trash such as food waste at a residence for a two-week-long period, especially during warmer months.

Franchisee also indicates that homeowners have expressed a preference for weekly service.

QUESTION F: How do Lake Oswego’s 2015 and 2016 rates differ?

RESPONSE F: See table below for comparison of rates. New rates were adopted by the Lake Oswego City Council on Dec. 1, 2015, that granted a system-wide, cumulative rate increase of 5.9% effective on Jan. 1, 2016.

Lake Oswego

Customer Account Type / Cart Size	2015 Previous	2016 Adopted	Variance	
			\$	%
Residential Cart Rates				
20 gallon	\$ 18.80	\$ 19.91	\$ 1.11	5.9%
35 gallon	\$ 24.88	\$ 26.34	\$ 1.46	5.9%
65 gallon	\$ 39.69	\$ 42.03	\$ 2.34	5.9%
Commercial Rates				
35 gallon	\$ 24.46	\$ 25.90	\$ 1.44	5.9%
65 gallon	\$ 36.44	\$ 38.59	\$ 2.15	5.9%
90 gallon	\$ 38.75	\$ 41.04	\$ 2.29	5.9%
1.5 yard	\$ 150.27	\$ 159.14	\$ 8.87	5.9%
2 yard	\$ 187.79	\$ 198.87	\$ 11.08	5.9%
3 yard	\$ 248.13	\$ 262.77	\$ 14.64	5.9%
4 yard	\$ 311.67	\$ 330.06	\$ 18.39	5.9%
6 yard	\$ 390.80	\$ 446.47	\$ 55.67	14.2%
8 yard	\$ 504.10	\$ 533.84	\$ 29.74	5.9%
Industrial Rates				
10 yard	\$ 110.03	\$ 117.50	\$ 7.47	6.8%
20 yard	\$ 110.03	\$ 117.50	\$ 7.47	6.8%
30 yard	\$ 130.01	\$ 138.00	\$ 7.99	6.1%
40 yard	\$ 149.94	\$ 159.00	\$ 9.06	6.0%

QUESTION G: What are some of the issues around food-scrap collection?

RESPONSE G: Food-scrap or “organics” collection,” is being considered by the Lake Oswego City Council. A key goal in developing an “organics collection program” would be to recover food waste from the garbage cart and instead direct it to the yard-debris cart. Such a program would necessitate an incremental cost that would be associated with transferring the material to a composting operation outside the Metro region. Currently, none of the existing compost operations in the Metro region are permitted to compost food scraps. The frequency of pick-ups for organics would not change in the event that organics collection was implemented. Implementation of an organics collection program would offer residents the potential opportunity to downsize to a smaller size cart if they chose to divert organics for recycling program.

Metro is currently looking at a region-wide organic collection program for large institutional facilities. Due to issues around landfill capacity, disposal costs and greenhouse gas emissions from landfills brought about by food-scraps decomposing, Metro is looking at ways to remove food-scraps from the solid-waste landfill disposal process. Hence, proposals such as the SORT Bioenergy anaerobic digester facility proposed to be sited adjacent to Republic Services’ Wilsonville campus are coming forward in anticipation of a regional organics collection program.

Following are excerpts from a Republic Services memo regarding “Lake Oswego Residential Organics Collection” dated Feb. 2, 2016:

“Lake Oswego Council requested that staff work with Republic to provide Residential Organics Collection for the City’s residents. Currently Republic provides weekly yard debris services to 11,225 customers. Council and staff want to hold the cost of the 20 gallon customer and have the burden of the program placed on the larger cart sizes. The intent is to give the customer the opportunity to change habits and potentially reduce the cart size and in turn reduce their monthly bill.

Cart Size (in gallons)	Customer		Ongoing Program		Capitalized	New
	Count	Current Rate	Costs	Costs	Costs	Rate
20	1,342	\$ 19.91	\$ -	\$ 0.17	\$ 20.08	
35	7,573	\$ 26.34	\$ 1.69	\$ 0.17	\$ 28.20	
65	1,896	\$ 42.03	\$ 1.69	\$ 0.17	\$ 43.89	
90	414	\$ 44.32	\$ 1.69	\$ 0.17	\$ 46.18	
	<u>11,225</u>					

“Lake Oswego staff is handling the majority of the Education and Outreach materials that will be used prior to implementation of the new program. Staff has requested that we present the program to Council March 1st. Education and Outreach will start after Council approval with the Collection Services starting June 1st. The “Ongoing Program Costs” reflect the cost to transfer / dispose (plus margin) of the material at a DEQ approved compost facility (able to accept Type III materials).

Market Dynamics

“Currently there are no permitted compost facilities in the Metro Region that are approved to accept Type III materials (Food Scraps). This requires any jurisdiction that starts a residential organics program to haul these materials to an approved Metro Transfer Stations (WRI is one of

six) to have the material transferred outside of the region. Metro and DEQ have identified that 18% of the current MSW stream is comprised of food waste. Today only Portland has a “residential organics” program. Lake Oswego will be the first in Clackamas County to collect residential organics. We have been working directly with Clackamas County Staff (Rick Winterhalter) to assure that the structure of the program being presented to Lake Oswego will also meet Clackamas County’s approval for future jurisdictions. Clackamas County is considering rolling out a residential organics program County wide in the next year or two.

Competitive Landscape

“Republic Services if franchised to provide collection services for the City of Lake Oswego. The City Council has requested our proposal and has support from staff and the Lake Oswego Sustainability Network to move forward with a residential organics collection program.

Potential “Road Blocks”

“Processing capacity for Residential Organics (Type III) in Oregon is limited. Currently none of the composters in the Metro Region have been able to permit their facilities for Type III materials. Understanding the fact that Pacific Region Compost (PRC) has reached capacity, we have been working with Metro and other approved compost facilities to assure we have outlets for this material. The yard debris being collected from Lake Oswego is going to Recology’s Aumsville Compost Operation. We are currently developing a “draft” contract that will soon be ready for Legal Review.

Capital Needs

“The capital cost required is \$100,000. City Staff want to provide residents with a food scraps pail to collect and transport materials from their kitchens to the organics cart. Current service level is weekly for yard debris. There will be no increases in Labor or Trucks to cover the new program.”

APPENDIX 3

Public comments received as of Feb. 3 via City website feedback form at www.ci.wilsonville.or.us/RateRequest.

As of the date of this report (Feb. 3), only one public comment had been submitted; additional comments, if any, that are submitted between Feb. 3 and the date of the public hearing at the Feb. 18 City Council meeting will be provided to Council members at the Feb. 18 Council work session.

Full Name Albert Levit
Address 11702 SW Jamaica
City/Town Wilsonville
State/Province OR
ZIP/Postal Code 97070

Comment

The residential container size options remain remain the same and do not provide any incentive for people who already limit or may want to limit the amount of waste they generate. It would be good if a smaller size container at lower cost could be offered to those with limited resources or a desire to be more environmentally friendly. The rates show that the cost of a smaller container might not be dramatically lower than the 20 gallon size but any amount less would be appreciated by many in the community. Other cities do this so why not us?



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December 18, 2015

Honorable Tim Knapp, Mayor and
 Members of City Council
 City of Wilsonville
 29799 SW Town Center Loop East
 Wilsonville, OR 97070

Dear Mayor Knapp and Councilors:

RE: Rate Increase

Republic Services, Inc. is requesting a composite rate increase of 4.4-percent effective March 1, 2016 to continue providing the quality services specified in our franchise agreement with the City. The purpose of this request is to offset the negative impact of 6.5-percent inflation on our operating expenses since our last price increase and to recover the negative expense incurred to deliver recyclables to markets. Republic estimates its net income as a percent of revenue in 2016 would be 6.6-percent without this increase.

Republic's last price increase of 4.0-percent was approved two and one-half years ago. The effective date of this increase was August 1, 2013.

The location of Republic's transfer station on the northern boundary of the city provides a financial benefit of avoided costs for all of Republic's Wilsonville customers. We estimate the collection rates of our Wilsonville customers in 2015 were \$494,000 less in total than the rates would have been had Republic continued transporting waste collected in Wilsonville to Metro's transfer station in Oregon City.

Ordinance No. 204, Section 13, provides the six (6) criteria the Council shall consider to determine the appropriate rate to be charged by Republic Services, Inc. for solid waste services.

“1. The cost of performing the service provided by the franchisee.”

Republic Services, Inc.'s criteria for determining collection rates is cost of service, i.e., allocation of expenses in human assets and equipment to effectively collect solid waste generated by our customers.

Costs for each type of collection service desired by the City are analyzed to establish the rate to accomplish the service desired by the City. This analysis involves the allocation of costs by customer type – residential, commercial and industrial. Costs incurred are summarized in eight (8) categories: disposal, labor, fuel and vehicle operations, administrative, insurance, depreciation, facility and franchise fees. These costs are allocated for each type of service based on the following criteria:

- Weight of material collected – average residential pounds/lift, average commercial pounds/yard and average industrial tons/haul;
- Labor hours required for each type of service;



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- Type of waste disposal equipment used by customer:
 - Residential customers use 20, 35 and 60 gallon roll carts;
 - Commercial customers use 35, 65 and 90 gallon roll carts, plus six (6) different sized drop boxes – 1 yard to 8 yards;
 - Industrial customers use four different sized drop boxes and compactors – 10 yard to 40 yard.

Republic's most significant category of operating costs is disposal expense. This cost alone represents 44-percent of Republic's operating costs. Cost of disposal has increased 8.0-percent since the City last approved a rate adjustment for our company.

The current cost for disposal of solid waste is \$96.98/ton. This cost is comprised of four (4) categories: (1) transfer, transport, landfill disposal and waste recovery, (2) Metro's Regional System Fee and Excise Tax, (3) DEQ fee and (4) City of Wilsonville's Host Fee

- Transfer, transport and landfill disposal cost is currently \$64.87/ton, representing 67-percent of the total tip fee. These costs are incurred by Republic at its transfer station to receive and process garbage and recyclables, cost to transport garbage to the landfill and recyclables to markets, and the cost for disposal of garbage in a landfill.
- Metro's Regional System Fee and Excise Tax costs are currently \$29.87/ton: Regional System Fee is \$18.39/ton and the Excise Tax is \$11.48/ton, representing 31-percent of the total fee charged at Republic's transfer station.

The Regional System Fee funds various regional solid waste programs; waste reduction, education and outreach, regulatory affairs, illegal dumping, hazardous waste reduction, latex paint recovery, landfill stewardship, facility and asset management.

The Excise Tax funds a part of Metro's expenses for general government, planning, regional parks, convention center and outdoor school.

- DEQ's Fee is currently \$1.24/ton and represents 1.0-percent of the total tip fee. As in the case of Metro, DEQ requires all transfer station operators receiving solid waste generated in the metro region to collect and pay this fee to DEQ.

This fee is expected to increase in 2016 to \$1.37/ton and increase again in 2017 for as yet an unspecified amount per ton.

- Metro added a new fee of \$1.00/ton payable to the City of Wilsonville on all putrescible (wet) waste delivered to Republic's transfer station on Ridder Road. This fee represents 1.0-percent of the total tip fee.

Vehicle operating costs declined each year following our 2013 rate adjustment. Furthermore, costs for this category are expected to decline significantly in 2016. This reduction is the result of lower prices for diesel fuel; replacement of fully retired vehicles with newer and better performing vehicles; and, first time use of four (4) new collection vehicles fueled with Compressed Natural Gas (CNG). We expect to start next March using vehicles fueled with CNG.

Depreciation costs increased 21-percent since our rate adjustment in 2013. This increase was due to the addition of a new maintenance facility on the property operated by Willamette Resources, Inc., the purchase of new vehicles, installation of CNG fueling stations for the new vehicles, plus new roll carts and containers. The amount of reduction in vehicle operating costs should offset approximately 75-percent of the cost of depreciation.

“2. The anticipated increase in the cost of providing service.”

Republic’s collection rates are designed to accomplish two purposes: first, recover actual costs incurred for customer collection services since the last rate increase (August 1, 2013); and, second, collection of costs scheduled to occur in the immediate future for significant expenses Republic will be making to maintain in the most effective and efficient manner possible the quality of services specified in our franchise with the city.

Our request for this composite price increase of 4.4-percent includes the fuel savings that will result from the changeover now underway from a fleet of collection vehicles using diesel fuel to a fleet of vehicles fueled with Compressed Natural Gas (CNG) that has substantially reduced (26-percent) vehicle operating costs; and, added depreciation costs for new collection vehicles fueled with CNG along with the new property tax expense for our recently completed maintenance shop.

In summary, the methodology we used to base our price increase request reflects both recovery of expenditures incurred since the last price increase, plus immediate known future expenses, such as the negative expense to deliver recyclables to markets. We believe this is a much better method for basing our price increase request rather than base such a request on the “accepted, reasonable rate of return in the solid waste industry in the range of 8-to-12 percent, with a target rate of return of 10-percent.”

Lastly, there are a number of activities now in process in the metro region, notably Metro’s Roadmap Project, which could change the cost of solid waste collection services. It is not possible at this time to predict with any accuracy an expense from an outcome of this effort. We are alerting you of this situation should a change in disposal methods cause a significant change in the cost to dispose of municipal solid waste generated in the metro region.

“3. The need for equipment replacement and the need for additional equipment to meet service needs; compliance with federal, state and local law, ordinances and regulations; or technological change.”

The financial information submitted with this request for a rate increase includes depreciation costs for new collection vehicles.

As you know, our company added a vehicle maintenance facility at our Ridder Road location. This building has been operational this past year which has enabled our company to be much more efficient in maintaining our collection vehicles.

Furthermore, our company is in the process of adding fueling stations to fuel our new collection vehicles with Compressed Natural Gas (CNG). At completion, there will be 58-fueling stations



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at our Ridder Road facility. For your information, we have let your folks operating SMART know that our facility may be able to serve as a back-up for CNG refueling of SMART's vehicles.

Republic Services, Inc. has 11-collection vehicles serving its Wilsonville customers. We anticipate replacing four (4) of these vehicles in March 2016 with vehicles fueled with CNG. This will start the replacement of all of Republic's 58-diesel fueled vehicle fleet operating in the metro area.

Republic Services is in full compliance with all federal, state, regional, county and city laws, ordinances and regulations.

Republic Services has a long tradition of implementing sustainable technological programs.

- Republic Services, Inc. is the first hauling company in the metro region to use B20 biodiesel fuel in its collection vehicles.
- Our collection vehicles are fully automated which enables us to serve more customers daily.
- Republic Services expects to use in the City of Wilsonville starting March 2016, four (4) collection vehicles powered by CNG.
- Republic Services' Pacific Region Composts facility (PRC) near Corvallis is the first DEQ permitted food waste composting facility in Oregon. PRC has composted material at this facility for the past 20-years.
- Republic Services captures methane gas generated at its landfill near Corvallis in a quantity sufficient to generate enough energy to fuel 5,000 home.
- Republic looking to partner with another company (SORT Bioenergy) to build and operate an anaerobic digester at its Wilsonville site. The ultimate goal for this facility is to divert food scraps from landfills and convert these scraps into energy-rich biogas which, in turn, is then converted into renewal energy.

“4. The investment of the franchisee and the value of its business and necessity that the franchise shall have a reasonable rate of return.”

This criterion authorizes a reasonable rate of return based on the investment of the franchisee and the value of the franchisee's business. The City of Wilsonville and Republic Services, Inc. have always established solid waste collection rates to provide Republic Services, Inc. a reasonable rate of return based on an annualized 12-month rate of return on revenue.

We are targeting an 8.8-percent rate of return based on an annualized 12-month revenue.

The location of Republic's transfer station on the northern boundary of the city provides a financial benefit of avoided costs for all of Republic's Wilsonville customers. We estimate the collection rates of our Wilsonville customers in 2015 were \$494,000 less in total than the rates would have been had Republic continued transporting waste collected in Wilsonville to Metro's transfer station in Oregon City.

A simple example will illustrate this financial benefit. One-way travel distance from Wilsonville City Hall to Metro's transfer station in Oregon City is 15-miles. Until 1999, Republic had to use Metro's transfer station to empty its collection vehicles of garbage. Residential collection vehicles need to tip waste two-times in one day. Two roundtrips to Oregon City each day



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required 2½ hours travel time for a total of 60-miles roundtrip plus the time it took at the transfer station to tip the solid waste.

In 1999, Republic started taking all solid waste collected in Wilsonville to its transfer station on Ridder Road. This waste was reloaded in large trailer containers and transported to a landfill. The one-way travel distance from Wilsonville City Hall to Republic's transfer station is 4-miles. Again, the collection vehicle needs to be emptied twice each day. The roundtrip time to empty the collection vehicle the first time is 30-minutes. The time required the second time to empty the collection vehicle is only 15-minutes due to the vehicle parking at the transfer station after tipping the second load at the end of shift. This financial benefit is the difference in the cost of the 45-minutes needed to travel off-route to Republic's transfer station on Ridder Road as compared to the 2½ hours it used to take off-route to tip waste in Oregon City.

In summary, Republic's ability to dispose in Wilsonville the waste collected in Wilsonville rather than transporting the waste to Oregon City for disposal is a significant financial benefit to Wilsonville's residents and businesses. This capability enables Republic to avoid the costs that would be required to purchase, operate and maintain additional collection vehicles to compensate for the time lost from the collection routes, additional personnel, fuel and other operating costs to travel to Oregon City.

“5. The rates in other cities for similar services.”

Republic Services, Inc. bases its rates on cost of service. Over the years we have found comparing the rates of one jurisdiction with the rates of another jurisdiction for the “same” service is not an “apple to apple” comparison. Rate comparisons are, however, useful for comparing the reasonableness of rates for similar service.

Republic Services' cost of service approach to rate setting provides for the recovery of costs incurred to serve a class of customer – residential, commercial and industrial. There are many reasons waste collection rates for the “same” collection service are not necessarily the “same.”

- Number of customers – residential, commercial and industrial – for each class of service. The 10-year population growth measured by the 2010 decennial census indicates Wilsonville's population grew 39.8-percent, while population growth measured for the City of Tualatin in 2010 was 14.3-percent and the growth in population for the same time period for the City of Lake Oswego was 3.8-percent.
- Solid waste tonnage generated by customers in each class of service may be different.
- Types of service within each class of service – collection of garbage, recycling and yard debris.
- Frequency of collection within each class of service – weekly, every-other-week, monthly, on call, weekly collection of garbage, but every-other-week collection of recyclables for same customers within a class of service, interrupting service for vacation.
- Route density and miles travelled between customers.



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- Distance from collection route to the transfer station.
- Age of collection rates at the time of comparison with rates reflecting a proposed price increase.
- Rate Policy goals of jurisdiction reflected in rates for collection; i.e., rate for a 20-gallon roll cart is substantially lower for a jurisdiction desiring to move citizens into smaller disposal carts in order to increase recycling.
- Difference in the amount of franchise fee.

We are presenting the following rate information in summary form. There is a great deal of detailed information upon which the summary information is derived that is proprietary to our company. While our company cannot subject our proprietary information to public records disclosure, we have thoroughly examined the methodology to provide the City with the important comparative numbers. Republic warrants to the City Council that the rates we are proposing are competitive and equitable with other service providers and with other Portland metro area cities receiving comparable levels of service.

Residential Customer Comparison				
City	Residential Customers	% with 20 gallon cart	Ave Rate per Customer	Ave. Container Size (Gallons)
Wilsonville (proposed)	4,048	14%	\$ 27.52	40.32
Lake Oswego (approved)	11,225	12%	\$ 28.88	40.30
Tualatin (current)	5,646	9%	\$ 26.29	42.98

This chart shows the average rate per customer for comparable residential services. The information enables us to evaluate the comparability of the cost of service for these customers. On the basis of average cost per month, Wilsonville customers will pay less than customers in the other two cities. This is primarily the result of a greater proportion of Wilsonville customers using the smallest 20-gallon cart.

Industrial Customer Comparison						
City	Hauls	# of Compactors	%	Ave Haul Rate	Ave Weight (Tons)	Ave Container Size (Yards)
Wilsonville (proposed)	4,023	918	23%	\$ 143.93	3.68	27.29
Lake Oswego (approved)	2,096	403	19%	\$ 136.94	3.88	25.19
Tualatin (current)	5,395	1,270	24%	\$ 130.03	3.77	27.79

This chart shows the average of our total haul rates for comparable industrial service. The information enables us to evaluate the comparability of the cost of service for these customers. The haul rate is based on the customer's choice of container/drop box or compactor size.



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A roundtrip from a customer's site to the disposal site, generally a transfer station, and return to the customer's site is required to empty one compactor. Alternatively, a one-way trip from the customer's site to the disposal site is all that is needed to dispose of waste in containers/drop boxes. Simply, we deliver an empty container/drop box at the same time we haul waste away from the customer's site to the disposal site. Once the waste in the container/drop box is disposed, our employee does not need to return to the customer's site.

Compactors are owned by the customer, not Republic Services, Inc. Industrial customers purchase compactors to avoid the number of time each week the customer's waste is hauled to a disposal site. The fewer trips we make to dispose of waste accumulated in a compactor typically results in these customers receiving lower total monthly invoicing for collection services as compared to customers requiring more frequent collection service each week due to the customer's use of containers/drop boxes.

COMMERCIAL CUSTOMER COMPARISON							
<i>City</i>	<i>Monthly Yards</i>	<i>Monthly Lifts</i>	<i>Ave Cont. Size</i>	<i>Rev. per Yard</i>	<i>Rev. per lift</i>	<i>Recycle Yards per Customer</i>	<i>Customer Count</i>
Wilsonville (proposed)	18,356	9,665	1.90	\$ 8.58	\$16.29	15.83	618
Lake Oswego (approved)	18,991	16,032	1.18	\$10.82	\$12.82	10.24	848
Tualatin (current)	30,557	15,456	1.98	\$ 6.61	\$13.07	14.71	1,152

This chart shows the average monthly lifts by container size. We have established revenue per lift for comparable service for these customers. The information enables us to evaluate the comparability of the cost of service for commercial customers. This data is a summary of expenses incurred by Republic for the time it takes to serve these customers plus cost of disposal.

The size of a container is based on customer's service needs and fitting the space available for storing and lifting containers at the customer's site.

“6. The public interest by assuring reasonable rates to enable the franchisee to provide efficient and beneficial service to the residents and other users of the service.”

In 2015, Republic Services, Inc. collected 28,000 tons of material from Wilsonville residents, businesses and industrial customers for recovery and proper disposal. Of the material Republic Services collected, the community benefited from Republic diverting from the landfill 52% of this material for recycling and recovered 13,000 tons and composted 1,500 tons. An additional 15-19-percent of waste recovery resulted from other services offered in Wilsonville, including individual self-haul of recyclables and construction material to Republic's transfer station.

Another benefit provided by Republic Services, Inc. is our donation of services and the financial contributions to the residents and businesses in Wilsonville. In 2015, our company donated \$39,000 in services and cash contributions to organizations in the Wilsonville community



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- Weekly trash collection for the city's maintenance shop and trash disposal for three locations in Memorial park.
- Fun-in-the-Park, Art Festival, leaf pick-up and collection of bulky waste.
- Financial donations to Boy Scouts, Relay for Life, Wilsonville's Chamber and Rotary.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Jordan", written over a horizontal line.

Jason Jordan
General Manager

Attachment

cc: City of Wilsonville: Bryan Cosgrove, Barbara Jacobsen and Mark Ottenad
Republic Services, Inc.: Frank Lonergan, Eric Anderson and Brian May

City of Wilsonville

2016 Rate Increase Packet



Republic Services of Clackamas and
Washington Counties

Financial



We'll handle it from here.™

Statement of Income

2016 Rate Increase

Republic Services of Clackamas & Washington Counties
City of Wilsonville
Statement of Income
2011 through 2014 actuals and projected 2015

	2011	2012	2013	2014	2015	% Change to 2014	2016 with rate change	% Change to 2015	2016 no rate change
Revenue	4,655,237	4,902,229	5,141,169	5,167,317	4,994,567	-3.3%	5,215,405	4.4%	4,994,567
Cost of Operations	3,239,916	3,669,471	3,633,454	3,737,049	3,771,210	0.9%	3,926,216	4.1%	3,920,342
Gross Profit	1,415,321	1,232,758	1,507,715	1,430,268	1,223,356	-14.5%	1,289,189	-9.9%	1,074,225
Salaries, General and Administrative	561,135	594,000	590,674	595,263	506,076	-15.0%	524,295	3.6%	524,295
Gross Income	<u>854,186</u>	<u>638,758</u>	<u>917,041</u>	<u>835,006</u>	<u>717,280</u>		<u>764,894</u>		<u>549,929</u>
Provision for Income Taxes	341,674	255,503	366,816	334,002	286,912		305,958		219,972
Net Income	<u>512,512</u>	<u>383,255</u>	<u>550,225</u>	<u>501,003</u>	<u>430,368</u>		<u>458,936</u>		<u>329,958</u>
Income as a Percentage of Revenue	11.0%	7.8%	10.7%	9.7%	8.6%		8.8%		6.6%

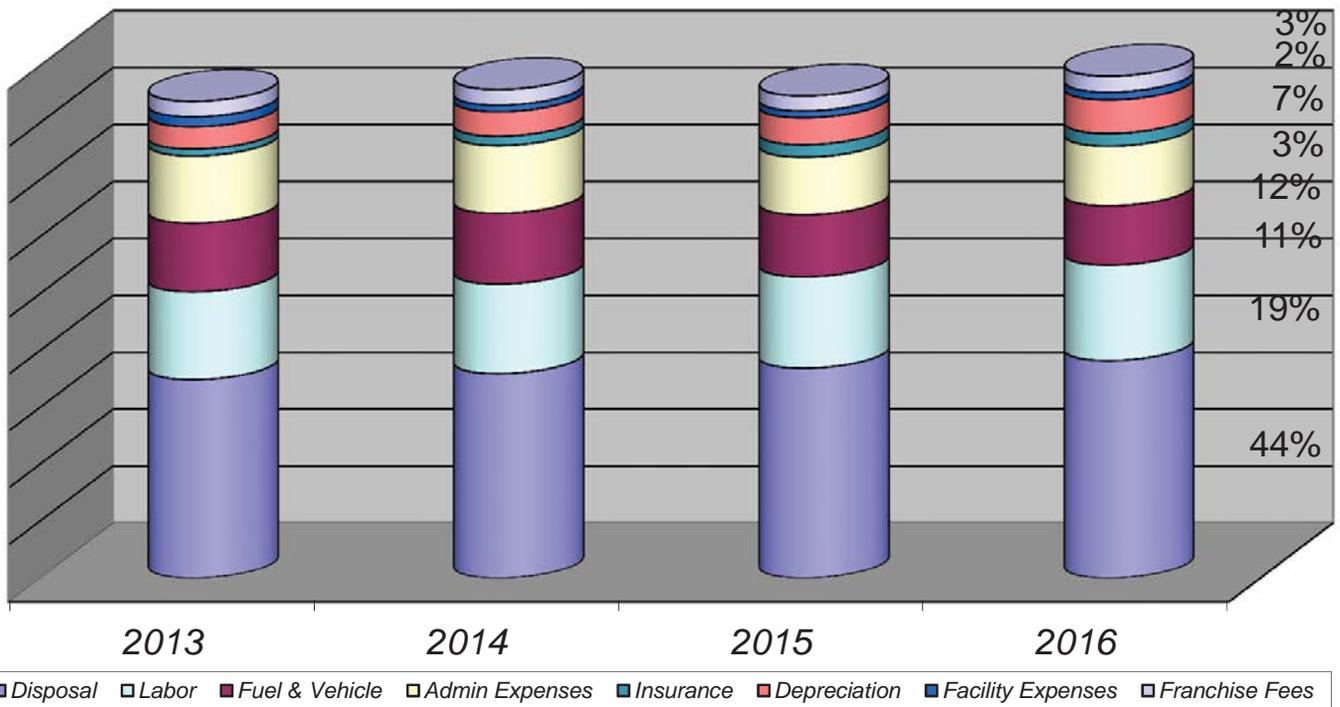
Expenses

2016 Rate Increase

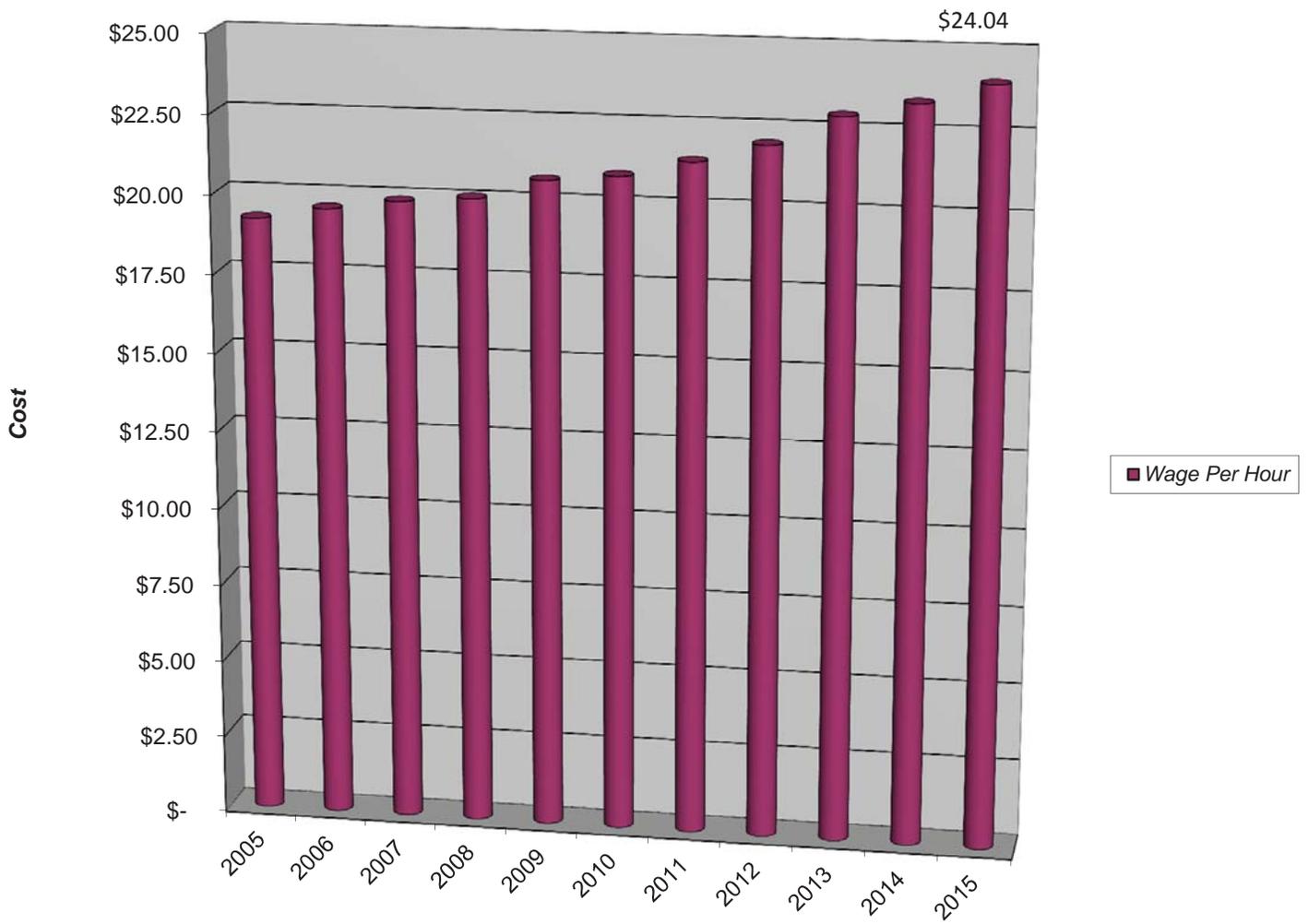
Republic Services of Clackamas & Washington Counties
 City of Wilsonville
 Schedule of Direct Expenses
 2011 through 2014 actuals and projected 2015

	2011	2012	2013	2014	2015	2016 with Rate Change	% Change to 2015	2016 No Rate Change
COST OF OPERATIONS								
Labor	599,787	727,486	772,066	788,112	803,924	840,100	4.5%	840,100
Repairs and Maintenance	191,844	223,415	298,016	311,785	285,125	297,670	4.4%	297,670
Vehicle Operating Costs	184,965	210,782	204,172	165,788	151,006	111,744	-26.0%	111,744
Facility	38,647	75,211	87,415	57,905	59,803	67,099	12.2%	67,099
Insurance	60,756	95,376	60,347	82,397	109,020	110,655	1.5%	110,655
Disposal	1,650,766	1,864,565	1,745,622	1,798,172	1,845,947	1,912,401	3.6%	1,912,401
Franchise Fees	120,160	133,153	136,227	137,435	132,840	140,214	5.6%	132,840
Other Operating Costs	113,795	114,799	100,273	142,962	107,962	110,661	2.5%	110,661
Wilsonville Donated Services	34,220	36,700	34,220	39,226	39,901	42,095	5.5%	42,095
Depreciation	244,976	187,984	195,097	213,267	235,683	295,075	25.2%	295,075
TOTAL COST OF OPERATIONS	<u>3,239,916</u>	<u>3,669,471</u>	<u>3,633,454</u>	<u>3,737,049</u>	<u>3,771,210</u>	<u>3,927,715</u>	<u>4.1%</u>	<u>3,920,342</u>
TOTAL SALARIES, GENERAL & ADMINISTRATIVE	<u>561,135</u>	<u>594,000</u>	<u>590,674</u>	<u>595,263</u>	<u>506,076</u>	<u>524,295</u>	<u>3.6%</u>	<u>524,295</u>

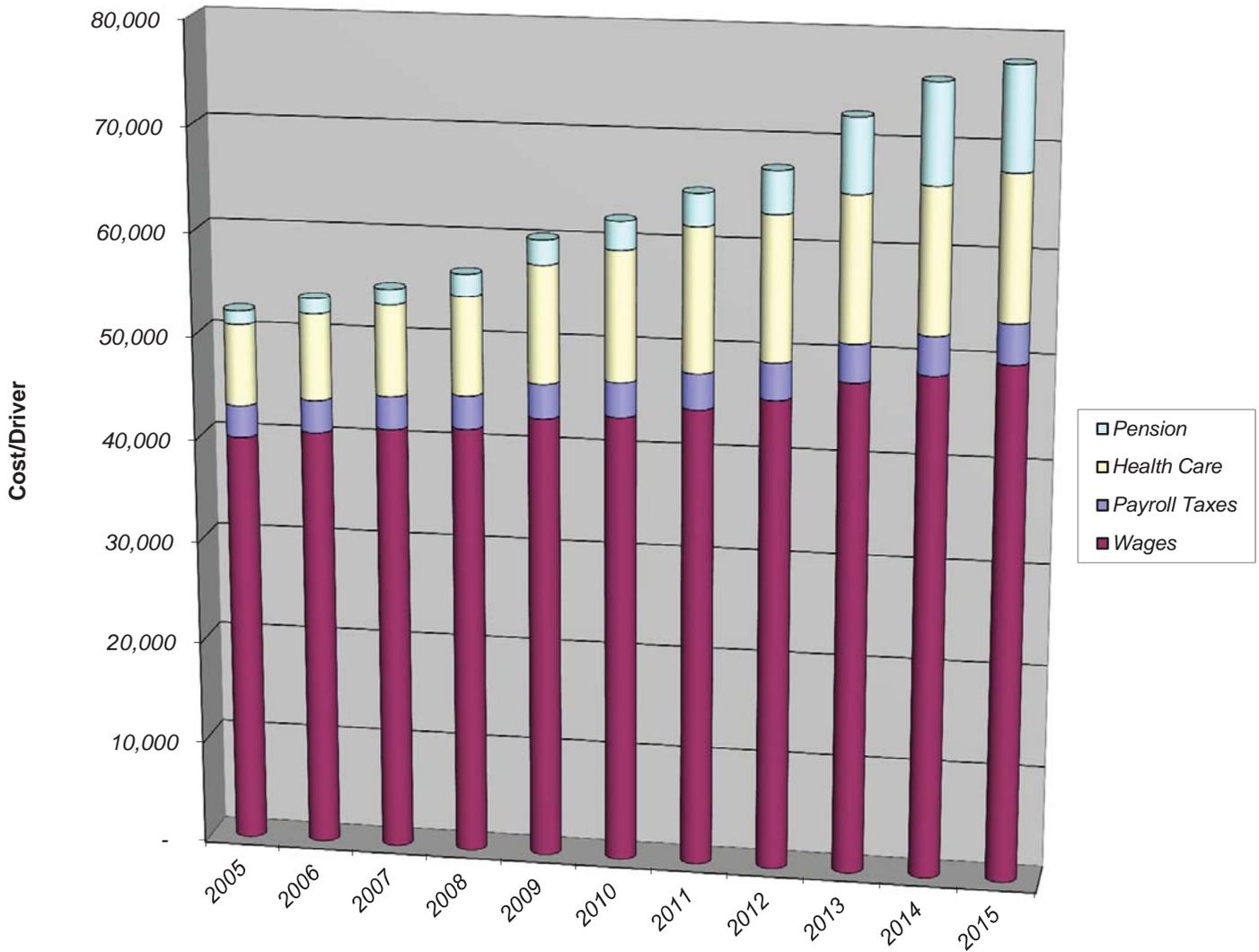
Republic Services - Wilsonville Cost Structure

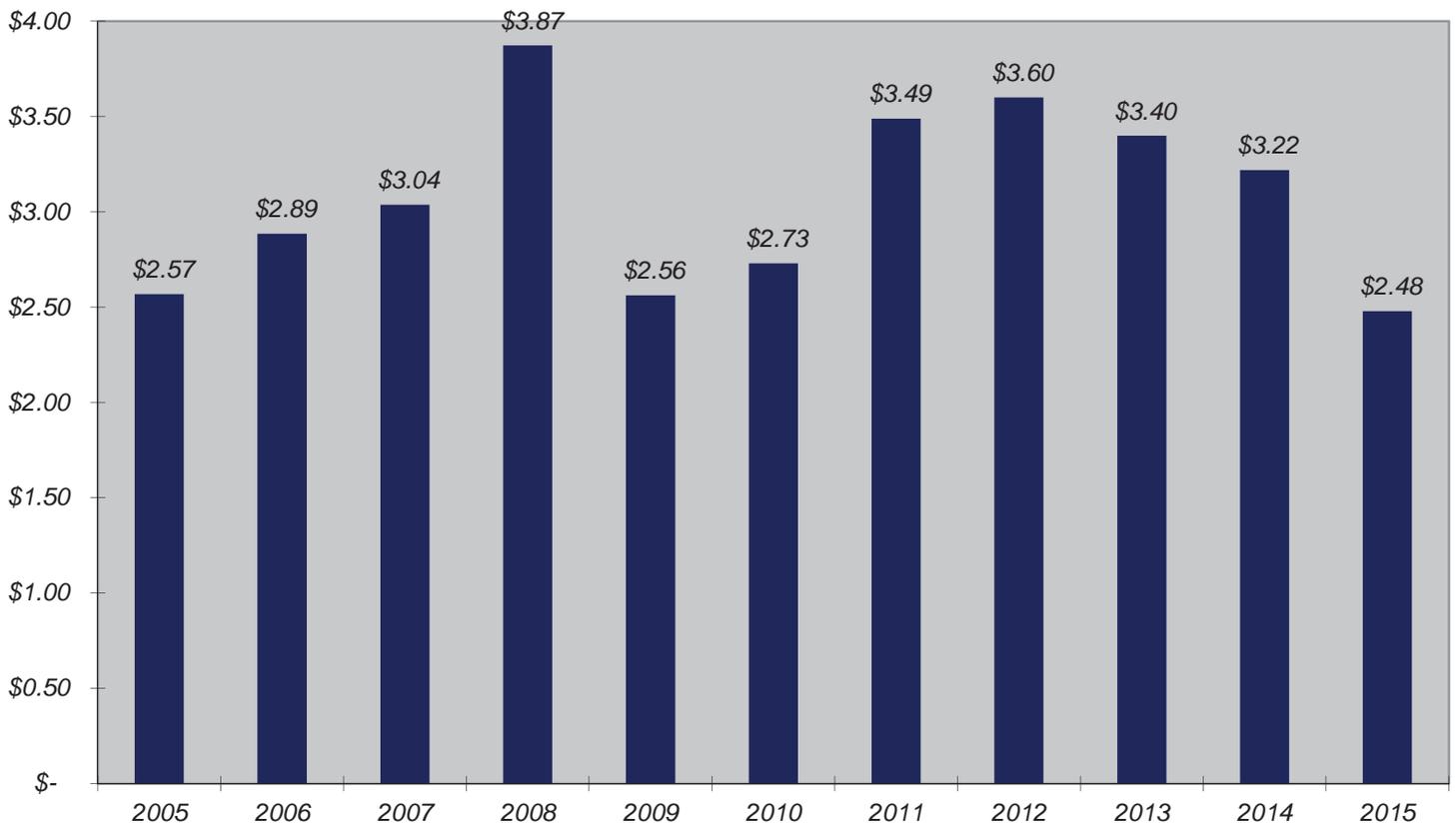


Driver Wage Per Hour

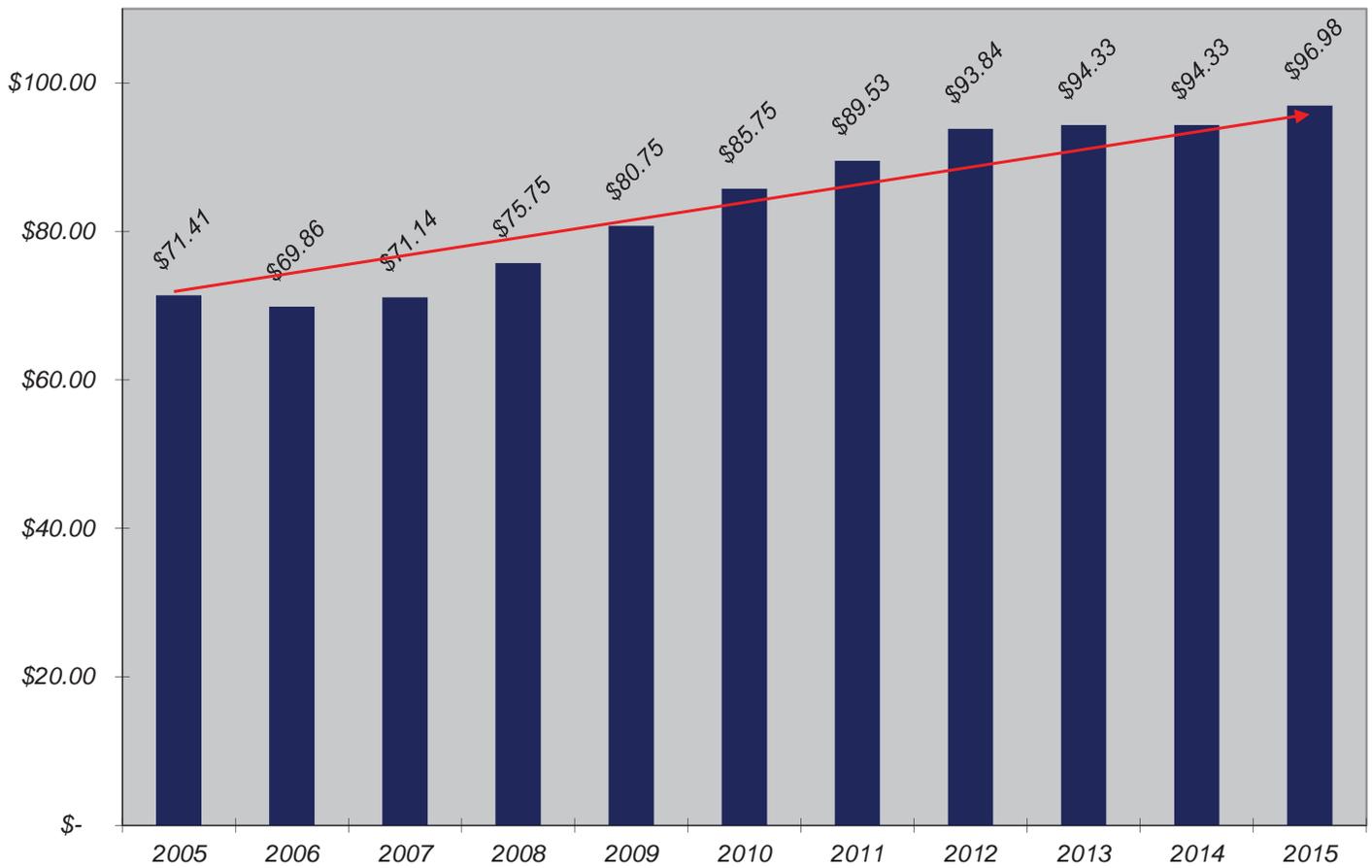


Labor Costs Per Driver

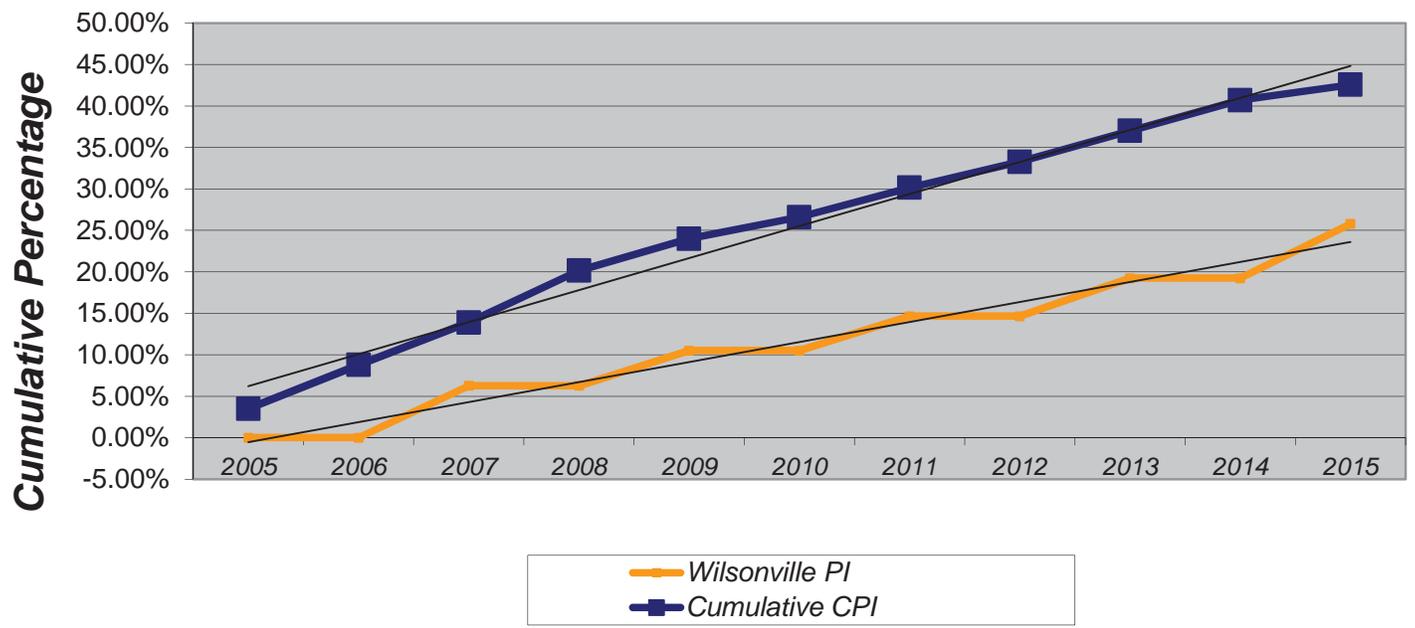


Average Diesel Fuel Price Per Gallon

Disposal Cost Per Ton



Cumulative Price Increases v. Inflation



Rates



We'll handle it from here.™

Republic Services - City of Wilsonville

2016 Rates
Effective 3/1/16

	Quantity	Current	Proposed	\$ Change
Residential Cart Rates				
20 gallon	555	\$ 21.84	\$ 23.00	\$ 1.16
35 gallon	2,497	\$ 24.54	\$ 25.89	\$ 1.35
65 gallon	996	\$ 32.34	\$ 34.12	\$ 1.78
Commercial Rates				
35 gallon	136	\$ 16.48	\$ 25.89	\$ 9.41
65 gallon	35	\$ 26.18	\$ 34.12	\$ 7.94
90 gallon	81	\$ 32.97	\$ 39.25	\$ 6.28
1 yard	39	\$ 86.48	\$ 102.21	\$ 15.74
1.5 yard	23	\$ 121.00	\$ 134.19	\$ 13.19
2 yard	64	\$ 158.29	\$ 175.22	\$ 16.94
3 yard	51	\$ 230.05	\$ 242.70	\$ 12.65
4 yard	36	\$ 299.68	\$ 316.16	\$ 16.48
5 yard	6	\$ 373.78	\$ 384.24	\$ 10.47
6 yard	21	\$ 441.38	\$ 441.38	\$ -
8 yard	23	\$ 585.26	\$ 585.26	\$ -
Industrial Rates				
10 yard	336	\$ 103.88	\$ 115.00	\$ 11.12
20 yard	975	\$ 103.88	\$ 115.00	\$ 11.12
30 yard	934	\$ 141.70	\$ 145.00	\$ 3.30
40 yard	860	\$ 163.38	\$ 165.00	\$ 1.62

Rate Comparison Table

2016 Rate Increase

Republic Services - City of Wilsonville
2016 Rates
Effective 3/1/16

	Current	Proposed	Lake Oswego	Tualatin	Clackamas	Oregon City	Washington	Sherwood	Portland
	2013	2016	2016	2013	2015	2012	2015	2013	2015
Effective Rate Adjustment									
Residential Cart Rates									
20 gallon	\$ 21.84	\$ 23.00	\$ 19.91	\$ 20.65	\$ 24.90	\$ 20.63	\$ 21.09	\$ 21.52	\$ 24.75
35 gallon	\$ 24.54	\$ 25.89	\$ 26.34	\$ 24.21	\$ 28.65	\$ 25.83	\$ 22.96	\$ 23.65	\$ 29.35
65 gallon	\$ 32.34	\$ 34.12	\$ 42.03	\$ 31.93	\$ 37.80	\$ 35.55	\$ 33.32	\$ 31.45	\$ 35.65
Commercial Rates									
35 gallon	\$ 16.48	\$ 25.89	\$ 25.90	\$ 18.18	\$ 26.00	\$ 25.83	\$ 17.31	\$ -	\$ -
65 gallon	\$ 26.18	\$ 34.12	\$ 38.59	\$ 24.72	\$ 37.20	\$ 35.55	\$ 29.52	\$ -	\$ -
90 gallon	\$ 32.97	\$ 39.25	\$ 41.04	\$ 31.00	\$ 39.80	\$ 38.55	\$ 35.61	\$ -	\$ -
1 yard	\$ 86.48	\$ 102.21	\$ 129.24	\$ 80.19	\$ 95.29	\$ 139.62	\$ 103.01	\$ 83.15	\$ -
1.5 yard	\$ 121.00	\$ 134.19	\$ 159.14	\$ 112.12	\$ 124.97	\$ 153.03	\$ 129.31	\$ 129.59	\$ -
2 yard	\$ 158.29	\$ 175.22	\$ 198.87	\$ 148.63	\$ 157.97	\$ 203.55	\$ 155.67	\$ 155.10	\$ -
3 yard	\$ 230.05	\$ 242.70	\$ 262.77	\$ 206.41	\$ 213.94	\$ 279.12	\$ 208.11	\$ 205.96	\$ -
4 yard	\$ 299.68	\$ 316.16	\$ 330.06	\$ 262.16	\$ 272.08	\$ 365.04	\$ 260.71	\$ 256.85	\$ -
5 yard	\$ 373.78	\$ 384.24	\$ 393.70	\$ 320.54	\$ 327.88	\$ 450.96	\$ 313.13	\$ 359.40	\$ -
6 yard	\$ 441.38	\$ 441.38	\$ 446.47	\$ 370.18	\$ 376.62	\$ 536.80	\$ 365.01	\$ 358.41	\$ -
8 yard	\$ 585.26	\$ 585.26	\$ 533.84	\$ 465.30	\$ 462.32	\$ 686.21	\$ 472.13	\$ 481.11	\$ -
Industrial Rates									
10 yard	\$ 103.88	\$ 115.00	\$ 117.50	\$ 92.17	\$ 113.00	\$ 133.10	\$ 141.00	\$ 120.00	\$ -
20 yard	\$ 103.88	\$ 115.00	\$ 117.50	\$ 108.68	\$ 113.00	\$ 151.20	\$ 141.00	\$ 120.00	\$ -
30 yard	\$ 141.70	\$ 145.00	\$ 138.00	\$ 125.13	\$ 130.00	\$ 188.80	\$ 168.00	\$ 120.00	\$ -
40 yard	\$ 163.38	\$ 165.00	\$ 159.00	\$ 139.41	\$ 147.00	\$ 228.80	\$ 168.00	\$ 120.00	\$ -

WILSONVILLE PROPOSED RATE INCREASE 3/1/2016**Residential****Rate Changes Are Noted In Red****Residential (once per week service)**

	Current	New
20 gallon	\$ 21.84 per month	\$ 23.00
32 gallon	\$ 24.54 per month	\$ 25.89
60 gallon	\$ 32.34 per month	\$ 34.12

Charbonneau-yard debris exempt

	Current	New
	\$ 17.42 per month	\$ 18.19
	\$ 19.81 per month	\$ 20.69
	\$ 28.08 per month	\$ 29.32

Please Note:

There is a \$25 Service interrupt fee for invoices 60-days outstanding
A late fee of 1.5% will be applied to all past due amounts

Limited Services

	Current	New
On Call	\$11.00 Per Month	\$ 11.50
Recycling Only	\$9.85 Per Month	\$ 10.30
Yard Debris Only	\$7.25 Per Month	\$ 7.60
Both Recycling and Yard Debris	\$15.00 Per Month	\$ 15.70

Temp 3 Yards (City Rates)

	Current	New
Maximum of 4 days Delivery & Removal	\$ 114.00	\$ 119.10
Extra Dump	\$ 82.00	\$ 85.70
Daily Charge	\$ 5.50 *	\$ 5.80

*period greater than
72 hours, but less
than 2 weeks

Additional / Extra Services

	Current	New
Lost or Damaged Garbage Carts	\$ 62.00	\$ 64.80
Lost or Damaged Yard Debris Cart	\$ 65.00	\$ 67.90
Lost or Damaged Recycling Cart	\$ 65.00	\$ 67.90
Lost or Damaged Recycling Bins	\$ 10.50	\$ 11.00
Return Trip Fee Outside of Normally Scheduled Routes	\$ 20.75	\$ 21.70
All occasional Extras (box/bag/can)	\$ 5.72	\$ 6.00
Over-full Can Charge	\$ 5.72	\$ 6.00
Yard Debris contaminated with Garbage	\$ 6.15	\$ 13.00
Gate Opening / Roll out Container (monthly)	\$ 15.50	\$ 16.20
Special Container (Medical Waste)	\$ 15.50 per container	\$ 16.20

WILSONVILLE RATE INCREASE 3/1/2016

Commercial

Rate Changes Are Noted In Red

Commercial Services

Size	Stops Per Week							
	1 (current)	New	2 (current)	New	3 (current)	New	4 (current)	New
1 Yard	\$86.48	\$102.21	\$171.86	\$203.14	\$253.14	\$299.21	N/A	N/A
1.5 Yard	\$121.00	\$134.19	\$239.04	\$265.10	\$356.72	\$395.60	N/A	N/A
2 Yard	\$158.29	\$175.22	\$312.68	\$346.13	\$466.75	\$516.69	\$629.77	\$697.16
3 Yard	\$230.05	\$242.70	\$455.36	\$480.41	\$681.98	\$719.49	\$926.85	\$977.82
4 Yard	\$299.68	\$316.16	\$597.74	\$630.62	\$895.08	\$944.31	\$1,216.75	\$1,283.67
5 Yard	\$373.78	\$384.24	\$736.01	\$756.62	\$1,108.59	\$1,139.63	\$1,507.01	\$1,549.21
6 Yard	\$441.38	\$441.38	\$872.66	\$872.66	\$1,322.10	\$1,322.10	\$1,797.80	\$1,797.80
8 Yard	\$585.26	\$585.26	\$1,154.97	\$1,154.97	\$1,749.18	\$1,749.18	\$2,380.20	\$2,380.20

Size	Stops Per Week							
	5 (current)	New	6 (current)	New	7 (current)	New	EXTRA (current)	New
1 Yard	N/A	N/A	N/A	N/A	N/A	N/A	\$22.46	\$23.50
1.5 Yard	N/A	N/A	N/A	N/A	N/A	N/A	\$31.46	\$32.90
2 Yard	\$791.28	\$875.95	\$955.50	\$1,057.74	\$1,122.73	\$1,242.86	\$41.13	\$43.00
3 Yard	\$1,169.53	\$1,233.85	\$1,411.70	\$1,489.34	\$1,660.62	\$1,751.95	\$59.75	\$62.40
4 Yard	\$1,535.46	\$1,619.91	\$1,853.49	\$1,955.43	\$2,180.52	\$2,300.45	\$78.42	\$81.90
5 Yard	\$1,902.11	\$1,955.37	\$2,295.75	\$2,360.03	\$2,700.57	\$2,776.19	\$97.03	\$101.40
6 Yard	\$2,269.02	\$2,269.02	\$2,739.41	\$2,739.41	\$3,223.17	\$3,223.17	\$115.65	\$120.80
8 Yard	\$3,004.66	\$3,004.66	\$3,627.83	\$3,627.83	\$4,269.20	\$4,269.20	\$151.94	\$158.70

Container compactor rate is 2.2 times the regular Rate

Commercial extra container dumps(return trips) are charged at 33% of the monthly rate

Extra material beyond the capacity of the container is charged per yard

\$25 \$26

Commercial Rates / Multi-Family Rates	Current	New
32 gallon	\$16.48per month	\$25.89
60 gallon	\$26.18per month	\$34.12
90 gallon	\$32.97per month	\$39.25

Recycling Rates for Multi-Family Sites With Compactors or Train Systems		New
Number of Units	Monthly Charge	
10-99	\$125.00(minimum per month)	\$130.60
100-199	\$2.10per unit	\$2.20
200-299	\$1.70per unit	\$1.80
300-399	\$1.50per unit	\$1.60
400+	\$1.45per unit	\$1.55

Note: Customer will provide and maintain enclosure/shelter. Republic Services provides containers. Enclosure/shelter is defined as a City/Hauler approved system to collect material. Material to be collected must be approved by Republic Services. Additional carts shall be at 100% of the first cart rate multiplied by the stops per week. An occasional extra 35-gallon cart for a regular customer shall be \$5.20 each occurrence

Additional Recycling Services - Drop Box and Commercial Customers

Size	Current Monthly Charge	New Monthly Charge
60-Gallon	\$14.45per cart (includes pick-up)	\$15.10per cart (includes pick-up)
90-Gallon	\$17.50per cart (includes pick-up)	\$18.30per cart (includes pick-up)
Metal tote	\$22.65monthly rent, plus hourly rate	\$23.70monthly rent, plus hourly rate
Cardboard Container	\$22.65 per month for customers that have less than 4 cubic yards of flattened cardboard per month.	\$23.70 per month for customers that have less than 4 cubic yards of flattened cardboard per month.

Miscellaneous Service Rates and Conditions

Hourly Hauling Rates		New
1 Truck + 1 Driver	\$95.00per hour	\$99.30
1 Truck + 1 Driver + 1 Helper	\$120.00per hour	\$125.40

WILSONVILLE RATE INCREASE 3/1/2016
Industrial
Rate Changes Are Noted In Red

<u>Drop Box / Compactor Rates</u>	Current Delivery	New	Current Haul	New
10-20 yard	\$50.00	\$52.30	\$103.88	\$115.00
21-29 yard	\$50.00	\$52.30	\$103.88	\$115.00
30 yard	\$50.00	\$52.30	\$141.70	\$145.00
40 yard	\$50.00	\$52.30	\$163.38	\$165.00
10-19 yard compactor	N/A		\$106.00	\$115.00
20-29 yard compactor	N/A		\$138.22	\$145.00
30-39 yard compactor	N/A		\$201.40	\$205.00
40+ yard compactor	N/A		\$268.39	\$275.00

<u>Additional Drop Box Services</u>	Current	New
Fee for less than 1 haul per month	\$15.00	\$15.70
Round-tripped box (per haul)	\$32.00	\$33.50

Note: Drop box rates shall be the standard rates above plus disposal fees. The disposal fee includes landfill or transfer center fee, disposal franchise fee and Metro user or service fees.

<u>Rental Fee after 48 Hours</u>	Current	New	Current	New
Box Size	Loose (per day)		Per Month	
10-yard	\$7.50	\$7.90	\$75.00	\$79.00
20-yard	\$7.50	\$7.90	\$75.00	\$79.00
30-yard	\$8.00	\$8.40	\$80.00	\$84.00
40-yard	\$8.50	\$8.90	\$85.00	\$89.00

Rent charged will be the lesser of the daily or monthly rent total

Wilsonville SUPPLEMENTAL SERVICES - Effective 3/1/2016

Itemized Bulk Charges Include Labor

TYPE OF SERVICE	RATE
<u>Special services not listed:</u>	
Hauler will charge the reasonable cost of collection and disposal.	
Charge to be related to a similar schedule fee where possible.	
<u>Appliances:</u>	
Large appliances that contain Freon (accessible @ curb)	\$46.99
Large appliances <i>without</i> Freon (accessible @ curb, freon removal certificate required)	\$26.99
<u>Bathub/Sink/Toilet:</u>	
Fiberglass tub/shower	\$41.77
Toilet	\$20.88
Sinks without cabinet	\$15.66
<u>Carpets:</u>	
Rug	\$15.66
<u>Tires</u>	
Tires with rims - Passenger or Light Truck	\$20.88
Tires without rims - Passenger of Light Truck	\$15.66
Tires - Heavy Equipment, Semi, etc charged per ton at current disposal facility gate rate	
Large furniture:	\$31.33
(per item: Full size couch, dining table, dresser, mirror, etc)	
Small furniture:	\$20.88
(per item: recliner chair, office chair, crib, coffee table, patio table, cabinets, etc)	
Hide-a-bed:	\$41.77
(per item)	
<u>Mattresses:</u>	
Twin mattress/box spring (set)	\$20.88
Double/queen mattress/box spring (set)	\$31.33
King mattress/box spring (set)	\$36.55
<u>Other</u>	
Bicycle	\$15.66
Waterbed bag	\$15.66
Windows	\$15.66
Treadmill, door, furnace, BBQ, satellite dish, lawnmower	\$26.11
Basketball Hoop	\$41.77
Hot Water Heater (empty)	\$41.77
Hot Tub Cover	\$52.00
Entertainment Center	\$52.00
Christmas Trees	\$10.00

E-waste Removal

TV under 25", PC, Monitor, laptop	\$15.66
TV over 25"	\$31.33
TV console, TV Projection, copiers	\$41.77

Customers shall not place hazardous chemicals, paints, corrosive materials, hot ashes or dirt/rocks into the carts or bins.

Damaged carts or bins due to noncompliance with the above restrictions, or unretrieved carts or bins may be replaced by the hauler at the costs listed on the service rate pages:

Return trip fee: **\$20.88**

Minimum Charge **\$15.66**

Bankruptcy and account closures for failure to pay:

Payment of service provided and two months advance payment required for residential and commercial service. Payment is due at delivery of service for industrial service.

Service interrupt fee/late fees:

A late fee of 18% per annum with a \$5.00 monthly minimum will be charged for non-payment after 45 days from invoice date for all lines of business.

Flat fee of \$25.00 will charged after 60 days of non-payment for all lines of business

RESOLUTION NO. 2566

A RESOLUTION APPROVING A RATE INCREASE FOR REPUBLIC SERVICES OF CLACKAMAS AND WASHINGTON COUNTIES FOR SOLID-WASTE AND RECYCLING COLLECTION AND DISPOSAL IN THE CITY OF WILSONVILLE.

WHEREAS, pursuant to WC 8.150 and the terms of the garbage hauler franchise granted by Ordinance 208, Republic Services of Clackamas and Washington Counties has requested a change in the rates for service provided under the franchise; and

WHEREAS, WC 8.150 (3) requires that rates and compensation for the service shall be reasonable; and

WHEREAS, the franchise requires that the City Council set rates upon the following considerations: (1) the cost of performing the service provided by the franchisee, (2) the anticipated increases in the cost of providing service, (3) the need for equipment replacement and the need for additional equipment to meet service needs, compliance with federal, state and local law, ordinances and regulation; or technological change, (4) the investment of the franchisee and the value of its business and the necessity that the franchisee shall have a reasonable rate of return, (5) the rates in other cities for similar service, and (6) the public interest by assuring reasonable rates to enable the franchisee to provide efficient and beneficial service to the residents and other users of the service; and

WHEREAS, the franchisee has requested a rate increase based on increased costs of doing business; and

WHEREAS, the City Council has conducted a duly noticed public hearing on the proposed rate increase, considered evidence and testimony taken at such hearing, and upon consideration of the factors enumerated above, hereby finds that the proposed rate increase is appropriate;

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

1. That based upon the foregoing recitals, the “Basic Service” rate schedule for residential, commercial and industrial garbage and recycling service as shown in red color print in Exhibit A, attached, is hereby approved and declared to be effective on March 1, 2016.

2. This resolution is effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a special meeting thereof on the 18th day of February 2016, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

Attest:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Tim Knapp
Council President Scott Starr
Councilor Julie Fitzgerald
Councilor Susie Stevens
Councilor Charlotte Lehan

Attachment: Exhibit A

WILSONVILLE PROPOSED RATE INCREASE 2/1/2016

Residential

Rate Changes Are Noted In Red

Residential (once per week service)

	Current	New
20 gallon	\$ 21.84 per month	\$ 23.00
32 gallon	\$ 24.54 per month	\$ 25.89
60 gallon	\$ 32.34 per month	\$ 34.12

Charbonneau-yard debris exempt

	Current	New
	\$ 17.42 per month	\$ 18.19
	\$ 19.81 per month	\$ 20.69
	\$ 28.08 per month	\$ 29.32

Please Note: There is a \$25 Service interrupt fee for invoices 60-days outstanding
A late fee of 1.5% will be applied to all past due amounts

Limited Services

	Current	New
On Call	\$11.00 Per Month	\$ 11.50
Recycling Only	\$9.85 Per Month	\$ 10.30
Yard Debris Only	\$7.25 Per Month	\$ 7.60
Both Recycling and Yard Debris	\$15.00 Per Month	\$ 15.70

Temp 3 Yards (City Rates)

	Current	New
Maximum of 4 days Delivery & Removal	\$ 114.00	\$ 119.10
Extra Dump	\$ 82.00	\$ 85.70
Daily Charge	\$ 5.50 *	\$ 5.80

*period greater than 72 hours, but less than 2 weeks

Additional / Extra Services

	Current	New
Lost or Damaged Garbage Carts	\$ 62.00	\$ 64.80
Lost or Damaged Yard Debris Cart	\$ 65.00	\$ 67.90
Lost or Damaged Recycling Cart	\$ 65.00	\$ 67.90
Lost or Damaged Recycling Bins	\$ 10.50	\$ 11.00
Return Trip Fee Outside of Normally Scheduled Routes	\$ 20.75	\$ 21.70
All occasional Extras (box/bag/can)	\$ 5.72	\$ 6.00
Over-full Can Charge	\$ 5.72	\$ 6.00
Yard Debris contaminated with Garbage	\$ 6.15	\$ 13.00
Gate Opening / Roll out Container (monthly)	\$ 15.50	\$ 16.20
Special Container (Medical Waste)	\$ 15.50 per container	\$ 16.20

WILSONVILLE RATE INCREASE 2/1/2016

Commercial

Rate Changes Are Noted In Red

Commercial Services

Size	Stops Per Week							
	1 (current)	New	2 (current)	New	3 (current)	New	4 (current)	New
1 Yard	\$86.48	\$102.21	\$171.86	\$203.14	\$253.14	\$299.21	N/A	N/A
1.5 Yard	\$121.00	\$134.19	\$239.04	\$265.10	\$356.72	\$395.60	N/A	N/A
2 Yard	\$158.29	\$175.22	\$312.68	\$346.13	\$466.75	\$516.69	\$629.77	\$697.16
3 Yard	\$230.05	\$242.70	\$455.36	\$480.41	\$681.98	\$719.49	\$926.85	\$977.82
4 Yard	\$299.68	\$316.16	\$597.74	\$630.62	\$895.08	\$944.31	\$1,216.75	\$1,283.67
5 Yard	\$373.78	\$384.24	\$736.01	\$756.62	\$1,108.59	\$1,139.63	\$1,507.01	\$1,549.21
6 Yard	\$441.38	\$441.38	\$872.66	\$872.66	\$1,322.10	\$1,322.10	\$1,797.80	\$1,797.80
8 Yard	\$585.26	\$585.26	\$1,154.97	\$1,154.97	\$1,749.18	\$1,749.18	\$2,380.20	\$2,380.20

Size	Stops Per Week							
	5 (current)	New	6 (current)	New	7 (current)	New	EXTRA (current)	New
1 Yard	N/A	N/A	N/A	N/A	N/A	N/A	\$22.46	\$23.50
1.5 Yard	N/A	N/A	N/A	N/A	N/A	N/A	\$31.46	\$32.90
2 Yard	\$791.28	\$875.95	\$955.50	\$1,057.74	\$1,122.73	\$1,242.86	\$41.13	\$43.00
3 Yard	\$1,169.53	\$1,233.85	\$1,411.70	\$1,489.34	\$1,660.62	\$1,751.95	\$59.75	\$62.40
4 Yard	\$1,535.46	\$1,619.91	\$1,853.49	\$1,955.43	\$2,180.52	\$2,300.45	\$78.42	\$81.90
5 Yard	\$1,902.11	\$1,955.37	\$2,295.75	\$2,360.03	\$2,700.57	\$2,776.19	\$97.03	\$101.40
6 Yard	\$2,269.02	\$2,269.02	\$2,739.41	\$2,739.41	\$3,223.17	\$3,223.17	\$115.65	\$120.80
8 Yard	\$3,004.66	\$3,004.66	\$3,627.83	\$3,627.83	\$4,269.20	\$4,269.20	\$151.94	\$158.70

Container compactor rate is 2.2 times the regular Rate

Commercial extra container dumps(return trips) are charged at 33% of the monthly rate

Extra material beyond the capacity of the container is charged per yard

\$25 \$26

Commercial Rates / Multi-Family Rates

	Current	New
32 gallon	\$16.48per month	\$25.89
60 gallon	\$26.18per month	\$34.12
90 gallon	\$32.97per month	\$39.25

Recycling Rates for Multi-Family Sites With Compactors or Train Systems

Number of Units	Monthly Charge	New
10-99	\$125.00(minimum per month)	\$130.60
100-199	\$2.10per unit	\$2.20
200-299	\$1.70per unit	\$1.80
300-399	\$1.50per unit	\$1.60
400+	\$1.45per unit	\$1.55

Note: Customer will provide and maintain enclosure/shelter. Republic Services provides containers. Enclosure/shelter is defined as a City/Hauler approved system to collect material. Material to be collected must be approved by Republic Services. Additional carts shall be at 100% of the first cart rate multiplied by the stops per week. An occasional extra 35-gallon cart for a regular customer shall be \$5.20 each occurrence

Additional Recycling Services - Drop Box and Commercial Customers

Size	Current Monthly Charge	New Monthly Charge
60-Gallon	\$14.45per cart (includes pick-up)	\$15.10per cart (includes pick-up)
90-Gallon	\$17.50per cart (includes pick-up)	\$18.30per cart (includes pick-up)
Metal tote	\$22.65monthly rent, plus hourly rate	\$23.70monthly rent, plus hourly rate
Cardboard Container	\$22.65 per month for customers that have less than 4 cubic yards of flattened cardboard per month.	\$23.70 per month for customers that have less than 4 cubic yards of flattened cardboard per month.

Miscellaneous Service Rates and Conditions

Hourly Hauling Rates		New
1 Truck + 1 Driver	\$95.00per hour	\$99.30
1 Truck + 1 Driver + 1 Helper	\$120.00per hour	\$125.40



WILSONVILLE RATE INCREASE 2/1/2016
Industrial
Rate Changes Are Noted In Red

Drop Box / Compactor Rates

	Current Delivery	New	Current Haul	New
10-20 yard	\$50.00	\$52.30	\$103.88	\$115.00
21-29 yard	\$50.00	\$52.30	\$103.88	\$115.00
30 yard	\$50.00	\$52.30	\$141.70	\$145.00
40 yard	\$50.00	\$52.30	\$163.38	\$165.00
10-19 yard compactor	N/A		\$106.00	\$115.00
20-29 yard compactor	N/A		\$138.22	\$145.00
30-39 yard compactor	N/A		\$201.40	\$205.00
40+ yard compactor	N/A		\$268.39	\$275.00

Additional Drop Box Services

	Current	New
Fee for less than 1 haul per month	\$15.00	\$15.70
Round-tripped box (per haul)	\$32.00	\$33.50

Note: Drop box rates shall be the standard rates above plus disposal fees. The disposal fee includes landfill or transfer center fee, disposal franchise fee and Metro user or service fees.

Rental Fee after 48 Hours

Box Size	Current	New	Current	New
	Loose (per day)		Per Month	
10-yard	\$7.50	\$7.90	\$75.00	\$79.00
20-yard	\$7.50	\$7.90	\$75.00	\$79.00
30-yard	\$8.00	\$8.40	\$80.00	\$84.00
40-yard	\$8.50	\$8.90	\$85.00	\$89.00

Rent charged will be the lesser of the daily or monthly rent total

Wilsonville SUPPLEMENTAL SERVICES - Effective 2/1/2016

Itemized Bulk Charges Include Labor

<u>TYPE OF SERVICE</u>	<u>RATE</u>
<u>Special services not listed:</u>	
Hauler will charge the reasonable cost of collection and disposal.	
Charge to be related to a similar schedule fee where possible.	
<u>Appliances:</u>	
Large appliances that contain Freon (accessible @ curb)	\$46.99
Large appliances <i>without</i> Freon (accessible @ curb, freon removal certificate required)	\$26.99
<u>Bathtub/Sink/Toilet:</u>	
Fiberglass tub/shower	\$41.77
Toilet	\$20.88
Sinks without cabinet	\$15.66
<u>Carpets:</u>	
Rug	\$15.66
<u>Tires</u>	
Tires with rims - Passenger or Light Truck	\$20.88
Tires without rims - Passenger of Light Truck	\$15.66
Tires - Heavy Equipment, Semi, etc charged per ton at current disposal facility gate rate	
Large furniture:	\$31.33
(per item: Full size couch, dining table, dresser, mirror, etc)	
Small furniture:	\$20.88
(per item: recliner chair, office chair, crib, coffee table, patio table, cabinets, etc)	
Hide-a-bed:	\$41.77
(per item)	
<u>Mattresses:</u>	
Twin mattress/box spring (set)	\$20.88
Double/queen mattress/box spring (set)	\$31.33
King mattress/box spring (set)	\$36.55
<u>Other</u>	
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Waterbed bag	\$15.66
Windows	\$15.66
Treadmill, door, furnace, BBQ, satelite dish, lawnmower	\$26.11
Basketball Hoop	\$41.77
Hot Water Heater (empty)	\$41.77
Hot Tub Cover	\$52.00
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Christmas Trees	\$10.00

E-waste Removal

TV under 25", PC, Monitor, laptop	\$15.66
TV over 25"	\$31.33
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<u>Return trip fee:</u>	\$20.88
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<u>Minimum Charge</u>	\$15.66
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Service interrupt fee/late fees:

A late fee of 18% per annum with a \$5.00 monthly minimum will be charged for non-payment after 45 days from invoice date for all lines of business.

Flat fee of \$25.00 will charged after 60 days of non-payment for all lines of business



CITY COUNCIL MEETING STAFF REPORT

<p>Meeting Date:</p> <p>February 18, 2016</p>	<p>Subject: Ordinance Nos. 784, 785, and 786 Annexation from Washington County to City of Wilsonville, Ordinance No. 784; Comprehensive Plan Map Amendment from Washington County – FD-20 to Industrial, Ordinance No. 785; and Zone Map Amendment from Washington County FD-20 to Planned Development Industrial – Regional Significant Industrial Area (PDI-RSIA), Ordinance No. 786, for Universal Health Services Inc., Willamette Valley Behavioral Health Staff Member: Chris Neamtzu, Planning Director Department: Community Development, Planning Division</p>	
<p>Action Required</p>	<p>Development Review Board Recommendation</p>	
<p><input checked="" type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date: Feb. 18.</p> <p><input checked="" type="checkbox"/> Ordinance 1st Reading Date: Feb. 18, 2016.</p> <p><input checked="" type="checkbox"/> Ordinance 2nd Reading Date: March 7, 2016</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input type="checkbox"/> Not Applicable</p> <p>Comment: Following their review at the January 25, 2016 meeting, the Development Review Board, Panel B, recommends approval of Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment for the subject property. The DRB approved Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type C Tree Removal Plan and Class II Signs for are included for reference.</p>	
<p>Staff Recommendation: Staff recommends that the City Council adopt Ordinance Nos. 784, 785, and 786.</p>		
<p>Recommended Language for Motion: In three separate motions, I move to approve Ordinance Nos. 784, 785, and 786 on the 1st reading.</p>		
<p>PROJECT / ISSUE RELATES TO: Annexation, Comprehensive Plan Map and Zone Map Amendments.</p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input checked="" type="checkbox"/> Adopted Master Plan(s) Day Road Overlay Zone</p>	<p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL: Approve, modify, or deny Ordinance Nos.: 784, 785 and 786 on approximately 8.72 acres located at the southwest corner of SW Day Road and SW Boones Ferry Road.

EXECUTIVE SUMMARY: Universal Health Services Inc., Willamette Valley Behavioral Health (applicant) is seeking to annex 8.72 acres and adjacent SW Day Road and SW Boones Ferry Road right-of-way which would enable them to pursue development applications for an approximately 62,000-square foot Behavioral Health Facility. Annexation Ordinance No. 784 is consistent with Comprehensive Plan Map Amendment Ordinance No. 785 and Zone Map Amendment Ordinance No. 786. The applicant proposes to construct the project over the next year.

EXPECTED RESULTS: Adoption of Ordinance Nos.: 784, 785 and 786.

TIMELINE: Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment will be in effect 30 days after the ordinances are adopted.

CURRENT YEAR BUDGET IMPACTS: None. Construction would begin in 2016.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____, Date: _____, 2016

LEGAL REVIEW / COMMENT:

Reviewed by: _____, Date: _____, 2016

COMMUNITY INVOLVEMENT PROCESS: The required public hearing notices have been sent.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Potential Impacts: Transportation improvements (including SW Day Road frontage and sidewalks on Boones Ferry Road).

Benefit: Approval of the proposed ordinances would enable development of an approximately 62,000-square foot behavioral health facility with adult inpatient crisis stabilization services and mental health programs, inpatient child and adolescent services, inpatient geriatric services, autism programs, women's programs, substance abuse treatment, behavioral pain management, as well as outpatient services. In addition, the facility will serve a number of veterans with behavioral and mental health needs.

ALTERNATIVES: There are no feasible alternatives.

CITY MANAGER COMMENT:

EXHIBITS AND ATTACHMENTS:

Annexation Ordinance No. 784

- Attachment 1, Legal Description and Survey Map
- Attachment 2, Map Depicting Annexation
- Exhibit A - Annexation Findings, January 26, 2016.
- Exhibit B - DRB Resolution No. 322
- Exhibit C - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated January 25, 2016 and the application on compact disk.
- Exhibit D – January 25, 2016 DRB Minutes
- Exhibit E – Petition for annexation

Comprehensive Plan Map Amendment Ordinance No. 785

- Attachment 1, Legal Description and Survey Map
- Attachment 2, Map Depicting Comp. Plan Map Amendment
- Exhibit A – Comprehensive Plan Map Amendment Findings, January 26, 2016.
- Exhibit B - DRB Resolution No. 322
- Exhibit C - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated January 25, 2016 and the application on compact disk.
- Exhibit D – January 25, 2016 DRB Minutes

Zone Map Amendment Ordinance No. 786

- Exhibit A - Zoning Order DB15-0093.
- Attachment 1, Legal Description and Survey Map
- Attachment 2, Map Depicting Zone Amendment
- Exhibit B Zone Map Amendment Findings, January 26, 2016.
- Exhibit C - DRB Resolution No. 322
- Exhibit D - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated January 25, 2016 and the application on compact disk.
- Exhibit E – January 25, 2016 DRB Minutes

ORDINANCE NO. 784

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 8.72 ACRES OF TERRITORY LOCATED AT THE SOUTHWEST CORNER OF SW DAY ROAD AND SW BOONES FERRY ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON. THE TERRITORY IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 400, 500 AND 501 OF SECTION 2B, T3S, R1W, WASHINGTON COUNTY, OREGON, UNIVERSAL HEALTH SERVICES, INC., WILLAMETTE VALLEY BEHAVIORAL HEALTH, APPLICANT.

RECITALS

WHEREAS, consistent with ORS 222.111 (2) a proposal for annexation was initiated by petition by the owner of real property in the territory to be annexed, a copy of the petition is on file with the City Recorder; and

WHEREAS, written consent has been obtained from the only owner of the territory and the only elector in the territory proposed to be annexed, a copy of which is on file with the City Recorder; and

WHEREAS, the land to be annexed is within Wilsonville's Urban Growth Boundary and a copy of the legal description and survey is attached as Attachment 1 and a locational map is attached as Attachment 2, and both are incorporated by reference as if fully set forth herein; and

WHEREAS, the territory to be annexed is contiguous to the City and can be served by City services; and

WHEREAS, ORS 227.125 authorizes the annexation of territory based on consent of the only owner of the land and a majority of electors within the territory and enables the City Council to dispense with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Panel B of the Development Review Board considered the annexation, and after a duly advertised public hearing held on January 25, 2016 recommended City Council approve the annexation; and

WHEREAS, on February 18, 2016, the City Council held a public hearing as required by Metro Code 3.09.050 and received testimony and exhibits including Exhibit A, Annexation Findings Adopted Staff Report and DRB Recommendation (Exhibit A1), dated

January 25, 2016 and the application on compact disc; and Exhibit D, January 25, 2016 DRB Minutes; and

WHEREAS, reports were prepared and considered as required by law; and notice was duly given, the Council finds that the annexation is not contested by any party, neither before the DRB or at the City Council hearing, therefore, the City Council finds that it is not necessary to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings and conclusions attached hereto by reference as Exhibit C, Development Review Board’s recommendation to City Council, which the Council adopts; and

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

Section 1. The above recitals are fully incorporated herein. The territory legally described and surveyed on a map in Attachment 1 and located on a map Attachment 2 is declared annexed to the City of Wilsonville.

Section 2. The findings and conclusions and in Exhibit A are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on February 18, 2016 and scheduled for the second reading on March 7, 2016 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

Sandra C. King, MMC, City Recorder

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

Sandra C. King, MMC, City Recorder

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

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Councilor Starr
Councilor Fitzgerald
Councilor Lehan
Councilor Stevens

Exhibits and Attachments:

Attachment 1, Legal Description and Survey Map
Attachment 2, Map Depicting Annexation

Exhibit A - Annexation Findings, January 26, 2016
Exhibit B - DRB Resolution No. 322
Exhibit C - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated
January 25, 2016 and the application on compact disk.
Exhibit D – January 25, 2016 DRB Minutes
Exhibit E – Petition for Annexation.

EXHIBIT "A"

Annexation to the City of Wilsonville
 Washington County, Oregon
 Portion of Tax Lots 400, 500 and 501, 3S 1 2B
 December 2, 2015
 Project No. 2542-001

PROPERTY DESCRIPTION

Real property lying in Washington County, Oregon being a portion of Section 2, Township 3 South, Range 1 West of the Willamette Meridian described as follows:

Beginning at a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223 on the west right of way line of S.W. Boone's Ferry Road 50.00 feet from the centerline thereof measured at a right angle, said point also being 63.42 feet southerly of the centerline of S.W. Day Road measured at a right angle;
 thence along said west right of way line as conveyed to the State of Oregon by Document Number 96053177 through the following three courses:
 South 13°53'24" East, 134.77 feet, South 16°12'41" East, 247.33 feet, and South 13°53'39" East, 96.96 feet to the easterly extension of the north line of the plat "Riverwood Industrial Campus Condominium";
 thence along said north line and the north line of that property conveyed to "R & R Property Holdings Inc" by Document Number 2013-104658, South 89°36'39" West, 841.93 feet;
 thence along the east line of that property conveyed to "Hill" by Document Number 2005-130325, North 00°13'04" West, 489.97 feet to the south right of way line of S.W. Day Road being 37.00 feet from the centerline thereof measured at a right angle;
 thence along said south right of way line as conveyed to the State of Oregon by Document Numbers 2002-035075 and 2001-124306, North 89°37'54" East, 691.58 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223;
 thence along the right of way lines at the southwest corner of the intersection of S.W. Day Road and S.W. Boones Ferry Road for the following two courses: South 58°21'35" East, 18.34 feet, and South 35°36'46" East, 20.45 feet to the Point of Beginning.

Containing 8.728 acres more or less.

Bearings shown per Washington County Survey Number 17,450.

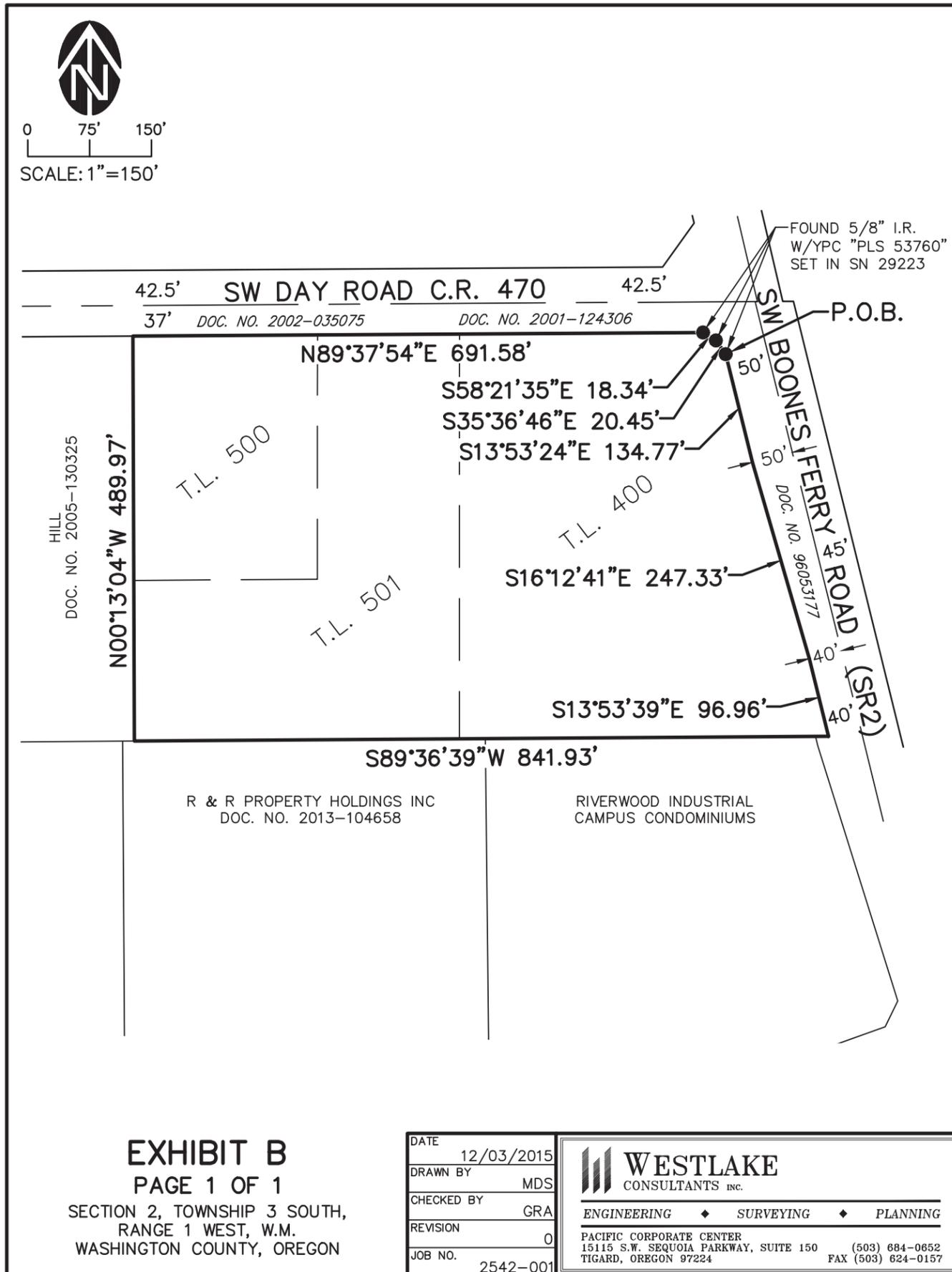
**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**



**OREGON
 NOVEMBER 12, 2013
 MICHAEL D. SPELTS
 87475PLS**

RENEWS: 06-30-2016

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**City Council Exhibit A
STAFF REPORT
WILSONVILLE PLANNING DIVISION**

Universal Health Services Inc.
**CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING
ANNEXATION**

HEARING DATE	February 18, 2016
DATE OF REPORT:	January 26, 2016

REQUEST/SUMMARY: DB15-0091 Annexation. The City Council is being asked to review a quasi-judicial request for annexation of approximately 8.72 acres into the City of Wilsonville for property located at 9470 SW Day Road.

LOCATION: Described as Tax Lots 400, 500 and 501, Section 2B, Township 3 South, Range 1W, Willamette Meridian, Washington County, Oregon as depicted on the map below.



REQUEST/SUMMARY: SUMMARY: The City Council is being asked to review the above referenced application request for Universal Health Services, Inc., – Willamette Valley Behavioral Health (UHS). Ordinance 784 proposes annexation of 8.72 acres to the City of Wilsonville; Concurrently proposed are a Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type ‘C’ Tree Removal Plan and Class III signs are to enable development of an approximately 62,000 square foot behavioral health facility with adult inpatient crisis stabilization services and mental health programs, inpatient child and adolescent services, inpatient geriatric services, autism programs, women’s programs, substance abuse treatment, behavioral pain management, as well as outpatient services. In addition, the facility will serve a number of veterans with behavioral and mental health needs. Approval of the other applications included with this request is contingent upon annexation into the City of Wilsonville by this ordinance.

LOCATION: Approximately 8.72 acres at the southwest corner of SW Day Road and SW Boones Ferry Road. Described Tax Lots 400, 500 and 501, Section 2B, Township 3 South, Range 1W, Willamette Meridian, Washington County, Oregon.

OWNER: Mr. David C. Brown, of the David C. Brown Revocable Living Trust U/T/A

APPLICANT: Universal Health Services Inc. – Willamette Valley Behavioral Health

PETITIONER FOR ANNEXATION: Mr. David C. Brown

APPLICANT’S REPRESENTATIVE: Mr. Kenneth Sandblast – Westlake Consultants

STAFF REVIEWER: Blaise Edmonds, Manager of Current Planning.

DEVELOPMENT REVIEW BOARD RECOMMENDATION: Resolution No 322 recommended approval of the requested Annexation.

APPLICABLE REVIEW CRITERIA:

<u>DEVELOPMENT CODE</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.029	Zoning to be consistent with Comp. Plan
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Section 4.700	Annexation
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan: Policy 4.1.3 Implementation Measure 4.3.1.a. Implementation Measure 4.1.3.b. Implementation Measure 4.1.3.c. Implementation Measure 4.1.3.d. Implementation Measure 4.1.3.e. Implementation Measure 4.1.3.f. Implementation Measure 4.1.3.g. Implementation Measure 4.1.3.h. Implementation Measure 4.1.3.i. Implementation Measure 4.1.3.j.	Industrial
Comprehensive Plan - Annexation and Boundary Changes. Implementation Measure 2.2.1.e. Implementation Measure 2.2.1.a.	Annexation:
<u>REGIONAL AND STATE PLANNING DOCUMENTS</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.120	Procedure without Election by City Electors
ORS 222.125	Annexation by Consent of All Land Owners and

	Majority of Electors
ORS 222.170	Effect of Consent to Annexation by Territory
Statewide Planning Goals	
Transportation Systems Plan Stormwater Master Plan	
State Transportation Planning Rule	OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment.

Staff: The subject property and adjacent SW Day Road and SW Boones Ferry Road are within the City's UGB.

Site description provided by the applicant:

"The site consists of a majority of mowed fields with trees scattered around small stands or around existing structures. There are a large stand of trees running the entire length of the western boundary going into the adjacent parcel. There are gentle slopes on the property from north to south. The western end of the site consists of steeper slopes within the forest stand along the western boundary."

"The site currently has three existing structures which consist of 2 dwellings and a garage. Prior uses on the site were residential and agriculture."

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criterion: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

Finding: This criterion is met.

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

Section 4.009 Who May Initiate Application

Review Criterion: "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

Finding: This criterion is satisfied.

Explanation of Finding: The application has been submitted on behalf of Universal Health Services Inc. – Willamette Valley Behavioral Health.

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

Review Criterion: “City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application.”

Finding: This criterion is satisfied.

Explanation of Finding: No applicable liens exist for the subject property.

REQUEST A: ANNEXATION
Comprehensive Plan**Annexation and Boundary Changes****Implementation Measure 2.2.1.a.**

- A1. **Review Criterion:** “Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.”

Finding: This criterion is satisfied.

Explanation of Finding: The subject property and adjacent SW Day Road and SW Boones Ferry Road are within the City UGB. Westerly properties are within the City UGB and at the south are within the City Limits and UGB. The subject 8.72 acre site is ready for annexation for development within the City of Wilsonville. Therefore, the subject property addresses a demonstrated need for the proposed use. Furthermore, the City Comprehensive Plan and the Engineering Division evaluates compliance of planned sanitary sewer, storm drainage, and water systems with the City’s Wastewater Collections System Master Plan, Stormwater Master Plan, Water System Master Plan and the City’s Transportation Systems Plan.

Implementation Measure 2.2.1.e.

- A2. **Review Criterion:** “Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:

1. Orderly, economic provision of public facilities and services, i.e., primary urban services are available and adequate to serve additional development or improvements are scheduled through the City's approved Capital Improvements Plan.
2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.
3. Statewide Planning Goals.
4. Applicable Metro Plans;
5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.”

Finding: These criteria are satisfied.

Explanation of Findings: The requirements are fulfilled by being consistent the City's UGB which recognizes the subject property described herein as a future site for industrial, office or manufacturing uses, or similar use as determined by the Planning Director. In this case a behavioral health facility is in compliance with state and regional policies as found in other applicant's and staff findings supporting this request.

Orderly, Economic Provision of Public Facilities and Services: The site is designed for the orderly and economic provision of public facilities and services. Development in the UGB and future urban reserve areas would also bring needed and adequately sized public facilities onto the subject property.

Encouraging Development within City Limits prior to UGB: Development is proposed with this application in request DB15-0096. The subject property is not currently included in a City Comprehensive Plan Map designation. The applicant is requesting a Comprehensive Plan Map Amendment to apply the Industrial designation. This Implementation Measure establishes precedence for the "Planned Development Industrial (PDI -RSIA)" zone designation to be applied to the subject property area. An application for a Zone Map Amendment to apply the PDI-RSIA zone to the property has also been included. The site must be brought into City limits before the Comprehensive Plan 'Industrial' designation and the PDI-RSIA zone can be applied.

Furthermore, UHS (applicant) is seeking to annex the subject 8.72 acre property. Annexation will enable review of Site Development Permits for a 62,000 sq. ft. behavioral health facility. SW Day Road and SW Boones Ferry Road right-of-way are currently in the UGB and will be used for needed street improvements to serve the subject property.

Development Code

Subsections 4.030 (.01) A, 11, 4.031 (.01) K, and 4.033 (.01) F. Authority to Review Annexation

A3. Review Criteria: These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial. The DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation. Both bodies conduct public hearings for the request.

Finding: These criteria are satisfied.

Explanation of Finding: The subject annexation request has been determined to be quasi-judicial as this is a site specific owner/applicant initiated request, its' a quasi-judicial application and is being reviewed by the DRB and City Council consistent with these subsections.

Section 4.700 Annexation

A4. Review Criteria: This section defines the criteria and process for annexation review within the City.

Finding: These criteria are satisfied.

Explanation of Finding: All the necessary materials defined by this section have been submitted for City review. The annexation is being considered as a quasi-judicial application. Staff recommends the City Council, upon considering the DRB's recommendation, declare the subject property annexed.

Metro Code

Chapter 3.09 Local Government Boundary Changes

A5. Review Criteria: This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region.

Finding: These criteria are satisfied.

Explanation of Finding: The subject property or territory referenced herein is within the UGB, meets the definition of a minor boundary change as an annexation to a city, satisfies the requirements for boundary change petitions as the property owner (there are no electors), and has submitted a petition with the required information consistent with the UGB.

Oregon Revised Statutes

ORS 222.111 Authority and Procedure for Annexation

A6. Review Criteria: ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

Explanation of Finding: The applicable requirements in state statute are met including the fact the subject property is within the UGB, is contiguous to the north side of the city, the request has been initiated by the property owner of the land being annexed, and there are no electors in the area to be annexed.

ORS 222.120 Procedure Without Election by City Electors

A7. Review Criteria: ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

Explanation of Finding: There is no City charter requirement for election for annexation. A public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the fact that the single owner of the subject property is the petitioner and thus have consented in writing to annexation. There are no electors or residents within the territory to be annexed.

ORS 222.125 Annexation by Consent of All Owners of Land and Majority of Electors

A8. Review Criteria: "The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by

resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.”

Finding: These criteria are satisfied.

Explanation of Finding: The territory to be annexed is all owned by the current property owner, and he has petitioned and consented to annexation in writing. There are no electors or within the territory to be annexed. However, a public hearing process is being followed as prescribed in the City’s Development Code concurrent with a Comprehensive Plan Map and Zone Map Amendment request.

Oregon Statewide Planning Goals

A9. Review Criteria: The goals include: citizen involvement, land use planning, natural resources and open spaces, recreational needs, economic development, housing, public facilities and services, and transportation.

Finding: On pages 20 - 22 of Exhibit B1 the applicant has prepared response findings to Statewide Planning Goals. These criteria are satisfied.

Explanation of Finding: The territory requested to be annexed will be developed consistent with the City’s Comprehensive Plan, which has been found to meet the Statewide Planning Goals.

A10. Transit: SMART is willing and able to provide service to the site. It would then follow to include a conclusion that, upon annexation, the site will become part of SMART’s service territory.

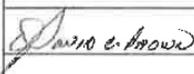
SUMMARY FINDING:

The proposed Annexation meets all applicable requirements and may be approved by the City Council.

PETITION FOR ANNEXATION TO THE CITY OF WILSONVILLE, OREGON

To the City Council of the City of Wilsonville:

We, the undersigned owners and/or electors, petition and consent to be annexed to the City of Wilsonville

PETITION SIGNERS							
Signature	Printed Name	I Am A* (check both if applicable)		Owner's /Elector's Mailing Address	Property Description		Date**
		PO	RV		Tax Map	Tax Lot	
	David C. Brown	X		P.O. Box 1997 Wilsonville, OR 97070	2B	400, 500, 501	11/11/15

* PO = Property Owner, RV = Registered Voter

** Within 1 year from the date of filing petition with City

ORDINANCE NO. 785

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM THE WASHINGTON COUNTY FUTURE DEVELOPMENT – 20 (FD-20) DISTRICT TO THE CITY OF WILSONVILLE INDUSTRIAL DESIGNATION ON APPROXIMATELY 8.72 - ACRES COMPRISING TAX LOTS 400, 500 AND 501 OF SECTION 2B, T3S, R1W, WASHINGTON COUNTY, OREGON, UNIVERSAL HEALTH SERVICES, INC., WILLAMETTE VALLEY BEHAVIORAL HEALTH, APPLICANT.

RECITALS

WHEREAS, Universal Health Services, Inc. – Willamette Valley Behavioral Health Facility (“Applicant”) has made a development application requesting, among other things, a Comprehensive Plan Map Amendment for the Property; and

WHEREAS, the development application form has been signed by David C. Brown, Trustee for David C. Brown Revocable Living Trust, as Owner of the real property legally described and shown on Attachments 1 and 2, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, the Comprehensive Plan Map Amendment approval is contingent on annexation of the Property to the City of Wilsonville, which annexation has been petitioned for concurrently with the Comprehensive Plan Map Amendment request; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Comprehensive Plan Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Comprehensive Plan Map Amendment and recommending approval of the Comprehensive Plan Map Amendment, which staff report was presented to the Development Review Board on January 25, 2016; and

WHEREAS, the Development Review Board Panel B held a public hearing on the application for a Comprehensive Plan Map Amendment on January 25, 2016, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 322 which recommends that the City Council approve a request for a Comprehensive Plan Map Amendment (Case File DB15-0092), adopts the staff report with findings and recommendations, all as placed on the record at the hearing, certain of which are contingent on City Council approval of the Comprehensive Plan Map Amendment and authorizes the Planning Director to issue approvals to the Applicant consistent with the staff report, as adopted by DRB Panel B; and

WHEREAS, on February 18, 2016, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board's Comprehensive Plan Findings, Exhibit A; DRB Resolution No. 322, Exhibit B; Staff Report and DRB Recommendation and Application on Compact Disc, Exhibit C, DRB Meeting Minutes, Exhibit D, all the exhibits are attached hereto and incorporated by reference as if fully set forth herein; and received a City Council staff report on file with the City Recorder; took public testimony; and, upon deliberation, concluded that the proposed Comprehensive Plan Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code.

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and in particular, the Development Review Board staff report, as contained in the record of the above described DRB hearing, together with the City Council staff report, and incorporates them by reference as fully set forth herein.

Section 2. Order. Upon adoption of Ordinance No. 784, which is the proposed annexation of the property which is being considered contemporaneously herewith, and the filing of Ordinance No. 784 with the required agencies to finalize the annexation of the Property to the City, which property is described in Attachments 1 and 2, the Comprehensive Plan designation for the property shall be changed from Washington County's Future Development - 20 District to Industrial on Wilsonville's Comprehensive Plan Map.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on February 18, 2016 and scheduled for the second reading on March 7, 2016 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of March, 2016 by the following

votes: Yes: _____ No: _____

Sandra C. King, MMC, City Recorder

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

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Councilor Starr

Councilor Fitzgerald

Councilor Lehan

Councilor Stevens

Exhibits and Attachments:

- Attachment 1, Legal Description and Survey Map
- Attachment 2, Map Depicting Comp. Plan Map Amendment
- Exhibit A – Comp Plan Map Amendment Findings, January 26, 2016.
- Exhibit B - DRB Resolution No. 322
- Exhibit C - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated January 25, 2016 and the application on compact disk.
- Exhibit D – January 25, 2016 DRB Minutes

EXHIBIT "A"

Annexation to the City of Wilsonville
 Washington County, Oregon
 Portion of Tax Lots 400, 500 and 501, 3S 1 2B
 December 2, 2015
 Project No. 2542-001

PROPERTY DESCRIPTION

Real property lying in Washington County, Oregon being a portion of Section 2, Township 3 South, Range 1 West of the Willamette Meridian described as follows:

Beginning at a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223 on the west right of way line of S.W. Boone's Ferry Road 50.00 feet from the centerline thereof measured at a right angle, said point also being 63.42 feet southerly of the centerline of S.W. Day Road measured at a right angle;
 thence along said west right of way line as conveyed to the State of Oregon by Document Number 96053177 through the following three courses:
 South 13°53'24" East, 134.77 feet, South 16°12'41" East, 247.33 feet, and South 13°53'39" East, 96.96 feet to the easterly extension of the north line of the plat "Riverwood Industrial Campus Condominium";
 thence along said north line and the north line of that property conveyed to "R & R Property Holdings Inc" by Document Number 2013-104658, South 89°36'39" West, 841.93 feet;
 thence along the east line of that property conveyed to "Hill" by Document Number 2005-130325, North 00°13'04" West, 489.97 feet to the south right of way line of S.W. Day Road being 37.00 feet from the centerline thereof measured at a right angle;
 thence along said south right of way line as conveyed to the State of Oregon by Document Numbers 2002-035075 and 2001-124306, North 89°37'54" East, 691.58 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223;
 thence along the right of way lines at the southwest corner of the intersection of S.W. Day Road and S.W. Boones Ferry Road for the following two courses: South 58°21'35" East, 18.34 feet, and South 35°36'46" East, 20.45 feet to the Point of Beginning.

Containing 8.728 acres more or less.

Bearings shown per Washington County Survey Number 17,450.

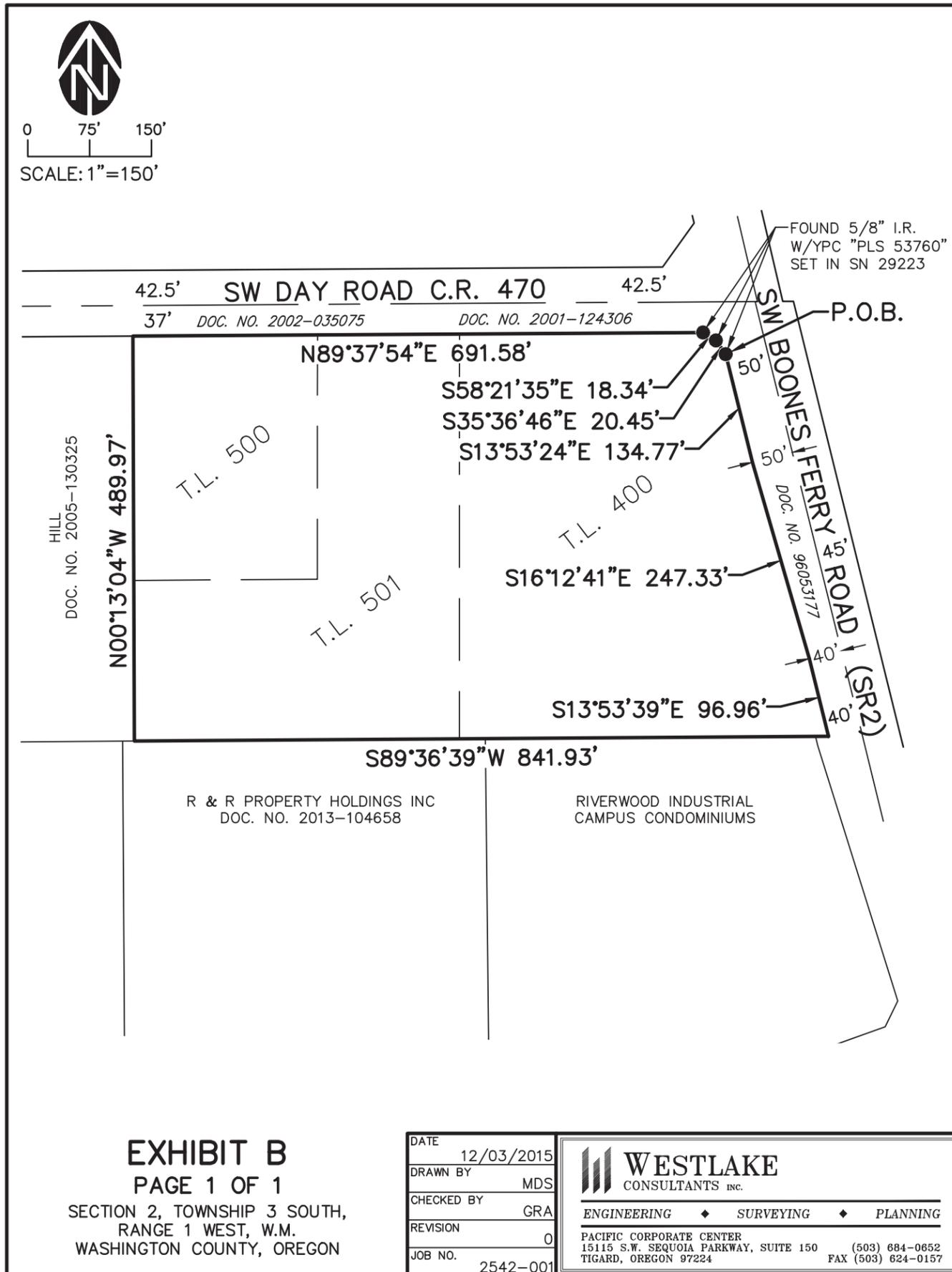
**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**



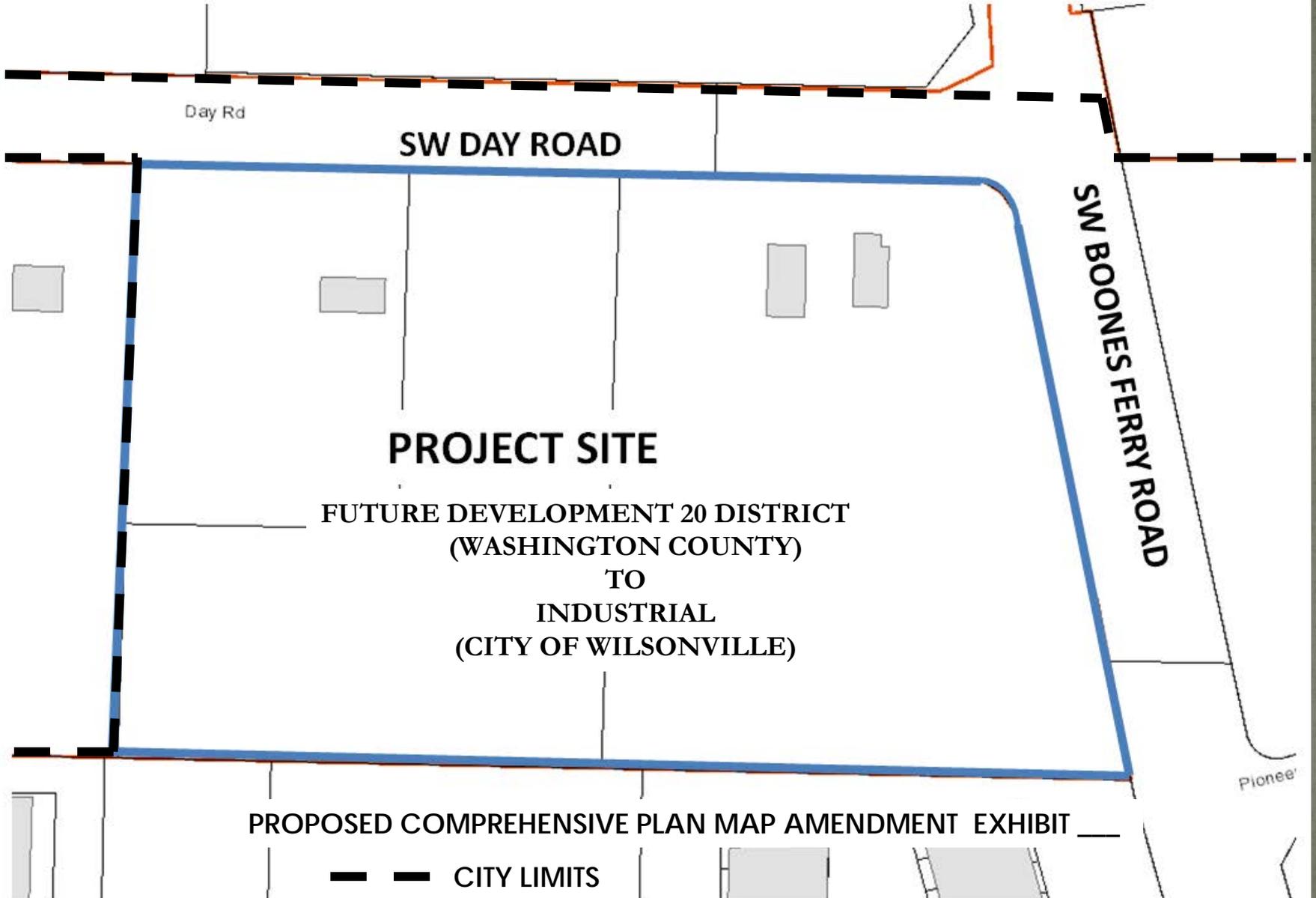
**OREGON
 NOVEMBER 12, 2013
 MICHAEL D. SPELTS
 87475PLS**

RENEWS: 06-30-2016

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Day Rd

SW DAY ROAD

SW BOONES FERRY ROAD

PROJECT SITE

FUTURE DEVELOPMENT 20 DISTRICT
(WASHINGTON COUNTY)
TO
INDUSTRIAL
(CITY OF WILSONVILLE)

Pioneer

PROPOSED COMPREHENSIVE PLAN MAP AMENDMENT EXHIBIT

--- CITY LIMITS

**Ordinance No. 785
City Council Exhibit A**

**STAFF REPORT
WILSONVILLE PLANNING DIVISION**

**Universal Health Services Inc., Willamette Valley Behavioral Health
Comprehensive Plan Map Amendment
CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING**

HEARING DATE	February 18, 2016
DATE OF REPORT:	January 26, 2016

REQUEST: DB15-0092 Comprehensive Plan Map Amendment

SUMMARY: The City Council is being asked to review Ordinance 785 to amend the Comprehensive Plan Map from Washington County 'Future Development - 20 District' (FD-20) to the City 'Industrial' Designation contingent on the approval of annexation with Ordinance 784. Concurrently proposed are a Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type 'C' Tree Removal Plan and Class III signs to enable development of an approximately 62,000 square foot behavioral health facility.

LOCATION: Approximately 8.72 acres at the southwest corner of SW Day Road and SW Boones Ferry Road. Described Tax Lots 400, 500 and 501, Section 2B, Township 3 South, Range 1W, Willamette Meridian, Washington County, Oregon.

OWNER: Mr. David C. Brown, of the David C. Brown Revocable Living Trust U/T/A

APPLICANT: Universal Health Services Inc. – Willamette Valley Behavioral Health

PETITIONER FOR ANNEXATION: Mr. David C. Brown

APPLICANT'S REPRESENTATIVE: Mr. Kenneth Sandblast – Westlake Consultants

COMPREHENSIVE PLAN MAP DESIGNATION: 'Future Development - 20 District' (FD-20) (Washington County)

PROPOSED PLAN MAP DESIGNATION: Industrial – Area H (City of Wilsonville)

STAFF REVIEWER: Blaise Edmonds, Manager of Current Planning.

DEVELOPMENT REVIEW BOARD RECOMMENDATION: In Resolution No. 322 DRB Panel B Recommended approval of the requested Comprehensive Plan Amendment to City Council.

APPLICABLE REVIEW CRITERIA:

<u>DEVELOPMENT CODE</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.029	Zoning to be consistent with Comp. Plan
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Section 4.198	Comprehensive Plan Map Amendments
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan: Policy 4.1.3 Implementation Measure 4.3.1.a. Implementation Measure 4.1.3.b. Implementation Measure 4.1.3.c. Implementation Measure 4.1.3.d. Implementation Measure 4.1.3.e. Implementation Measure 4.1.3.f. Implementation Measure 4.1.3.g. Implementation Measure 4.1.3.h. Implementation Measure 4.1.3.i. Implementation Measure 4.1.3.j.	Industrial
REGIONAL AND STATE PLANNING DOCUMENTS	
Statewide Planning Goals	
Transportation Systems Plan Stormwater Master Plan	
State Transportation Planning Rule	OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment.

Staff: The subject property and adjacent SW Day Road and SW Boones Ferry Road are within the City's UGB.



Vicinity Map

Comprehensive Plan Map Amendment (DB15-0092). The applicant is requesting to change the current Washington County Comprehensive Plan Map designation 'Future Development - 20 District' (FD-20) to the City of Wilsonville Comprehensive Plan Map designation 'Industrial' which is the appropriate designation for the 8.72 acre site.

REQUEST B: DB15-0092 COMPREHENSIVE PLAN MAP AMENDMENT

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criterion: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

Finding: This criterion is met.

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

Section 4.009 Who May Initiate Application

Review Criterion: "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

Finding: This criterion is satisfied.

Explanation of Finding: The application has been submitted on behalf of Universal Health Services Inc. – Willamette Valley Behavioral Health.

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

Review Criterion: “City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application.”

Finding: This criterion is satisfied.

Explanation of Finding: No applicable liens exist for the subject property.

COMPREHENSIVE PLAN MAP AMENDMENT

Comprehensive Plan – Comprehensive Plan Changes

The City of Wilsonville’s Comprehensive Plan, provide the following procedure for amending the Comprehensive Plan:

B1. Review Criteria: Who May Initiate Plan Amendments

Finding: This criterion is satisfied.

Explanation of Finding: The owner through their authorized agent (Mr. Kenneth Sandblast, AICP) has made application to modify the Comprehensive Plan map designation for the subject property from the Washington County Comprehensive Plan designation FD-20 to City Comprehensive Plan designation ‘Industrial’.

Application for Comprehensive Plan Amendment

The applicant has met all applicable filing requirements for a Comprehensive Plan Map amendment.

B2. Review Criteria: Consideration of Plan Amendment

Finding: This criterion is satisfied.

Explanation of Finding: The Planning Division received the application on November 16, 2015. Staff met with the applicant subsequent to the submittal of the application to discuss the completeness of the application and perceived deficiencies of the application. The application was deemed complete on January 11, 2016. The findings and recommended conditions of approval adopted by the Development Review Board in review of the

application to modify the Comprehensive Plan Map designation will be forwarded as a recommendation to the City Council.

- B3. Review Criteria:** Standards for Development Review Board and City Council Approval of Plan Amendments (page 8 of the Comprehensive Plan): The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.

Finding: This criterion is satisfied.

Explanation of Finding: Findings B1 through B29, which satisfy these Plan policies.

- B4. Review Criteria:** b. The granting of the amendment is in the public interest.

Finding: This criterion is satisfied.

Explanation of Finding: The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied. The public interest is served by providing a behavioral health facility.

- B5. Review Criteria:** c. The public interest is best served by granting the amendment at this time.

Finding: This criterion is satisfied.

Explanation of Finding: UHS plans to construct the site over 2016 in preparation for opening in 2017. The applicant has satisfied requirements of citizen involvement and public notice requirements.

- B6. Review Criteria:** d. The following factors have been adequately addressed in the proposed amendment:

Suitability of the various areas for particular land uses and improvements;

Finding: This criterion is satisfied.

Explanation of Finding: The subject 8.72 acre property has two existing houses and land with moderate slopes at the southerly side but is suitable for the specific planned use and associated improvements. Existing houses and accessory structures will be razed for the development of the UHS facility. The subject property has direct frontage on SW Day Road for temporary access until the westerly adjoining property is developed and a joint permanent access would be required. The City Engineering Division has indicated through Public Facilities (PF) conditions of approval found in this staff report that public utilities, i.e., water, sanitary sewer, storm sewer and street improvements can be accomplished to serve the subject property.

- B7. Review Criteria:** Land uses and improvements in the area;

Finding: This criterion is satisfied.

Explanation of Finding: Adjacent uses to the west are primarily rural residential but for future urban development.

- B8. Review Criteria:** Trends in land improvement;
Finding: This criterion is satisfied.
Explanation of Finding: The proposal is for a behavioral health facility which is responding to a public need.
- B9. Review Criteria:** Density of development:
Finding: This criterion is not applicable.
Explanation of Finding: The proposal does not plan for residential development.
- B10. Review Criteria:** Property values:
Finding: This criterion is satisfied.
Explanation of Finding: A professional analysis of property values has not been shared with staff.
- B11. Review Criteria:** Needs of economic enterprises in the future development of the area;
Finding: This criterion is satisfied.
Explanation of Finding: The subject property is within the City UGB and would involve capital projects for public infrastructure improvements.
- B12. Review Criteria:** Transportation access:
Finding: This criterion is satisfied.
Explanation of Finding: The DKS Transportation Impact Analysis (Exhibit P of Exhibit B1) proposes several transportation mitigation recommendations for the subject property. The City Engineering Division has considered the mitigation recommendations and has factored them in the proposed Public Facilities (PF) conditions of approval for the Stage II Final Plan.
- B13. Review Criteria:** Natural resources; and Public need for healthful, safe and aesthetic surroundings and conditions:
Finding: This criterion is satisfied.
Explanation of Finding: The subject property does not have Metro Title 3/13 and Statewide Planning Goal 5 natural resource areas.

Wilsonville Development Code (WC) – Comprehensive Plan Changes

Subsection 4.198(.01) of the Development Code stipulates, “Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:

- B14. Review Criteria:** Approval Criterion A: “That the proposed amendment meets a public need that has been identified;”
Finding: This criterion is satisfied.
Explanation of Finding: See the applicant’s response finding on page 9 of the project

narrative in Exhibit B1 meeting this criterion. “The proposed use of the site as a behavioral health facility will produce jobs and increase the economics of the state.”

- B15. Review Criteria:** Approval Criterion B: “That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;”

Finding: This criterion is satisfied.

Explanation of Finding: The current Washington County Zoning Map identifies the subject property as FD-20. It is appropriate to designate these properties as Industrial.

- B16. Review Criteria:** Approval Criterion C: “That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;”

Finding: This criterion is satisfied.

Explanation of Finding: With the implementation of the proposed conditions of approval, the proposed amendment supports the applicable Statewide Planning Goals. Findings to the Statewide Planning Goals were prepared by the applicant in the response findings of Exhibit B1.

- B17. Review Criteria:** Approval Criterion D: “That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.”

Finding: This criterion is satisfied.

Explanation of Finding: The applicant is requesting an amendment to the Comprehensive Plan Map for the subject property referenced herein. The applicant does not propose to modify or amend any other portion of the City of Wilsonville Comprehensive Plan.

INDUSTRIAL DEVELOPMENT

Policy 4.1.3 City of Wilsonville shall encourage light industry compatible with the residential and urban nature of the City.

- B18. Review Criteria: Implementation Measure 4.1.3.a** Develop an attractive and economically sound community.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects, engineers and land use planners. Site design must adhere to the Day Road Design Overlay District (DOD) design standards to assure high-quality industrial development that would help develop an attractive and economically sound community.

- B19. Review Criteria: Implementation Measure 4.1.3.b** Maintain high-quality industrial development that enhances the livability of the area and promotes diversified economic growth and a broad tax base.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects, engineers and land use planners. Site design must adhere to the Day Road Design Overlay District (DOD) design standards to assure high-quality industrial development that would enhance the livability of the area and would promote economic growth and a broad tax base. See request G of this staff report for detailed analysis of the building, site and design plans.

- B20. Review Criteria: Implementation Measure 4.1.3.c** Favor capital intensive, rather than labor intensive, industries within the City.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed project is estimated to cost over 25 million dollars and employ people with family wage jobs.

- B21. Review Criteria: Implementation Measure 4.1.3.d** Encourage industries interested in and willing to participate in development and preservation of a high-quality environment. Continue to require adherence to performance standards for all industrial operations within the City.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects, engineers and land use planners with the goal in mind to preserve as many significant trees along the west side and northeast corner of the property.

- B22. Review Criteria: Implementation Measure 4.1.3.e** Site industries where they can take advantage of existing transportation corridors such as the freeway, river, and railroad.

Finding: This criterion is satisfied.

Explanation of Finding: The subject property is in close proximity to Interstate 5 via SW Day Road and SW Boones Ferry Road to the Stafford Interchange.

- B23. Review Criteria: Implementation Measure 4.1.3.f** Encourage a diversity of industries compatible with the Plan to provide a variety of jobs for the citizens of the City and the local area.

Finding: This criterion is satisfied.

Explanation of Finding: See the applicant's response finding on page 21 of Exhibit B1.

- B24. Review Criteria: Implementation Measure 4.1.3.g** Encourage energy-efficient, low-pollution industries.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects and engineers including an energy-efficient hospital type building with no pollution.

B25. Review Criteria: Implementation Measure 4.1.3.h The City, in accordance with Title 4 of the Metro Urban Growth Management Functional Plan, supports appropriate retail development within Employment and Industrial Areas. Employment and Industrial areas are expected to include some limited retail commercial uses, primarily to serve the needs of people working or living in the immediate Employment or Industrial Areas, as well as office complexes housing technology-based industries. Where the City has already designated land for commercial development within Metro's employment areas, the City has been exempted from Metro development standards.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project does not include retail uses so this criterion is not applicable.

B26. Review Criteria: Implementation Measure 4.1.3.i The City shall limit the maximum amount of square footage of gross leasable retail area per building or business in areas designated for industrial development. In order to assure compliance with Metro's standards for the development of industrial areas, retail uses with more than 60,000 square feet of gross leasable floor area per building or business shall not be permitted in areas designated for industrial development.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project does not include retail uses so this criterion is not applicable.

B27. Review Criteria: Implementation Measure 4.1.3.j All industrial areas will be developed in a manner consistent with industrial planned developments in Wilsonville. Non-industrial uses may be allowed within a Planned Development Industrial Zone, provided that those non-industrial uses do not limit the industrial development potential of the area.

Finding: This criterion is satisfied.

Explanation of Finding: In Requests D and E of this staff report the proposed UHS facility is being reviewed by the applicable Planned Development Code criteria within the PDI-RSIA zone. The project location at the southwest corner of SW Day Road and SW Boones Ferry Road would not limit industrial development potential of properties west of the UHS property.

OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment

B28. Review Criteria: Review Criteria: Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:

- (a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
 - (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.
- (2). A plan or land use regulation amendment significantly affects a transportation facility if it:
- (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing a functional classification system;
 - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

Finding: These criteria are satisfied.

Explanation of Finding: The City's TSP was approved by the City Council on June 17, 2013. The applicant's proposal would not significantly affect transportation facilities identified in the City's Transportation System Plan (TSP). The proposed PF conditions of approval would mitigate any impacts in Request F for the Stage II Final Plan. The Comprehensive Plan Amendment and Zone Map Amendment do not propose any new amendments to the TSP. The proposed Comprehensive Plan Map and Zone Map Amendments do not propose to change the functional classification of an existing City street facility or one planned in the TSP. Furthermore the proposed Comprehensive Plan Map and Zone Map Amendments legislative do not propose to change standards implementing a functional classification system. Finally, the City has adopted traffic concurrency standards which will be applied to development in the subject property UGB area during subsequent development review to ensure levels of travel and access are not inconsistent with the functional classification of a transportation facility and maintain performance standards adopted in the TSP.

DKS Associates has prepared a Transportation Impact Analysis for this application in Exhibit P of Exhibit B1. The on-site circulation system proposed in the Stage II Final Plan, Plan Sheet C100 in Exhibit B1 is designed to reflect the principles of smart growth encouraging alternatives to the automobile while accommodating all travel modes, including car pool, SMART dial-a-ride, bicycles and pedestrians.

TPR 0060: ODOT received the public notice for the Universal Health Services, Inc., application. See Exhibit C8. The property is located at the intersection of SW Day Rd and SW Boones Ferry Rd which is an ODOT intersection. On page 23 of the DKS TIA in Exhibit B1 contains the TPR findings of “no significant effect” based on consistency with the City Comprehensive Plan and Transportation Systems Plan (TSP).

SUMMARY FINDING

The proposed Comprehensive Plan Map Amendment meets all applicable requirements and can be approved by the City Council.

ORDINANCE NO. 786

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE WASHINGTON COUNTY FUTURE DEVELOPMENT - 20 (FD-20) ZONE TO THE CITY'S PLANNED DEVELOPMENT INDUSTRIAL – REGIONALLY SIGNIFICANT INDUSTRIAL AREA (PDI-RSIA) ZONE ON APPROXIMATELY 8.72 - ACRES COMPRISING TAX LOTS 400, 500 AND 501 OF SECTION 2B, T3S, R1W, WASHINGTON COUNTY, OREGON, UNIVERSAL HEALTH SERVICES, INC., WILLAMETTE VALLEY BEAVORIAL HEALTH FACILITY, APPLICANT.

RECITALS

WHEREAS, Universal Health Services, Inc., Willamette Valley Behavioral Health Facility (“Applicant”) has made a development application requesting, among other things, a Zone Map Amendment of the Property from FD-20 to PDI-RSIA; and

WHEREAS, the development application form has been signed by David C. Brown, Trustee for David C. Brown Revocable Living Trust, as Owner of the real property legally described and shown on Attachment 1, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, the Zone Map Amendment is contingent on annexation of the Property to the City of Wilsonville and an amendment to the Comprehensive Plan Map, which annexation and Comprehensive Plan Map Amendment have been petitioned for and applied for concurrently with the Zone Map Amendment request; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment which staff report was presented to the Development Review Board on January 25, 2016;

WHEREAS, the Development Review Board Panel B held a public hearing on the application for a Zone Map Amendment on January 25, 2016, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 322 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB15-0093), adopts the staff report (Exhibit B) with findings and recommendation, all as placed on the record at the hearing, certain elements of which are contingent upon City Council approval of the Zone Map Amendment and authorizes the Planning Director to issue approvals to the Applicant consistent with the staff report, as adopted by DRB Panel B; and

WHEREAS, on February 18, 2016, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Development Review Board staff report, as contained in the record of the above described DRB hearing and incorporates it by reference herein, as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the Property to the City, by Zoning Order DB15-0093, attached hereto as Exhibit A, from the Washington County Future Development - 20 (FD-20) Zone to the Planned Development Industrial – Regionally Significant Industrial Area (PDI - RSIA) Zone described and shown on Attachments 1 and 2.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on February 18, 2016 and scheduled for the second reading on March 7, 2016 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

Sandra C. King, MMC, City Recorder

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

Sandra C. King, MMC, City Recorder

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

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Councilor Starr

Councilor Fitzgerald

Councilor Lehan

Councilor Stevens

Exhibits and Attachments:

Exhibit A - Zoning Order DB15-0093.

Attachment 1, Legal Description and Survey Map

Attachment 2, Map Depicting Zone Amendment

Exhibit B Zone Map Amendment Findings, January 26, 2016.

Exhibit C - DRB Resolution No. 322

Exhibit D - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated January 25, 2016 and the application on compact disk.

Exhibit E – January 25, 2016 DRB Minutes

EXHIBIT A

**BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
UNIVERSAL HEALTH SERVICES INC.,
WILLAMETTE VALLEY BEHAVIORAL HEALTH FACILITY**

In the Matter of an Application of)	
Kenneth Sandblast, Agent for)	
Universal Health Services, Inc.,)	ZONING ORDER
Willamette Valley Behavioral Health,)	NO. DB15-0093
Applicant, Acting on behalf of)	
David C. Brown, Trustee, Owner)	
for a Rezoning of Land on the City of)	
Wilsonville Zoning Map)	
Incorporated in Section 4.102)	
Of the Wilsonville Code)	

The above-entitled matter is before the Council to consider the application of DB15-0093, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached Exhibit 1 has heretofore appeared on the Washington County zoning map as Future Development - 20 (FD-20).

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

THEREFORE, IT IS HEREBY ORDERED that The Property, consisting of approximately 8.72 acres comprising Tax Lots 400, 500 and 501 Section 2B, 3S 1W as more particularly shown in the Zone Map Amendment Map, Attachment 1 and described and shown in Attachment 2 is hereby rezoned to Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA). The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This _____ day of March, 2016.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Barbara Jacobson, City Attorney

ATTEST:

Sandra C. King, MMC, City Recorder

Exhibit A: Zoning Order
Attachment 1, Legal Description and Survey Map
Attachment 2, Map Depicting Zone Amendment

EXHIBIT "A"

Annexation to the City of Wilsonville
 Washington County, Oregon
 Portion of Tax Lots 400, 500 and 501, 3S 1 2B
 December 2, 2015
 Project No. 2542-001

PROPERTY DESCRIPTION

Real property lying in Washington County, Oregon being a portion of Section 2, Township 3 South, Range 1 West of the Willamette Meridian described as follows:

Beginning at a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223 on the west right of way line of S.W. Boone's Ferry Road 50.00 feet from the centerline thereof measured at a right angle, said point also being 63.42 feet southerly of the centerline of S.W. Day Road measured at a right angle;
 thence along said west right of way line as conveyed to the State of Oregon by Document Number 96053177 through the following three courses:
 South 13°53'24" East, 134.77 feet, South 16°12'41" East, 247.33 feet, and South 13°53'39" East, 96.96 feet to the easterly extension of the north line of the plat "Riverwood Industrial Campus Condominium";
 thence along said north line and the north line of that property conveyed to "R & R Property Holdings Inc" by Document Number 2013-104658, South 89°36'39" West, 841.93 feet;
 thence along the east line of that property conveyed to "Hill" by Document Number 2005-130325, North 00°13'04" West, 489.97 feet to the south right of way line of S.W. Day Road being 37.00 feet from the centerline thereof measured at a right angle;
 thence along said south right of way line as conveyed to the State of Oregon by Document Numbers 2002-035075 and 2001-124306, North 89°37'54" East, 691.58 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223;
 thence along the right of way lines at the southwest corner of the intersection of S.W. Day Road and S.W. Boones Ferry Road for the following two courses: South 58°21'35" East, 18.34 feet, and South 35°36'46" East, 20.45 feet to the Point of Beginning.

Containing 8.728 acres more or less.

Bearings shown per Washington County Survey Number 17,450.

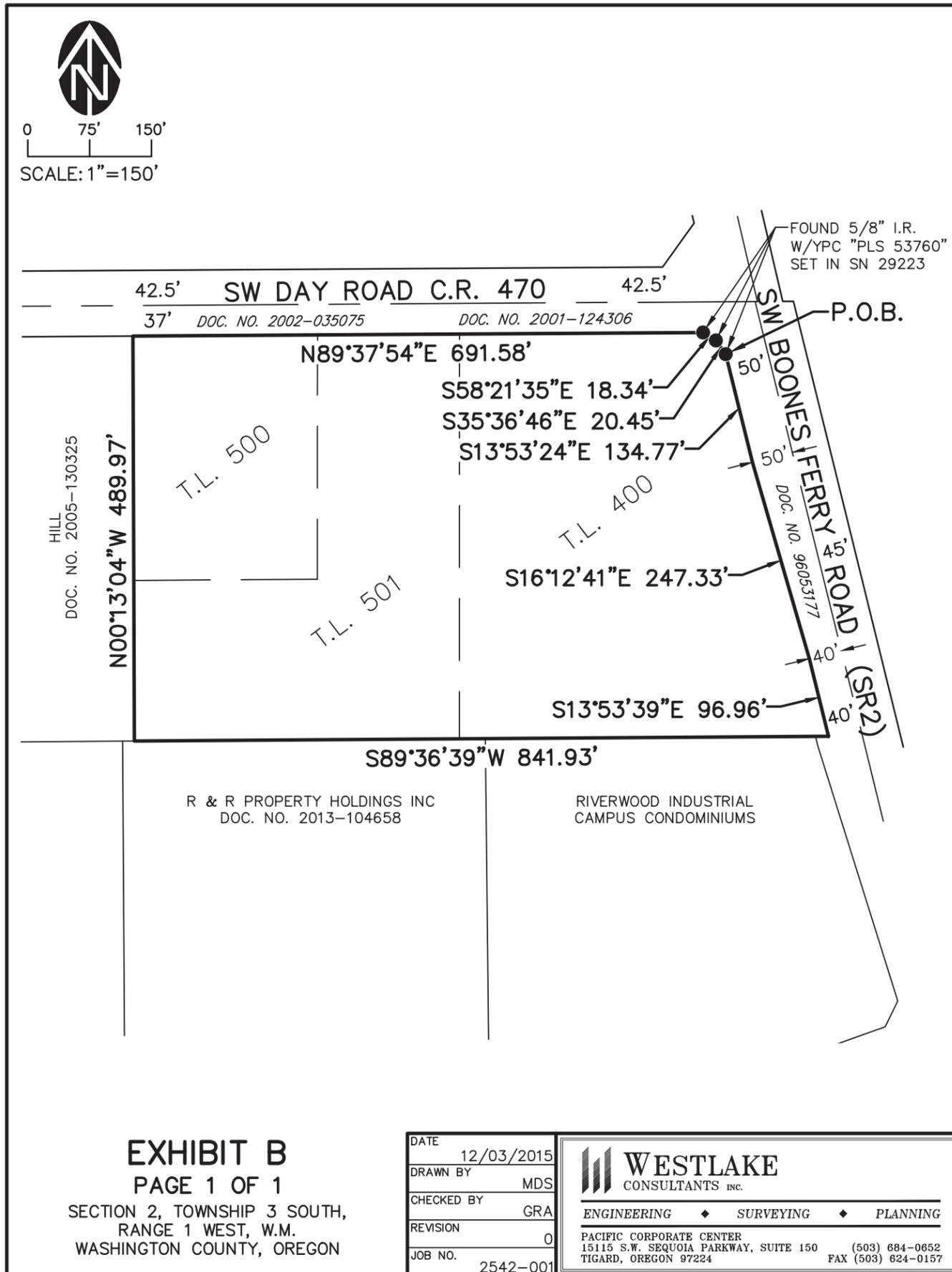
**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

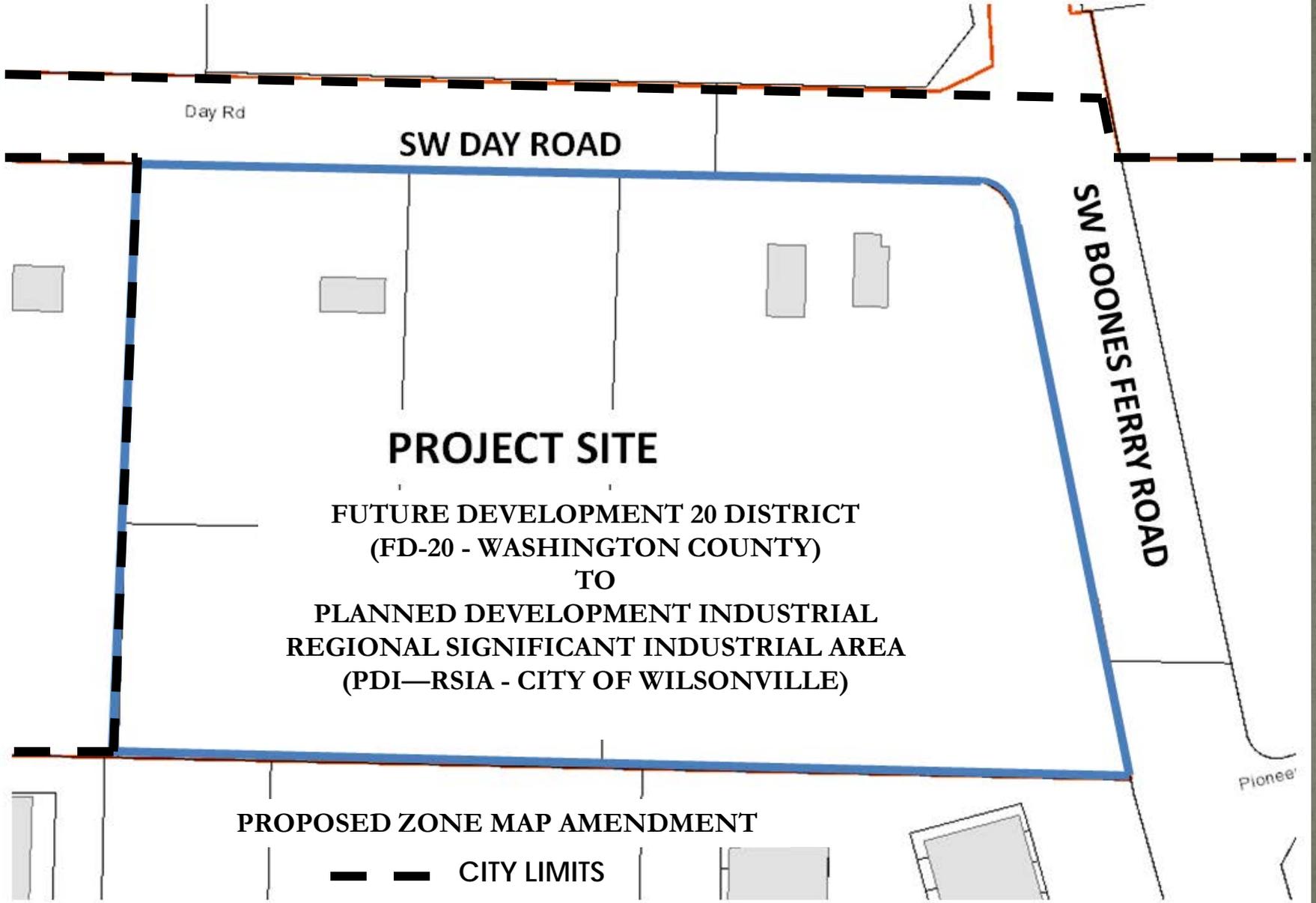


**OREGON
 NOVEMBER 12, 2013
 MICHAEL D. SPELTS
 87475PLS**

RENEWS: 06-30-2016

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Day Rd

SW DAY ROAD

SW BOONES FERRY ROAD

PROJECT SITE

FUTURE DEVELOPMENT 20 DISTRICT
(FD-20 - WASHINGTON COUNTY)
TO
PLANNED DEVELOPMENT INDUSTRIAL
REGIONAL SIGNIFICANT INDUSTRIAL AREA
(PDI—RSIA - CITY OF WILSONVILLE)

PROPOSED ZONE MAP AMENDMENT

— — CITY LIMITS

Pioneer

**Ordinance No. 786
City Council Exhibit B**

**STAFF REPORT
WILSONVILLE PLANNING DIVISION**

**Universal Health Services Inc., Willamette Valley Behavioral Health Facility
Zone Map Amendment
CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING**

HEARING DATE	February 18, 2016
DATE OF REPORT:	January 26, 2016

Request: DB15-0093 Zone Map Amendment

REQUEST/SUMMARY: The City Council is being asked to review a Zone Map Amendment from Washington County 'Future Development - 20' (FD-20) Zone to City 'Planned Development Industrial – Regionally Significant Industrial Area' (PDI-RSIA) Zone consistent with the Comprehensive Plan Map designation of "Industrial" requested concurrently with Ordinance No. 785. The Zone Map Amendment request is contingent on the City Council approving annexation of the property into the City of Wilsonville with Ordinance No. 784. The DRB has reviewed the Annexation, Comprehensive Plan map amendment, and Zone Map amendment and recommended approval to the City Council. The DRB also approved a Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type 'C' Tree Removal Plan and Class III signs to enable development of an approximately 62,000 square foot behavioral health facility.

LOCATION: Approximately 8.72 acres at the southwest corner of SW Day Road and SW Boones Ferry Road. Described Tax Lots 400, 500 and 501, Section 2B, Township 3 South, Range 1W, Willamette Meridian, Washington County, Oregon.

OWNER: Mr. David C. Brown, of the David C. Brown Revocable Living Trust U/T/A

APPLICANT: Universal Health Services Inc. – Willamette Valley Behavioral Health Facility

PETITIONER FOR ANNEXATION: Mr. David C. Brown

APPLICANT'S REPRESENTATIVE: Mr. Kenneth Sandblast – Westlake Consultants

COMPREHENSIVE PLAN MAP DESIGNATION: 'Future Development 20 District' (FD 20) (Washington County)

PROPOSED PLAN MAP DESIGNATION: Industrial (City of Wilsonville)

ZONE MAP CLASSIFICATION: Future Development - 20 Acre District (FD-20), Washington County)

PROPOSED ZONE MAP DESIGNATION: Planned Development Industrial – Regionally Significant Industrial Area (PDI–RSIA), City of Wilsonville. The subject property is within the Day Road Design Overlay District (DOD). Day Road DOD is an overlay district within the larger Planned Development Industrial - Regionally Significant Industrial Area (RSIA) Zone.

STAFF REVIEWER: Blaise Edmonds, Manager of Current Planning.

DEVELOPMENT REVIEW BOARD RECOMMENDATION: In Resolution No. 322 the Development Review Board recommended approval of the requested Zone Map Amendment to City Council.

APPLICABLE REVIEW CRITERIA:

<u>DEVELOPMENT CODE</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.029	Zoning to be consistent with Comp. Plan
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Section 4.134	Day Road Design Overlay District
Section 4.135 and 4.135.5	Planned Development Industrial (PDI) Zone RSIA
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan: Policy 4.1.3 Implementation Measure 4.3.1.a. Implementation Measure 4.1.3.b. Implementation Measure 4.1.3.c. Implementation Measure 4.1.3.d. Implementation Measure 4.1.3.e. Implementation Measure 4.1.3.f. Implementation Measure 4.1.3.g. Implementation Measure 4.1.3.h.	Industrial

Implementation Measure 4.1.3.i. Implementation Measure 4.1.3.j.	
Comprehensive Plan - Annexation and Boundary Changes. Implementation Measure 2.2.1.e. Implementation Measure 2.2.1.a.	Annexation:
REGIONAL AND STATE PLANNING DOCUMENTS	
Statewide Planning Goals	
Transportation Systems Plan Stormwater Master Plan	
State Transportation Planning Rule	OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment.

Zone Map Amendment (DB15-0093). The applicant is requesting to change the current Washington County zoning designation from the Future Development - 20 District (FD-20) to the City of Wilsonville zone designation of 'Planned Development Industrial – Regionally Significant Industrial Area' (PDI - RSIA) which is the appropriate designation to the site.

CONCLUSIONS and CONDITIONS OF APPROVAL:

Approve the requested Annexation, Comprehensive Plan Amendment and Zone Map Amendment. **The findings and recommended conditions of approval adopted by the Development Review Board in review of the above requests will be forwarded as a recommendation to the City Council.**

FINDINGS OF FACT

1. The statutory 120-day time limit applies to this application. The application was received on November 16, 2015. On November 30, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period. The applicant submitted new material on January 11, 2016. On January 11, 2015 staff determined the application to be complete. The City must render a final decision for the request, including any appeals, by **May 9, 2016**.
2. Except for the adoption of the Coffee Creek Industrial Area Concept Plan, the Day Road Design Overlay District (DOD) and the Urban Growth Boundary (UGB) there are no prior city land use actions on the property.

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

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criterion: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

Finding: This criterion is met.

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

Section 4.009 Who May Initiate Application

Review Criterion: "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

Finding: This criterion is satisfied.

Explanation of Finding: The application has been submitted on behalf of Universal Health Services Inc. – Willamette Valley Behavioral Health.

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

Review Criterion: "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application."

Finding: This criterion is satisfied.

Explanation of Finding: No applicable liens exist for the subject property.

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

REQUEST C: ZONE MAP AMENDMENT

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

C1. Review Criterion: “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”

Finding: This criterion is satisfied.

Explanation of Finding: The applicant is applying for a zone map amendment concurrently with requests for planned development applications (Requests D - G) which will make the zoning consistent with the Comprehensive Plan.

Subsection 4.110 (.01) Base Zones

C2. Review Criterion: This subsection identifies the base zones established for the City, including the Village Zone.

Finding: This criterion is satisfied.

Explanation of Finding: The requested zoning designation from Washington County zone of Future Development - 20 District (FD-20) to the City Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA) zone is among the base zones identified in this subsection.

Subsection 4.135 and 4.135.5 Planned Development Industrial (PDI-RSIA) Zone Purpose

C3. Review Criteria: The PDI-RSIA Zone

Finding: These criteria are satisfied.

Explanation of Finding: See the applicant’s response finding on page 21-22 of Exhibit B1. The applicant, Universal Health Services (UHS), proposes a behavioral health facility in the Coffee Creek Industrial Area, which is designated as a Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA). There are many factors to consider when evaluating the compatibility and appropriateness of the proposed use in the RSIA zone including: compatibility with existing and future industrial uses; urban form, design and architecture as expressed in the Day Road Design Overlay Zone (Wilsonville Code Section 4.134) and the draft regulations found in the Coffee Creek Industrial Area Form Based Code; minimization of PM peak hour trip generation; the emerging and evolving nature of industry; job creation and wages; compliance with industrial performance standards; traded

and local sector benefits; as well as consistency with the purpose section of the RSIA zone (WC Section 4.135.5).

The applicant's findings state that the application is consistent with the purpose section of the RSIA zone (please refer to pages 21 and 22 of the applicant's narrative), particularly *Section .03(N) Permitted Uses* because the operation is "1) compatible with industrial operations, 2) it provides an employment center consistent with the Wilsonville Comprehensive Plan, 3) it facilitates the redevelopment of under-utilized industrial sites within the Coffee Creek Master Plan area and within the Day Road Design Overlay District, and 4) is a transition point between zoning districts and the Day Road Design Overlay District."

The applicant's narrative goes into detail regarding each of the above issues. The Coffee Creek Industrial Area was added to Wilsonville's UGB in 2004. The Coffee Creek Industrial Area Master Plan was adopted in 2007. The Day Road Design Overlay Zone was adopted in 2008. For the past 11 plus years, there have been no proposals to develop in the Coffee Creek Industrial Area, until this application. This is in large part due to the fact that utilities, particularly sanitary sewer and potable water are not located together in all parts of the project area. The Coffee Creek Urban Renewal District is being created to assist in the installation of critical infrastructure that will benefit the area.

The applicant is proposing what could be a catalytic development for the area, in that it will set the stage for both Coffee Creek and Basalt Creek industrial areas, demonstrating the high quality built form for the employment area that is envisioned to be created. The applicant's proposal is catalytic in that it will provide essential right-of-way necessary to implement the required Transportation System Plan functional classification for Day Road, which ultimately will be a five lane section, as well as has the potential to generate significant tax increment for the planned Coffee Creek Urban Renewal area which was passed on an advisory vote by the citizens of the city this past November.

The applicant's narrative goes on to state that components of the proposed project contain many of the permitted uses listed in the PDI-RSIA zone such as research and training with local educational institutions, accessory storage and warehousing of medical equipment and supplies, non-retail uses and the minimization of PM peak hour traffic impacts by staggering work shifts to avoid these times. While not primary uses, these incidental aspects of the operation are supportive of the PDI-RSIA zone.

Code Linkages:

The Wilsonville Code is unique and contains many linkages between various sections of the Code. *WC Section 4.135 Planned Development Industrial* lists Public Facilities (WC 4.135 .Q) as an outright permitted use. The Public Facilities zone (WC Section 4.136) purpose section states: *The PF zone is intended to be applied to existing public lands and facilities, including quasi-public lands and facilities which serve and benefit the community and its citizens. Typical uses*

*permitted in the PF Zone are schools, churches, public buildings, **hospitals**, parks and public utilities. Not all of the uses permitted in this zone are expected to be publically owned.*

The PDI and the PDI-RSIA zone contain many of the same objectives and are very similar in nature. It is not unreasonable to assume that since the PDI zone allows public facilities, and the Public Facility zone permits hospitals, that the PDI-RSIA zone could permit hospitals in a similar manner as the proposed use is not a retail use, does not generate significant traffic during the PM peak hour due to staggered work and visitor shifts and is compatible with the performance standards of the PDI-RSIA zone (see Finding F13).

Urban Form:

The Day Road Design Overlay zone is applied to all properties that front along Day Road in the Coffee Creek Industrial Area, and include the subject site. The findings in this section augment the findings provided in G1 on page 68 of this staff report. The purpose of this overlay zone is to *establish standards for the design and exterior architecture of all structure located in the Day Road DOD in order to assure high quality design of development and re-development at the Day Road gateway to the City of Wilsonville. These standards are intended to create an aesthetically pleasing aspect for properties abutting Day Road by ensuring:*

A. Coordinated design of building exteriors, additions and accessory structure exteriors.

Response: The applicant's proposal results in coordinated design of building exteriors with buildings located close to the street framing the public realm resulting in an aesthetically pleasing streetscape.

B. Preservation of trees and natural features.

Response: The applicant's site plan proposes to protect large mature native and ornamental trees throughout the site, specifically at the corner of Day Road and Boones Ferry Road as well as along the west property line supporting this criterion.

C. Minimization of adverse impacts on adjacent properties from development that detracts from the character and appearance of the area.

Response: This is the first building to be proposed under the Day Road DOD thus setting the stage for the expectations for the type of lasting architecture and quality materials that will continue along the Day Road frontage. The proposal does not result in the creation of adverse impacts on adjacent properties as all activities will be conducted indoors or in the secure internal courtyard and the site planning and architecture do not detract from the character and appearance of the area. This standard is met.

D. Integration of the design of signage into architectural and site design, and

Response: The proposed site is at a very visible gateway corner to the Coffee Creek Industrial District. The applicant proposes gateway signage that is tasteful and appropriate for this corner location providing identification for the larger Coffee Creek Industrial area. This standard is satisfied by the applicant's proposal.

E. Minimization of the visibility of vehicular parking, circulation and loading areas.

Response: The applicant proposes to locate parking to the west and south of the building and not between the building and the street, masking, screening and minimizing the presence of vehicle parking and loading areas supporting the above design criteria.

It should also be noted that the applicant's proposal contains many of the elements of good design drafted in the Coffee Creek Industrial Area Form Based Code. Specifically, the building is oriented toward the street, attention is paid to connectivity and improved pedestrian circulation on the perimeter of the site, an enhanced public realm with art and landscaping is provided, a building with durable and attractive materials with a base, body and top, tree preservation, parking located away from the public-street as well as façade articulation, building massing, glazing and height along Day Road.

Performance Standards of the PDI-RSIA Zone:

The analysis contained in Finding F13 demonstrates that the proposed use is in conformance with the performance standards of the PDI-RSIA zone and will not have any external impacts that will affect surrounding industrial operations.

Traded and Local Sector:

The traded sector includes industries and employers which produce goods and services that are consumed outside the region where they are made. The local sector, on the other hand, consists of industries and firms that produce goods and services that are consumed locally in the region where they were made.

Both sectors – traded and local – are essential to economic health. Traded-sector employers export products or services, bring in new money into a region. In part, this money gets spent in the local economy, supporting jobs and incomes in the local sector. Local-sector employers provide necessary goods and services that both improve quality of life and contribute to the productivity and competitiveness of the traded sector.

Most forms of manufacturing, specialized design services, advertising and management, and technical consulting are classified as traded in this analysis. Retail trade, construction, **healthcare**, education, real estate and food services are found in all metropolitan areas and mostly fall into the local sector (source: Portland Metro's Traded Sector, 2012).

The applicant's narrative states that there will be approximately 190 new jobs created at the site (average of 29 jobs per acre), many of which are higher paying positions with medical specialization, such as doctors, nurses and psychiatric support services. Higher job densities are desired in today's economy to make more efficient use of the land. One of the many objectives of the RSIA industrial zone is to provide an opportunity to create employment centers with higher wage jobs, which this proposal satisfies.

Conclusion: The applicant has requested a use interpretation by the Director for the proposed behavioral health facility located in the Planned Development Industrial - Regionally Significant Industrial zone. Given the applicant's findings of fact (pages 21 and 22 of the submittal documents), and the above findings, the Director finds that the proposed use:

- Is compatible with the unique nature of the surrounding industrial area.
- Is supportive of many of the objectives of the PDI-RSIA zone including job creation and higher salaries.
- Provides an employment center consistent with the intent of the Comprehensive Plan at job densities that support an employment center.
- Provides quality urban form consistent with the intent and vision established in the Day Road Design Overlay Zone (and the Form Based Code).
- Creates a gateway to the larger Coffee Creek Industrial Area.
- Does not generate traffic that would negatively impact the transportation network in the PM peak hour due to staggered shift changes and a transportation management plan.
- Is supportive of the purpose section of the PDI-RSIA zone.
- Provides many of the primary permitted uses which are ancillary to the primary operation.
- Has the potential to be a catalytic project that facilitates the redevelopment of under-utilized industrial sites within the Coffee Creek Master Plan area and within the Day Road Design Overlay District.

Given the above analysis and findings, staff recommends that the DRB approve the use as consistent with the intent of WC Section 4.135.5 N. *"other similar uses which in the judgment of the Planning Director are consistent with the purpose of the PDI-RSIA zone"*.

Subsection 4.197 (.02) A. Zone Change Procedures

- C4. Review Criteria:** "That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;"

Finding: These criteria are satisfied.

Explanation of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.

- C5. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed Zone Map Amendment is consistent with the proposed Comprehensive Map designation of Industrial and as shown in the applicant’s response findings in Exhibit B1.

Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency

- C6. **Review Criterion:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

Finding: With the proposed PF conditions in this staff report, this criterion can be met.

Explanation of Finding: The City Engineering Division has performed an analysis of existing primary public facilities, (i.e., roads and sidewalks, water, sewer and storm sewer) to determine availability and adequacy to serve the subject property. Furthermore, a Transportation Impact Analysis (TIA) was prepared by DKS Associates. See Exhibit P of Exhibit B1.

Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas

- C7. **Review Criteria:** “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;”

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has also conducted a natural resources analysis by Pacific Habitat Services, found in Exhibit O of Exhibit B1 and no significant natural resources were found on the property.

Subsection 4.197 (.02) F. Zone Change: Development within 2 Years

- C8. **Review Criterion:** “That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

Finding: This criterion is satisfied.

Explanation of Finding: Development on the subject property will begin in 2016.

Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval

- C9. **Review Criterion:** “That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards.”

Finding: This criterion is satisfied.

Explanation of Finding: Nothing about the zone change would prevent development on the subject property from complying with applicable development standards.

Planned Development Industrial-Regional Significant Industrial Area (PDI-RSIA) Zone

- C10. **Review Criterion:** The purpose of the proposed PDI-RSIA Zone is to provide opportunities for a variety of industrial development.

Finding: This criterion is satisfied.

Details of Finding: See the applicant’s response finding on page 21of Exhibit B1. No commercial uses are proposed.

SUMMARY FINDING FOR REQUEST C:

- C11. The proposed Zone Map Amendment meets all applicable requirements and its approval may be recommend to the City Council. *This action recommends adoption of the Zone Map Amendment to the City Council for the subject property. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB15-0091). Case files DB15-0094, DB15-0095, DB15-0096, DB15-0097, DB15-0098, and DB15-0099 are contingent upon City Council’s action on the Zone Map Amendment request.*

January 28, 2016

DEVELOPMENT REVIEW BOARD PANEL B

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND
RECOMMENDATION TO CITY COUNCIL**

Project Name: Universal Health Services

Case Files:	Request A:	DB15-0091	Annexation
	Request B:	DB15-0092	Comprehensive Plan Map Amendment
	Request C:	DB15-0093	Zone Map Amendment
	Request D:	DB15-0094	Stage I Preliminary Plan
	Request E:	DB15-0095	Two (2) Waivers
	Request F:	DB15-0096	Stage II Final Plan
	Request G:	DB15-0097	Site Design Review
	Request H:	DB15-0098	Type C Tree Plan
	Request I:	DB15-0099	Class III Signs

Owner: David C. Brown of the David C. Brown Revocable Living Trust U/T/A

Applicant: Universal Health Inc., Willamette Valley Behavioral Health

**Applicant's
Representative:** Mr. Kenneth Sandblast – Westlake Consultants

**Property
Description:** Tax Lots 400, 500, and 501 in Section 2B; T3S R1W; Washington County; Wilsonville, Oregon.

Location: 9470 SW Day Road and SW Boones Ferry Road

On January 25, 2016, at the meeting of the Development Review Board Panel B, the following action was taken on the above-referenced proposed development applications:

Requests A, B and C: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Thursday, February 18, 2016 to hear these items.*

Requests D, E, F, G, H and I:
Approved with conditions of approval.
This approval is contingent upon City Council's approval of Requests A, B and C.

An appeal of Requests D, E, F, G, H and I to the City Council by anyone who is adversely affected or aggrieved, and who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of this Notice of

Decision. *WC Sec. 4.022(.02)*. A person who has been mailed this written notice of decision cannot appeal the decision directly to the Land Use Board of Appeals under *ORS 197.830*.

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 26th day of January 2016 and is available for public inspection. The decision regarding Requests D, E, F, G, H and I shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*.

Written decision is attached

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 322, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 322**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION OF TERRITORY AND APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM WASHINGTON COUNTY – FUTURE DEVELOPMENT 20 DISTRICT (FD-20) DESIGNATION TO CITY – INDUSTRIAL DESIGNATION, APPROVING A ZONE MAP AMENDMENT FROM WASHINGTON COUNTY – FUTURE DEVELOPMENT – 20 DISTRICT (FD-20) TO CITY – PLANNED DEVELOPMENT INDUSTRIAL – REGIONAL SIGNIFICANT INDUSTRIAL AREA (PDI-RSIA) ZONE, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I PRELIMINARY DEVELOPMENT PLAN, WAIVERS, STAGE II FINAL PLAN, SITE DESIGN REVIEW, TYPE ‘C’ TREE PLAN AND SIGNS FOR A 9.72 ACRE SITE. THE SUBJECT SITE IS LOCATED ON TAX LOTS 400, 500 AND 501 OF SECTION 2B, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, WASHINGTON COUNTY, OREGON. UNIVERSAL HEALTH SERVICES, INC., WILLAMETTE VALLEY BEHAVIORAL HEALTH– APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated January 14, 2016, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on January 25, 2016, at which time exhibits, together with findings and public testimony were entered into the public record, and

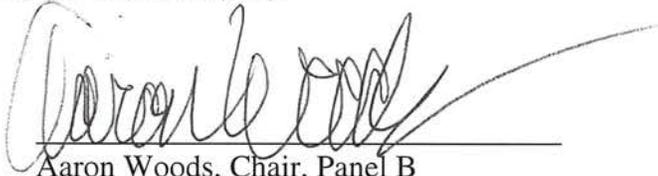
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated January 14, 2016, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to, as applicable, City Council approval of the Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment Requests (DB15-0091, DB15-0092 and DB15-0093) for:

DB15-0094 Stage I Preliminary Plan (Master Plan)
DB15-0095 Waivers
DB15-0096 Stage II Final Plan
DB15-0097 Site Design Review
DB15-0098 Type ‘C’ Tree Removal Plan
DB15-0099 Class III Signs

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 25th day of January, 2016 and filed with the Planning Administrative Assistant on Jan. 28, 2016. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.



Aaron Woods, Chair, Panel B
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant

DRB Exhibit A1

**STAFF REPORT
WILSONVILLE PLANNING DIVISION**

**Universal Health Services Inc., Willamette Valley Behavioral Health
Annexation, Comprehensive Plan Map Amendment,
Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan,
Waivers, Site Design Review (Day Road Overlay District), Type 'C' Tree Removal Pan and
Class III Signs**

**DEVELOPMENT REVIEW BOARD PANEL 'B'
QUASI-JUDICIAL PUBLIC HEARING
STAFF REPORT
(AMENDED AND ADOPTED JANUARY 25, 2016)**

HEARING DATE	January 25, 2016
DATE OF REPORT:	January 14, 2016

Strike-through = Deleted words
Bold/Italic = New words

Requests:

Request A: DB15-0091 Annexation
Request B: DB15-0092 Comprehensive Plan Map Amendment
Request C: DB15-0093 Zone Map Amendments (Base Zone)
Request D: DB15-0094 Stage I Preliminary Plan (Master Plan)
Request E: DB15-0095 Two (2) Waivers
Request F: DB15-0096 Stage II Final Plan
Request G: DB15-0097 Site Design Review
Request H: DB15-0098 Type 'C' Tree Removal Plan
Request I: DB15-0099 Class III Signs

REQUEST/SUMMARY: The Development Review Board is being asked to review the above referenced application requests for Universal Health Services, Inc., – Willamette Valley Behavioral Health (UHS). Proposed is Annexation of 8.72 acres (right-of-way dedication is expected to reduce the private development area to a total of about 8.4 acres) to the City of Wilsonville, a Comprehensive Plan Map Amendment from Washington County 'Future Development 20 Acre District' FD-20 to the City 'Industrial' Designation, approve a Zone Map Amendment from Washington County 'Future Development – 20 District' (FD-20) Zone to City 'Planned Development Industrial – Regional Significant Industrial Area' (PDI-RSIA) Zone, and approve Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type 'C' Tree Removal Plan and signs to enable development of an approximately 62,000 square foot

behavioral health facility with adult inpatient crisis stabilization services and mental health programs, inpatient child and adolescent services, inpatient geriatric services, autism programs, women's programs, substance abuse treatment, behavioral pain management, as well as outpatient services. In addition, the facility will serve a number of veterans with behavioral and mental health needs.

LOCATION: Approximately 8.72 acres located at 9470 SW Day Road and SW Boones Ferry Road. The subject property is more specifically described Tax Lots 400, 500 and 501, Section 2B, Township 3 South, Range 1W, Willamette Meridian, Washington County, Oregon. The subject property and adjacent SW Day Road and SW Boones Ferry Road are within the City UGB.

OWNER: Mr. David C. Brown, of the David C. Brown Revocable Living Trust U/T/A

APPLICANT: Universal Health Services Inc. – Willamette Valley Behavioral Health

PETITIONER FOR ANNEXATION: Mr. David C. Brown

APPLICANT'S REPRESENTATIVE: Mr. Kenneth Sandblast – Westlake Consultants

CURRENT COMPREHENSIVE PLAN MAP DESIGNATION: Future Development 20 Acre District (FD-20, Washington County)

PROPOSED PLAN MAP DESIGNATION: Industrial – Area H (City of Wilsonville)

Area H is bordered by Clay Street and Day Roads on the north and railroad tracks on the west.

CURRENT ZONE MAP CLASSIFICATION: Future Development 20 Acre District (FD-20, Washington County)

PROPOSED ZONE DESIGNATION: Planned Development Industrial (PDI-RSIA), City of Wilsonville). The subject property is within the Day Road Design Overlay District (DOD). DOD is an overlay district within the larger Planned Development Industrial - Regionally Significant Industrial Area (RSIA) Zone.

STAFF REVIEWERS: Blaise Edmonds, Manager of Current Planning, Steve Adams, Development Engineering Manager Don Walters, Plans Examiner, Kerry Rappold, Natural Resources Program Manager and Jason Arn, TVFR.

STAFF RECOMMENDATION: Recommends approval of the requested Annexation, Comprehensive Plan Amendment and Zone Map Amendment to City Council. The findings adopted by the Development Review Board in review of the above requests will be forwarded as a recommendation to the City Council.

Approve the Stage I Preliminary Plan (Master Plan), two waivers, Stage II Final Plan, Site Design Review, Type 'C' Tree Removal Plan and Class III signs. However, DRB approval of the above requests is contingent upon City Council approval of ordinances for the proposed Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment.

APPLICABLE REVIEW CRITERIA:

<u>DEVELOPMENT CODE</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.029	Zoning to be consistent with Comp. Plan
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Section 4.134	Day Road Design Overlay District
Section 4.135 and 4.135.5	Planned Development Industrial (PDI) Zone RSIA
Section 4.140(.07)	Stage I Preliminary Plan (Master Plan)
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
Section 4.700	Annexation
Section 4.198	Comprehensive Plan Map Amendments
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan: Policy 4.1.3 Implementation Measure 4.3.1.a. Implementation Measure 4.1.3.b. Implementation Measure 4.1.3.c. Implementation Measure 4.1.3.d. Implementation Measure 4.1.3.e. Implementation Measure 4.1.3.f. Implementation Measure 4.1.3.g. Implementation Measure 4.1.3.h. Implementation Measure 4.1.3.i. Implementation Measure 4.1.3.j.	Industrial
Comprehensive Plan - Annexation and Boundary Changes. Implementation Measure 2.2.1.e. Implementation Measure 2.2.1.a.	Annexation:
REGIONAL AND STATE PLANNING DOCUMENTS	

Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.120	Procedure without Election by City Electors
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Effect of Consent to Annexation by Territory
Statewide Planning Goals	
Transportation Systems Plan Stormwater Master Plan	
State Transportation Planning Rule	TPR 0060, Section 9 to make findings of no significant effect based on consistency with the Comp Plan/TSP. OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment.

Site Specific Development Standards

Section 4.110	Zones
Section 4.116	Standards Applying to Commercial Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.134	The Day Road Design Overlay District (DOD)
Section 4.135	Planned Development Industrial Zone
Section 4.135.5	Planned Development Industrial – Regional Industrial Significant Area (PDI-RSIA)
Section 4.140	Planned Development Regulations – Stage I Preliminary Plan and Stage II Final Plan.
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Sections 4.156.01 through 4.156.11	Sign Regulations
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.179	Mixed Solid Waste and Recyclables Storage
Sections 4.199.20 through 4.199.60	Outdoor Lighting
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600-4.640.20	Tree Preservation and Protection

Site description provided by the applicant:

“The site consists of a majority of mowed fields with trees scattered around small stands or around existing structures. There are a large stand of trees running the entire length of the western boundary going into the adjacent parcel. There are gentle slopes on the property from

north to south. The western end of the site consists of steeper slopes within the forest stand along the western boundary.”

“The site currently has three existing structures which consist of 2 dwellings and a garage. Prior uses on the site were residential and agriculture.”



Vicinity Map

SUMMARY

Annexation, comprehensive plan mapping and rezoning of the subject property is proposed to begin laying the foundation for development applications for a behavioral health facility. The applicant proposes to construct the project in 2016.

A detailed executive summary and compliance report in support of the application is provided by the applicant found on pages 1 through 4 of Exhibit B1. The applicant’s narrative on page adequately describes the requested application components, and compliance findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, staff has relied upon the applicant’s submittal documents and compliance findings, rather than repeat their contents again here. The application components are described briefly, below:

Annexation (DB15-0091). Universal Health Services, Inc. – Willamette Valley Behavioral Health (UHS) is seeking to annex the subject 8.72 acre property.

Comprehensive Plan Map Amendment (DB15-0092). The applicant is requesting to change the current Washington County Comprehensive Plan Map designation ‘Future Development 20

District' (FD-20) to the City of Wilsonville Comprehensive Plan Map designation 'Industrial' which is the appropriate designation for the site.

Zone Map Amendment (DB15-0093). The applicant is requesting to change the current Washington County zoning designation from 'Future Development 20 District' (FD-20) to the City of Wilsonville zone designation of 'Planned Development Industrial – Regional Significant Industrial Area' (PDI - RSIA) which is the appropriate designation to the site.

Stage I Preliminary Plan (DB15-0094). The applicant is requesting approval of a Stage I Preliminary Plan comprising for a behavioral health facility on 8.4 net acres in one development phase.

Two (2) Waivers (DB15-0095). See Exhibit B1 for the applicant's response findings to support the proposed waivers of which staff recommending approval. Regarding the proposed waivers the applicant has met Section 4.118.03 by listing the following waivers:

1. A waiver to the Day Road Overlay District minimum 48 foot building height to allow 38.4' on one portion of the building and dropping down to 28.4' on the remainder building measured to the top of parapet walls; and
2. Waiver to reduce 20% glazing for building elevations fronting on SW Day Road or on the frontage on corner lots. Proposed is 24% at SW Day Road but 16% at SW Boones Ferry Road.

Stage II Final Plan (DB15-0096). With the exception for proposed parking space numbers that is discussed in Finding F42 the Stage II Final Plan meets the following key approval criteria:

- **Section 4.140.09(J)(1) Land Use.** The location, design, size of the project, both separately and as a whole, are consistent with the proposed PDI - RSIA Zone. See Finding C4 demonstrating compliance of health care use within the PDI-RSIA Zone.
- **Section 4.140.09(J)(2) Traffic.** The location, design, size of the project is such that traffic generated by UHS can be accommodated safely, and without congestion in excess of level of service (LOS) "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets. Thus, there is adequate traffic capacity to serve the project which complies with Subsection 4.140.09(J)(2).
- **Section 4.140.09(J)(3) Public Facilities and Services.** The location, design, size and uses of the proposed project are such that the use to be accommodated will be adequately served by existing or immediately planned facilities and services.

Site Design Review (DB15-0097)

Architectural Design

The building architecture has elements meeting the Day Road Design Overlay District criteria. Key features include a variety of materials and building articulation. Extensive use of glass enhances the building facing SW Day Road.

Landscape Design. The project landscape architect, Walker/Macy, is highly regarded for their landscape designs that respond to the natural environment. Key to this project is to have attractive landscaping along SW Day Road which requires the most attention. Proposed are a variety of narrow bands of ground covers, sedges and shrubs. Retained trees are incorporated into the landscape plan. New landscaping will cover 39% and undisturbed native area at 17% of the site. Proposed new landscaping is better than typically found in other industrial/office parks.

Type 'C' Tree Removal Plan (DB15-0098)

146 regulated trees were inventoried on the site and adjoining right-of-way areas. Tree species primary include Douglas fir, London planetree, and bigleaf maple. A number of trees are being preserved as a mature intact stand at the west end and northeast corner of the property. The applicant proposes removing 41 trees and 19 trees are situational. 76 retained trees.

The trees proposed as part of the site landscaping exceed the required mitigation. Up to seventy (70) regulated trees would be removed. (See Arborist's Report in Exhibit B1).

Class III Signs (DB15-0099)

The applicant proposes an industrial district sign, site ID monument sign, directional signs and parking lot signs meeting code.

DISCUSSION POINTS

Day Road Design Overlay District

The architecture of the building is required to apply the Day Road Design Overlay District (DOD) requirements. The applicant provides a detailed analysis of the standards found on pages 34 through 41 in Exhibit B1. The proposed architecture is modern style similar to other buildings in the Kruse Way Business District of Lake Oswego. The applicant's design team and staff had several meetings to refine the conceptual building architecture for the purpose of achieving DOD requirements. But given the unique function of health services the applicant is requesting two waivers from the DOD criteria which are discussed in the following "Waiver" discussion point.

Waivers

The applicant is requesting two waivers; 1) to reduce the minimum building height from 48 feet to 38.3 feet, and 2) to reduce the percentage of window glazing at SW Boones Ferry Road. The

height waiver supports variation of the parapet and more architectural features supportive of compliance with the Day Road Design Overlay District requirements. Staff supports the proposed waivers with the detailed discussion found in Request F of this staff report.

Parking

How much parking is required? 200 space number based on city code for hospitals may be too much; UHS current site Plan Sheet L100 shows 120 spaces but the applicant's parking finding indicates 114 spaces. In the professional opinion of planning staff there enough room to add twenty (20) more on site spaces for total 140 spaces. Staff is reluctant to underestimate it because there is no on-street parking in this area, and no nearby offsite parking. See Finding F42 for the detailed parking requirement analysis.

SMART/TriMet Service

According to SMART in Exhibit C5 (Mr. Stephan Lashbrook – SMART Transit Director); "The subject property, being on the south side of Day Road, is not within TriMet territory. However, it occurs to me that we may want to include a finding in the annexation staff report that SMART is willing and able to provide service to the site. It would then follow to include a conclusion that, upon annexation, the site will become part of SMART's service territory." Proposed Finding A12 is intended to include the site in the SMART service territory.

Fencing

Proposed along the south side of the UHS building is a 12 – 14 foot high 'no climb' security fence. The fence would not be plainly visible to public view but Subsection 4.176(.04) F requires DRB review of any fence over 6 feet high measured from soil surface at the outside of fence line. See Plan Sheet A-300.

CONCLUSIONS and CONDITIONS OF APPROVAL:

Approve the requested Annexation, Comprehensive Plan Amendment and Zone Map Amendment to City Council. **The findings and recommended conditions of approval adopted by the Development Review Board in review of the above requests will be forwarded as a recommendation to the City Council.**

Approve the Stage I Preliminary Plan (Master Plan), two (2) waivers, Stage II Final Plan, Site Design Review, Type 'C' Tree Removal Plan and signs. However, the DRB approval of those requests is contingent on City Council approval of ordinances for the proposed Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment.

PD = Planning Division: No conditions of approval are proposed.

PF = Engineering Conditions

NR = Natural Resources Conditions

TVFR Conditions

BD = Building Division Conditions

PW = Public Works Department Conditions

REQUEST A: DB15-0091 ANNEXATION

This action recommends annexation to the City Council for the subject property with no conditions of approval.

REQUEST B: DB15-0092 COMPREHENSIVE PLAN MAP AMENDMENT

This action recommends adoption of the Comprehensive Plan Map Amendment to the City Council for the subject property with no conditions of approval.

REQUEST C: DB15-093_ ZONE MAP AMENDMENT

This action recommends adoption of the Zone Map Amendment to the City Council for the subject property with no conditions of approval.

REQUEST D: DB15-0094 STAGE I PRELIMINARY PLAN

This action approves the Stage I Preliminary Plan with no conditions of approval. Approval of the subject Stage I Preliminary Plan is contingent upon City Council approvals of Case Files DB15-0091 through DB15-0093 involving Annexation, Zone Map Amendment and Comprehensive Plan Map Amendment.

REQUEST E: DB15-0095 STAGE II FINAL PLAN

Approval of the subject Stage II Final Plan is contingent upon City Council approvals of Case Files DB15-0091 through DB15-0093 involving Annexation, Zone Map Amendment and Comprehensive Plan Map Amendment.

PDE 1. The approved Stage II Final Plan shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an

<p>approved Stage II Final Plan may be approved by the Planning Director through the Class I Administrative Review Process if such changes are consistent with the purposes and general character of the development plan</p>
<p>PDE 2. The Applicant/Owner shall provide 140 total on-site parking spaces. Up to 40% of the parking may be compact car spaces of not less than seven (7) feet, six (6) inches wide and fifteen (15) feet long. The remaining parking spaces shall be standard nine (9) feet wide and eighteen (18) feet long, and including required ADA parking spaces. The revised parking plan shall be reviewed through Class I Administrative Review. See Finding F42.</p>
<p>PDE 3. Interior long-term bicycle parking spaces shall be in a secure or monitored location and meet the spacing, space size, and anchoring requirements in Subsection 4.155 (.04) B. which include:</p> <ul style="list-style-type: none"> • Each space must be at least 2 feet by 6 feet in area and be accessible without moving another bicycle. • An aisle at least 5 feet wide shall be maintained behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way. • When bicycle parking is provided in racks, there must be enough space between the rack and any obstructions to use the space properly. • Bicycle lockers or racks, when provided, shall be securely anchored.
<p>PDE 4. The Applicant/Owner shall provide ADA accessible path from the gates of the southerly accessible ramp to the concrete basketball courts to the concrete walks to the building entrances serving the recreational yards. See Finding 35.</p>
<p>PDE 5. The Applicant/Owner shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site. Before the start of construction, a waiver of right to remonstrate shall be submitted to the city attorney.</p>
<p>PDE 6. <i>The applicant is encouraged to install not less than 2 Electrical Vehicle charging stations to the facility.</i></p>

The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City's Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these conditions of approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those conditions of approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code, Oregon Revised Statutes and Administrative Rules. Other conditions of approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other conditions of approval should be directed to the City

Department, Division, or non-City agency with authority over the relevant portion of the development approval.

Engineering Division PF Conditions: See Exhibit C1 for Public Works Plan requirements and other engineering requirements.

DB15-0096 Stage II Final Plan

<p>PF1. Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1.</p>												
<p>PF2. At the request of Staff, DKS Associates completed a Transportation Impact Study dated January 7, 2016. The project is hereby limited to no more than the following impacts.</p> <table data-bbox="324 756 1071 997"> <tr> <td>Estimated New PM Peak Hour Trips</td> <td>107</td> </tr> <tr> <td>Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area</td> <td>75</td> </tr> <tr> <td>Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area</td> <td>6</td> </tr> </table> <p>As part of the Transportation Impact Study DKS Associates looked at a variety of uses allowed under the proposed PDI-RSIA Zone Change. The worst case trip generator for the proposed zone change would be expected to produce the following impacts.</p> <table data-bbox="324 1218 1071 1457"> <tr> <td>Estimated New PM Peak Hour Trips</td> <td>127</td> </tr> <tr> <td>Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area</td> <td>88</td> </tr> <tr> <td>Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area</td> <td>7</td> </tr> </table>	Estimated New PM Peak Hour Trips	107	Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area	75	Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	6	Estimated New PM Peak Hour Trips	127	Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area	88	Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	7
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<p>PF3. Applicant shall enter into a development agreement with the City of Wilsonville describing construction responsibilities and City SDC credits available with this project.</p>												
<p>PF4. In the 2013 Transportation Systems Plan Day Road is identified as a Major Arterial. Applicant shall dedicate sufficient right-of-way to accommodate Day Road as a Major Arterial; this will require an additional 16.5 feet of right-of-way dedication to the City to accommodate a half-street right-of-way width of 53.5-ft (total right-of-way width of 107 feet), which includes ½ of a 14-ft center turn lane/median, two 12-ft travel lanes, a 6-ft bike lane, an 8.5 foot landscape and irrigation area with street lighting, and an 8-ft sidewalk.</p>												
<p>PF5. Applicant shall demolish existing curb and gutter and construct new roadway in</p>												

	<p>compliance with the 2013 Transportation Systems Plan and the 2014 Public Works Standards, and as outlined in condition of approval PF 4. In addition to the specifications in the 2013 Transportation Systems Plan and the 2014 Public Works Standards, the City requests adding a 2-ft bike buffer lane to the street cross section. The additional costs for the bike buffer on Day Road are Street SDC creditable/reimbursable by the City.</p>
PF6.	<p>The additional cost to construct the Day Road section from a Residential structural section to a Major Arterial structural section is Street SDC creditable/reimbursable by the City.</p>
PF7.	<p>In order to accommodate the additional 2-ft bike buffer within the street profile and maintain a 16.5-ft landscape/sidewalk area the City request a 2-ft sidewalk and public access easement on property fronting Day Road. The additional cost for this easement along Day Road is Street SDC creditable/reimbursable by the City.</p>
PF8.	<p>The widening of Day Road to meet Major Arterial requirements will leave the existing signal pole too close to the planned paved roadway. Applicant shall work with City engineering staff and Oregon Department of Transportation in the design and approval of the relocated signal pole, sidewalk and ADA ramps in this area. The additional costs for the relocation/reconstruction of the signal pole are Street SDC creditable/reimbursable by the City.</p>
PF9.	<p>Applicant shall dedicate additional right-of-way for reconstruction of the signal pole at the southwest corner of the Boones Ferry Road / Day Road intersection (northeast corner of the property). Necessary right-of-way will be a diagonal from the tangent radius points of the two intersecting right-of-way lines.</p>
PF10.	<p>In the 2013 Transportation Systems Plan Boones Ferry Road is identified as a Major Arterial. Applicant shall dedicate sufficient right-of-way to accommodate Boones Ferry Road as a Major Arterial; this will require a varying width of right-of-way dedication to the City to accommodate a half-street right-of-way width of 50.0-ft (total right-of-way width of 100 feet).</p>
PF11.	<p>Boones Ferry Road is presently constructed as a Major Arterial and no additional roadway construction is required. However, frontage along Boones Ferry Road is lacking a sidewalk, landscaping and street lighting. Applicant shall construct a 5-foot sidewalk, an approximate 8-ft landscape strip with irrigation, and street lighting within the Boones Ferry Road right-of-way. Existing topography descends away from the curb and Applicant is allowed to construct the sidewalk at a lower elevation than the curb. Applicant shall work with City engineering staff with design, elevation and location of this sidewalk.</p>
PF12.	<p>Applicant shall obtain stormwater service by tying into either the public storm system in Boones Ferry Road or the public storm system in Day Road.</p>
PF13.	<p>The proposed development lies within the Coffee Creek Industrial Area. Both the City Wastewater Master Plan (November 2014) and the Coffee Creek Industrial Master Plan (April 2007) indicate that this land is intended to be serviced via a planned sanitary main line to be installed across the Coffee Creek Industrial Area and extend east under Day Road. Applicant is allowed to obtain temporary sanitary sewer</p>

	service by tying into the public sanitary sewer system in Boones Ferry Road. However, applicant shall design the system to be able to divert the flow westward <i>northward</i> and extend a dry pipe to the west <i>north</i> property edge such that future sanitary sewer service can be obtained via the future main line extending from the Coffee Creek Industrial Area once that line is constructed and accepted by the City. Applicant shall work with City engineering staff with design and location of this sanitary line.
PF14.	Applicant shall tie into the existing public water main located in Day Road or Boones Ferry Road.
PF15.	Applicant shall bring existing overhead utilities underground on frontages along both Boones Ferry Road and Day Road. Additionally, the City requests these utilities remain underground through the far right-of-way of each roadway. The additional costs to place conduit and extend the underground utilities from the southwest corner of the intersection to the east side of Boones Ferry Road and the north side of Day Road is creditable/reimbursable by the City.
PF16.	<i>With construction of improvements along Day Road and Boones Ferry Road (both designated as major arterials), and City concerns regarding impacts to the public, Applicant shall work with City staff to minimize disruptions to the traveling public. This could include limiting work hours to outside of the AM and PM peak hours. No lane closures can occur without first receiving approval from City Engineering.</i>

Natural Resources NR Conditions: All Requests

NR1. Natural Resource Division Requirements and Advisories listed in Exhibit C4 apply to the proposed development.

TVF&R Conditions:

- FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)
- DEAD END ROADS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. (OFC 503.2.5 & D103.1)

3. **ADDITIONAL ACCESS ROADS – COMMERCIAL/INDUSTRIAL HEIGHT:** Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. (D104.1)
4. **MULTIPLE ACCESS ROADS SEPARATION:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the area to be served (as identified by the Fire Code Official), measured in a straight line between accesses. (OFC D104.3) Exception: Buildings equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5)).
5. **AERIAL FIRE APPARATUS ROADS:** Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2)
6. **AERIAL APPARATUS OPERATIONS:** At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the fire code official. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4)
7. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. The fire district will approve access roads of 12 feet for up to three dwelling units and accessory buildings. (OFC 503.2.1 & D103.1)
8. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, “No Parking” signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read “NO PARKING - FIRE LANE” and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

NO PARKING: Parking on emergency access roads shall be as follows (OFC D103.6.1-2):

1. 20-26 feet road width – no parking on either side of roadway (signage to indicate the no parking)
 2. 26-32 feet road width – parking is allowed on one side (signage to indicate the no parking side)
 3. Greater than 32 feet road width – parking is not restricted
9. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked “NO PARKING FIRE LANE” at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)
10. **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)
11. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3)
12. **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)
13. **GATES:** Gates securing fire apparatus roads shall comply with all of the following (OFC D103.5, and 503.6):
1. Minimum unobstructed width shall be not less than 20 feet (or the required roadway surface width), or two 10 foot sections.
 2. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.
 3. Electric gates shall be equipped with a means for operation by fire department personnel
 4. Electric automatic gates shall comply with ASTM F 2200 and UL 325.
 5. Removable bollards are not an approved alternate to a swinging gate.
14. **TRAFFIC CALMING DEVICES:** Shall be prohibited unless approved by the Fire Code Official. (OFC 503.4.1)
15. **FIRE HYDRANTS – COMMERCIAL BUILDINGS:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1)

- This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.
 - The number and distribution of fire hydrants required for commercial structure(s) is based on Table C105.1, following any fire-flow reductions allowed by section B105.3.1. Additional fire hydrants may be required due to spacing and/or section 507.5 of the Oregon Fire Code.
16. **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in (OFC Table C105.1)
 17. **FIRE DEPARTMENT CONNECTIONS:** A fire hydrant shall be located within 100 feet of a fire department connection (FDC) or as approved. Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle. (OFC 912 & NFPA 13)
 18. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the fire code official. (OFC C102.1)
 19. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)
 20. **EMERGENCY RESPONDER RADIO COVERAGE:** In new buildings where design reduces the level of radio coverage for public safety communications systems below minimum performance levels, a distributed antenna system, signal booster, or other method approved by TVF&R and Washington County Consolidated Communications Agency shall be provided. (OFC 510.1)
 21. **KNOX BOX:** A Knox Box for building access may be required for structures and gates. See Appendix C for further information and detail on required installations. Order via www.tvr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1)
 22. **UTILITY IDENTIFICATION:** Rooms containing controls to fire suppression and detection equipment shall be identified as "Fire Control Room." Signage shall have letters with a minimum of 4 inches high with a minimum stroke width of ½ inch, and be plainly legible, and contrast with its background. (OFC 509.1)

Building Division Conditions:

BD 1. Requirements and Advisories: Building Division Requirements and Advisories listed in Exhibit C2 apply to the proposed development.

BD 2. Accessible Parking. Three accessible parking spaces are shown on the submitted plans. With 120 total parking spaces no less than five accessible parking spaces are required as per Section 1106 of the Oregon Structural Specialty Code. Further discussion will be required to determine if Section 1106.3 also applies to this project. If 1106.3 is found to be applicable additional accessible parking spaces may be required.

BD 3. Property Line. The proposed building is shown as crossing existing property lines. As the building code does not allow structures to cross property lines, the property lines ~~surrounding~~ the proposed building shall be removed.

SMART and TriMet Comments: See Exhibits C5 and C6.**Public Works Department Conditions: No comments.****REQUEST F: DB15-0096 Two (2) Waiver**

No conditions for this request

REQUEST G: DB15-0097 Site Design Review

Approval of the subject Site Design Plan is contingent upon City Council approvals of Case Files DB15-0091 through DB15-0093 involving Annexation, Zone Map Amendment and Comprehensive Plan Map Amendment.

PDG 1. Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030.

PDG 2. All landscaping required and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to 110% of the cost of the landscaping, as determined by the Planning Director, is filed with the City assuring such installation within 6 months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed

<p>within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant.</p>
<p>PDG 3. The approved landscape plan is binding upon the Applicant/Owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville’s Development Code.</p>
<p>PDG 4. All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered as allowed by Wilsonville’s Development Code.</p>
<p>PDG 5. The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings. • All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10” to 12” spread. • Shrubs shall reach their designed size for screening within three (3) years of planting. • Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum. • No bare root planting shall be permitted. • Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. • Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. • Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns.
<p>PDG 6. Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.</p>
<p>PDG 7. Lighting shall be reduced one hour after close, but in no case later than 10 p.m., to 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code. See Finding G41.</p>
<p>PDG 8. In the event the overhead electric power lines along the frontage of the project site in SW Boones Ferry Road are installed underground as part of the City Public Works</p>

Permit, the Applicant/Owner shall plant 3" caliper, deciduous street trees. See Finding G30.
PDG 9. The Applicant/Owner shall substitute the Common hornbeam parking lot trees with another parking lot friendly deciduous tree type that has more shading coverage. See Finding F37.

REQUEST H: DB15-0098 Type 'C' Tree Removal Plan

Approval of the subject Type 'C' Tree Removal Plan is contingent upon City Council approvals of Case Files DB15-0091 through DB15-0093 involving Annexation, Zone Map Amendment and Comprehensive Plan Map Amendment.
PDH 1. Prior to removal the Applicant/Owner shall obtain a Type C Tree Permit from the Planning Division through the Class I Administrative review process ensuring compliance with the approved Type C Tree Plan. Replacement trees for each tree removed shall be planted within twelve (12) months of removal.
PDH 2. Trees planted as replacement of removed trees shall be, state Department of Agriculture Nursery Grade No. 1. or better, shall meet the requirements of the American Association of Nursery Men (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade, shall be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.
PDH 3. Trees planted as replacement of removed trees shall be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.
PDH 4. Solvents, building material, construction equipment, soil, or irrigated landscaping, shall not be placed within the drip line of any preserved tree, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist.
PDH 5. Before and during development, land clearing, filling or any land alteration the applicant shall erect and maintain suitable tree protective barriers which shall include the following: <ul style="list-style-type: none"> • 6' high fence set at tree drip lines. • Fence materials shall consist of 2 inch mesh chain links secured to a minimum of 1 ½ inch diameter steel or aluminum line posts. • Posts shall be set to a depth of no less than 2 feet in native soil. • Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. • Tree protection fences shall be maintained in a full upright position. • Fence posts placement within drip lines and root zones of preserved trees shall be hand dug and supervised by the project arborist. If roots are encountered alternative fence post placement is required as determined by the project arborist.

<p>PDH 6. If such issues or situations arise the project arborist shall provide City staff with a written explanation of the measures considered to preserve the trees along with the line of reasoning that makes the preservation of the tree not feasible. Prior to further construction within the tree protection zone, the City will verify the validity of the report through review by an additional arborist to ensure that the tree cannot be preserved. If it is ultimately decided that the tree cannot be preserved by both arborists, then the applicant/property owner may remove the tree and additional trees shall be planted to ensure applicable landscaping tree spacing requirements are met.</p>
<p>PDH 7. The property owner/applicant or their successors in interest shall grant access to the property for authorized City representatives as needed to verify the tree related information provided, to observe tree related site conditions, and to verify, once a removal permit is granted, that the terms and conditions of the permit are followed.</p>
<p>PDH 8. Utilities, including franchise utilities, public utilities, and private utilities and service lines shall be directionally bored as necessary to avoid the root zone of preserved trees.</p>

Request I: DB15-0099 Class III Signs

<p>PDI 1. Approved signs shall be installed in a manner substantially similar to the plans approved by the DRB and stamped approved by the Planning Division.</p>
<p>PDI 2. The site ID monument sign shall have the building address unless written approval from TVF&R to be exempt from the requirement is submitted by the applicant to the Planning Division.</p>

MASTER EXHIBIT LIST:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case Files DB15-0091 through DB15-0099.

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the applications as submitted:

- A1. Staff Report, findings, recommendations and conditions.
- A2. Staff PowerPoint presentation.

Applicant's Written and Graphic Materials:

- B1. Executive summary, narrative and response findings, application, annexation petition and permit application, tax assessor's map, metes and bounds description, ALTA survey and legal description, letter from Republic Services, tax lot map, aerial photograph Comp. Plan and Zoning maps, letter from republic Services, Preliminary Storm Drainage Report, Arborist Report, Wetlands/Natural resources Report. Geotechnical Report, pre-application meeting notes, architectural plan set, civil plan set, landscaping plan set, lighting plan set, site design plan set, technical reports and DKS Transportation Impact Analysis.
- B2. CD of items listed in Exhibit B1.

Small and Large Plan Sets associated with exhibit B1:

Concept and Utility Plan – Exhibit A
 Cover Sheet
 Plan Sheet Level 01 - A-101
 Plan Sheet Level 02 - A-102
 Roof Plan A-103
 Schematic Elevations - Exterior Elevations A-300
 Perspectives A-310
 Site Sections A-320
 Site Art A-330
 Land Use Site Plan C100
 Land Use Tree Removal and Protection Plan C101
 Land Use Tree Removal and Protection Table C102
 Land Use Grading Plan C200
 Land Use Utility Plan C300
 Landscape Plan L-100
 Landscape Plan Legend and Notes L-101
 Landscape Details L-102
 Legends, Schedules and Details E100
 Specifications E-200
 Site Lighting Plan E-300
 Property Line Vertical Calculations E-00
 Sign Design S-101

Sign Design S-102

Sign Location Plan S-201

Additional Parking Exhibit EXH S

Exhibits M-Q Technical Reports (stormwater report, arborist report, wetlands/natural resources report, traffic study and geotechnical report

Exhibits R-S Completeness memo and plan (incompleteness narrative and additional parking exhibit)

B3. Materials Board (*Available at Public Hearing*)

Development Review Team

C1. Engineering Division Conditions, dated January 8, 2016

C2. Building Division Conditions, date received Dec. 22, 2016

C3. Memo, Jason Arn, TVFR, dated Dec. 14, 2015.

C4. Natural Resources Conditions, Dated January 8, 2016

C5. E-mail, Stephan Lashbrook, SMART dated Nov. 25, 2015

C6. Letter, Tri-Met, dated Dec. 16, 2016

C7. Memo, Public Works Department, dated Jan. 11, 2016

C8. E-mail, Marah Danielson, Senior Planner, ODOT R1 Development Review Planning Lead, dated December 28, 2015.

Exhibit D1. Email from Grace Lucini with responses from Steve Adams, Development Engineering Manager

Exhibit D2. Errata Sheet

Exhibit D3. New building renderings dated January 25, 2016

Exhibit D4. E-mail dated January 25, 2016 from Kenneth Sandblast, Westlake Consultants, requesting two clarifications regarding Conditions PF13 and PDG7.

Public Testimony

Letters (neither For nor Against):

Letters (In Favor): None submitted,

Letters (Opposed): None submitted.

FINDINGS OF FACT

1. The statutory 120-day time limit applies to this application. The application was received on November 16, 2015. On November 30, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period. The applicant submitted new material on January 11, 2016. On January 11, 2015 staff determined the application to be complete. The City must render a final decision for the request, including any appeals, by May 9, 2016.
2. Except for the adoption of the Day Road Design Overlay District (DOD) *the Coffee Creek Industrial Area Master Plan* and the Urban Growth Boundary (UGB) there are no prior land use actions.
3. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criterion: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

Finding: This criterion is met.

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

Section 4.009 Who May Initiate Application

Review Criterion: "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

Finding: This criterion is satisfied.

Explanation of Finding: The application has been submitted on behalf of Universal Health Services Inc. – Willamette Valley Behavioral Health.

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

Review Criterion: "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the

applicant that payments must be made current or the existence of liens will necessitate denial of the application.”

Finding: This criterion is satisfied.

Explanation of Finding: No applicable liens exist for the subject property.

CONCLUSIONARY FINDINGS FOR ALL OF THE REQUESTS

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

REQUEST A: ANNEXATION

The applicant’s response findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures found in Exhibit B1, are hereby incorporated in this staff report as findings for the recommended action.

Comprehensive Plan

Annexation and Boundary Changes

Implementation Measure 2.2.1.a.

A1. Review Criterion: “Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.”

Finding: This criterion is satisfied.

Explanation of Finding: The subject territory is within the City UGB. Westerly properties are within the City UGB and at the south are within the City Limits and UGB. The adjacent SW Day Road and SW Boones Ferry Road are within Wilsonville City Limits. The subject 8.72 acre site is ready for annexation for development within the City of Wilsonville. Therefore, the subject territory addresses a demonstrated need for the proposed use. Furthermore, the City Comprehensive Plan and the Engineering Division evaluates compliance of planned sanitary sewer, storm drainage, and water systems with the City’s Wastewater Collections System Master Plan, Stormwater Master Plan, Water System Master Plan and the City’s Transportation Systems Plan.

Implementation Measure 2.2.1.e.

A2. Review Criterion: “Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:

1. Orderly, economic provision of public facilities and services, i.e., primary urban services are available and adequate to serve additional development or improvements are scheduled through the City's approved Capital Improvements Plan.
2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.
3. Statewide Planning Goals.
4. Applicable Metro Plans;

5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.

Finding: These criteria are satisfied.

Explanation of Findings: The requirements are fulfilled by being consistent the City's UGB which recognizes the subject territory described herein as a future site for industrial, office or manufacturing uses, or similar use as determined by the Planning Director. In this case a behavioral health facility is in compliance with state and regional policies as found in other applicant's and staff findings supporting this request.

Orderly, Economic Provision of Public Facilities and Services: The subject territory is designed for the orderly and economic provision of public facilities and services. Development in the UGB and future urban reserve areas would also bring needed and adequately sized public facilities onto the subject property.

Encouraging Development within City Limits prior to UGB: Development is proposed with this application in request DB15-0096. The subject territory is not currently included in a City Comprehensive Plan Map designation. The applicant is requesting a Comprehensive Plan Map Amendment to apply the Industrial designation. This Implementation Measure establishes precedence for the "Planned Development Industrial (PDI -RSIA)" zone designation to be applied to the subject territory. An application for a Zone Map Amendment to apply the PDI-RSIA zone to the subject territory has also been included. The subject territory must be brought into City limits before the Comprehensive Plan 'Industrial' designation and the PDI-RSIA zone can be applied.

Furthermore, UHS (applicant) is seeking to annex the subject 8.72 acre territory. Annexation will enable review of Site Development Permits for a 62,000 sq. ft. behavioral health facility.

Development Code

Subsections 4.030 (.01) A, 11, 4.031 (.01) K, and 4.033 (.01) F. Authority to Review Annexation

A3. **Review Criteria:** These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial. The DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation. Both bodies conduct public hearings for the request.

Finding: These criteria are satisfied.

Explanation of Finding: The subject annexation request has been determined to be quasi-judicial this is a site specific, owner/applicant initiated request, its' a quasi-judicial application and is being reviewed by the DRB and City Council consistent with these subsections.

Section 4.700 Annexation

A4. **Review Criteria:** This section defines the criteria and process for annexation review within the City.

Finding: These criteria are satisfied.

Explanation of Finding: All the necessary materials defined by this section have been submitted for City review. The annexation is being considered as a quasi-judicial application. Staff recommends the City Council, upon the DRB's recommendation, declare the subject territory annexed.

Metro Code

Chapter 3.09 Local Government Boundary Changes

A5. **Review Criteria:** This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region.

Finding: These criteria are satisfied.

Explanation of Finding: The subject territory referenced herein is within the UGB, meets the definition of a minor boundary change as an annexation to a city, satisfies the requirements for boundary change petitions as the property owner (there are no electors), and has submitted a petition with the required information consistent with the UGB.

Oregon Revised Statutes

ORS 222.111 Authority and Procedure for Annexation

A6. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

Explanation of Finding: The applicable requirements in state statute are met including the fact the subject territory is within the UGB, is contiguous to the north side of the city, the request has been initiated by the property owner of the land being annexed, and there are no electors in the area to be annexed.

ORS 222.120 Procedure Without Election by City Electors

A7. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

Explanation of Finding: There is no City charter requirement for election for annexation. A public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the fact that the single owner of the subject territory is the petitioner and thus have consented in writing to annexation.

There is a residential dwelling within the territory to be annexed but is planned to be demolished for the future development of the UHS facility.

ORS 222.125 Annexation by Consent of All Owners of Land and Majority of Electors

A8. Review Criteria: “The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.”

Finding: These criteria are satisfied.

Explanation of Finding: The territory to be annexed is all owned by the current property owner, and he has petitioned and consented to annexation in writing. However, a public hearing process is being followed as prescribed in the City’s Development Code concurrent with a Comprehensive Plan Map and Zone Map Amendment request.

Oregon Statewide Planning Goals

A11. Review Criteria: The goals include: citizen involvement, land use planning, natural resources and open spaces, recreational needs, economic development, housing, public facilities and services, and transportation.

Finding: On pages 21 - 22 of Exhibit B1 the applicant has prepared response findings to Statewide Planning Goals. These criteria are satisfied.

Explanation of Finding: The territory requested to be annexed will be developed consistent with the City’s Comprehensive Plan, which has been found to meet the Statewide Planning Goals.

A12. Transit: SMART is willing and able to provide service to the site. It would then follow to include a conclusion that, upon annexation, the site will become part of SMART’s service territory.

SUMMARY FINDING FOR REQUEST A:

A13. The proposed Annexation meets all applicable requirements and its approval may be recommend to the City Council.

REQUEST B: COMPREHENSIVE PLAN MAP AMENDMENT

The applicant's response findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures found in Exhibit B1, are hereby incorporated in this staff report as findings for the recommended action.

Comprehensive Plan – Comprehensive Plan Changes

The City of Wilsonville's Comprehensive Plan, provide the following procedure for amending the Comprehensive Plan:

B1. Review Criterion: Who May Initiate Plan Amendments

Finding: This criterion is satisfied.

Explanation of Finding: The owner through their authorized agent (Mr. Kenneth Sandblast AICP) has made application to modify the Comprehensive Plan map designation for the subject property from the Washington County Comprehensive Plan designation FD-20 to City Comprehensive Plan designation 'Industrial'.

Application for Comprehensive Plan Amendment

The applicant has met all applicable filing requirements for a Comprehensive Plan Map amendment.

B2. Review Criterion: Consideration of Plan Amendment

Finding: This criterion is satisfied.

Explanation of Finding: The Planning Division received the application on November 16, 2015. Staff met with the applicant subsequent to the submittal of the application to discuss the completeness of the application and perceived deficiencies of the application. The application was deemed complete on January 11, 2016. The findings and recommended conditions of approval adopted by the Development Review Board in review of the application to modify the Comprehensive Plan Map designation will be forwarded as a recommendation to the City Council.

B3. Review Criterion: Standards for Development Review Board and City Council Approval of Plan Amendments (page 8 of the Comprehensive Plan):

- a. The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.

Finding: This criterion is satisfied.

Explanation of Finding: Findings B1 through B29, which satisfy these Plan policies.

B4. Review Criterion: b. The granting of the amendment is in the public interest.

Finding: This criterion is satisfied.

Explanation of Finding: The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied. The public interest is served by providing a behavioral health facility.

- B5. Review Criterion:** c. The public interest is best served by granting the amendment at this time.
Finding: This criterion is satisfied.
Explanation of Finding: UMS UHS plans to construct the site over 2016 in preparation for opening in 2017. The applicant has satisfied requirements of citizen involvement and public notice requirements.
- B6. Review Criterion:** d. The following factors have been adequately addressed in the proposed amendment:
 Suitability of the various areas for particular land uses and improvements;
Finding: This criterion is satisfied.
Explanation of Finding: The subject 8.72 acre property is has two existing houses and land with moderate slopes at the southerly side but is suitable for the specific planned use and associated improvements. Existing houses and accessory structures will be razed for the development of the UHS facility. The subject property has direct frontage on SW Day Road for temporary access until the westerly adjoining property is developed and a joint permanent access would be required. The City Engineering Division has indicated through Public Facilities (PF) conditions of approval found in this staff report that public utilities, i.e., water, sanitary sewer, storm sewer and street improvements can be accomplished to serve the subject property.
- B7. Review Criterion:** Land uses and improvements in the area;
Finding: This criterion is satisfied.
Explanation of Finding: Adjacent uses to the west are primarily rural residential but for future urban development.
- B8. Review Criterion:** Trends in land improvement;
Finding: This criterion is satisfied.
Explanation of Finding: The proposal is for a behavioral health facility which is responding to a semi-public need.
- B9. Review Criterion:** Density of development:
Finding: This criterion is not applicable.
Explanation of Finding: The proposal does not plan for residential development.
- B10. Review Criterion:** Property values:
Finding: This criterion is satisfied.
Explanation of Finding: A professional analysis of property values has not been shared with staff.
- B11. Review Criterion:** Needs of economic enterprises in the future development of the area;
Finding: This criterion is satisfied.
Explanation of Finding: The subject property is within the City UGB and would involve capital projects for public infrastructure improvements.

B12. Review Criterion: Transportation access:

Finding: This criterion is satisfied.

Explanation of Finding: The DKS Transportation Impact Analysis (Exhibit P of Exhibit B1) proposes several transportation mitigation recommendations for the subject property. The City Engineering Division has considered the mitigation recommendations and has factored them in the proposed Public Facilities (PF) conditions of approval for the Stage II Final Plan in this staff report.

B13. Review Criterion: Natural resources; and Public need for healthful, safe and aesthetic surroundings and conditions:

Finding: This criterion is satisfied.

Explanation of Finding: The subject property does not have Metro Title 3/13 and Statewide Planning Goal 5 natural resource areas.

Review Criteria: e. Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.

Wilsonville Development Code (WC) – Comprehensive Plan Changes

Subsection 4.198(01) of the Development Code stipulates, “Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:

B14. Review Criterion: Approval Criterion A: “That the proposed amendment meets a public need that has been identified;”

Finding: This criterion is satisfied.

Explanation of Finding: See the applicant’s response finding on page 9 of the project narrative in Exhibit B1 meeting this criterion. “The proposed use of the site as a behavioral health facility will produce jobs and increase the economics of the state.”

B15. Review Criterion: Approval Criterion B: “That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;”

Finding: This criterion is satisfied.

Explanation of Finding: The current Washington County Zoning Map identifies the subject property as FD-20. It is appropriate to designate these properties as Industrial.

B16. Review Criterion: Approval Criterion C: “That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;”

Finding: This criterion is satisfied.

Explanation of Finding: With the implementation of the proposed conditions of approval, the proposed amendment supports the applicable Statewide Planning Goals. Findings to the Statewide Planning Goals were prepared by the applicant in the response

findings of Exhibit B1.

- B17. Review Criterion:** Approval Criterion D: “That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.”

Finding: This criterion is satisfied.

Explanation of Finding: The applicant is requesting an amendment to the Comprehensive Plan Map for the subject property referenced herein. The applicant does not propose to modify or amend any other portion of the City of Wilsonville Comprehensive Plan.

INDUSTRIAL DEVELOPMENT

Policy 4.1.3 City of Wilsonville shall encourage light industry compatible with the residential and urban nature of the City.

- B18. Review Criteria:** Implementation Measure 4.1.3.a Develop an attractive and economically sound community.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects, engineers and land use planners. Site design must adhere to the Day Road Design Overlay District (DOD) design standards to assure high-quality industrial development that would help develop an attractive and economically sound community.

- B19. Review Criteria: **Implementation Measure 4.1.3.b** Maintain high-quality industrial development that enhances the livability of the area and promotes diversified economic growth and a broad tax base.**

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects, engineers and land use planners. Site design must adhere to the Day Road Design Overlay District (DOD) design standards to assure high-quality industrial development that would enhance the livability of the area and would promote economic growth and a broad tax base. See request G of this staff report for detailed analysis of the building, site and design plans.

- B20. Review Criterion: **Implementation Measure 4.1.3.c** Favor capital intensive, rather than labor intensive, industries within the City.**

Review Criteria: Finding: This criterion is satisfied.

Explanation of Finding: The proposed project is estimated to cost 25 million dollars and employ people with family wage jobs.

- B21. Review Criterion: **Implementation Measure 4.1.3.d** Encourage industries interested in and willing to participate in development and preservation of a high-quality environment. Continue to require adherence to performance standards for all industrial operations within the City.**

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects, engineers and land use planners with the goal in mind to preserve as many significant trees along the west side and northeast corner of the property.

- B22. Review Criteria:** Implementation Measure 4.1.3.e Site industries where they can take advantage of existing transportation corridors such as the freeway, river, and railroad.

Finding: This criterion is satisfied.

Explanation of Finding: The subject property is in close proximity to Interstate 5 via SW Day Road and SW Boones Ferry Road to the Stafford Interchange.

- B23. Review Criteria:** Implementation Measure 4.1.3.f Encourage a diversity of industries compatible with the Plan to provide a variety of jobs for the citizens of the City and the local area.

Finding: This criterion is satisfied.

Explanation of Finding: See the applicant's response finding on page 21 of Exhibit B1.

- B24. Review Criteria:** Implementation Measure 4.1.3.g Encourage energy-efficient, low-pollution industries.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects and engineers including an energy-efficient hospital type building with no pollution.

- B25. Review Criteria:** Implementation Measure 4.1.3.h The City, in accordance with Title 4 of the Metro Urban Growth Management Functional Plan, supports appropriate retail development within Employment and Industrial Areas. Employment and Industrial areas are expected to include some limited retail commercial uses, primarily to serve the needs of people working or living in the immediate Employment or Industrial Areas, as well as office complexes housing technology-based industries. Where the City has already designated land for commercial development within Metro's employment areas, the City has been exempted from Metro development standards.

B26. Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project does not include retail uses so this criterion is not applicable.

- B26. Review Criteria:** Implementation Measure 4.1.3.i The City shall limit the maximum amount of square footage of gross leasable retail area per building or business in areas designated for industrial development. In order to assure compliance with Metro's standards for the development of industrial areas, retail uses with more than 60,000 square feet of gross leasable floor area per building or business shall not be permitted in areas designated for industrial development.

B27. Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project does not include retail uses so this criterion is not applicable.

B27. Review Criteria: Implementation Measure 4.1.3.j All industrial areas will be developed in a manner consistent with industrial planned developments in Wilsonville. Non-industrial uses may be allowed within a Planned Development Industrial Zone, provided that those non-industrial uses do not limit the industrial development potential of the area.

B28. Finding: This criterion is satisfied.

Explanation of Finding: In Requests D and E of this staff report the proposed UHS facility is being reviewed by the applicable Planned Development Code criteria within the PDI-RSIA zone. The project location at the southwest corner of SW Day Road and SW Boones Ferry Road would not limit industrial development potential of properties west of the UHS property.

OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment

B28. Review Criteria: Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:

- (a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
 - (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.
- (2). A plan or land use regulation amendment significantly affects a transportation facility if it:
- (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing a functional classification system;
 - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

Finding: These criteria are satisfied.

Explanation of Finding: The City's TSP was approved by the City Council on June 17, 2013. The applicant's proposal would not significantly affect transportation facilities identified in the City's Transportation System Plan (TSP). The proposed PF conditions of approval would mitigate any impacts in Request F for the Stage II Final Plan. The Comprehensive Plan Amendment and Zone Map Amendment do not propose any new amendments to the TSP. The proposed Comprehensive Plan Map and Zone Map

Amendments do not propose to change the functional classification of an existing City street facility or one planned in the TSP. Furthermore the proposed Comprehensive Plan Map and Zone Map Amendments legislative do not propose to change standards implementing a functional classification system. Finally, the City has adopted traffic concurrency standards which will be applied to development in the subject property UGB area during subsequent development review to ensure levels of travel and access are not inconsistent with the functional classification of a transportation facility and maintain performance standards adopted in the TSP.

DKS Associates has prepared a Transportation Impact Analysis for this application in Exhibit P of Exhibit B1. The on-site circulation system proposed in the Stage II Final Plan, Plan Sheet C100 in Exhibit B1 is designed to reflect the principles of smart growth encouraging alternatives to the automobile while accommodating all travel modes, including car pool, SMART dial-a-ride, bicycles and pedestrians.

TPR 0060: ODOT received the public notice for the Universal Health Services, Inc., application. See Exhibit C8. The property is located at the intersection of SW Day Rd and SW Boones Ferry Rd which is an ODOT intersection. On page 23 of the DKS TIA in Exhibit B1 contains the TPR findings of no significant effect based on consistency with the City Comprehensive Plan and Transportation Systems Plan (TSP).

SUMMARY FINDING FOR REQUEST B:

B30. The proposed Comprehensive Plan Map Amendment meets all applicable requirements and its approval may be recommend to the City Council.

REQUEST C: ZONE MAP AMENDMENT

The applicant's response findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures found in Exhibit B1, are hereby incorporated in this staff report as findings for the recommended action.

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

- C1. Review Criterion:** "If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development."

Finding: This criterion is satisfied.

Explanation of Finding: The applicant is applying for a zone map amendment concurrently with requests for planned development applications (Requests D - G) which will make the zoning consistent with the Comprehensive Plan.

Subsection 4.110 (.01) Base Zones

- C2. Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

Finding: This criterion is satisfied.

Explanation of Finding: The requested zoning designation from Washington County zone of Future Development 20 District (FD-20) to the City Planned Development Industrial-Regional Significant Industrial Area (PDI-RSIA) zone is among the base zones identified in this subsection.

Subsection 4.135 and 4.135.5 Planned Development Industrial (PDI-RSIA) Zone Purpose

- C3. Review Criteria:** The PDI-RSIA Zone

Finding: These criteria are satisfied.

Explanation of Finding: See the applicant's response finding on page 21-22 of Exhibit B1. The applicant, Universal Health Services (UHS), proposes a behavioral health facility in the Coffee Creek Industrial Area, which is designated as a Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA). There are many factors to consider when evaluating the compatibility and appropriateness of the proposed use in the RSIA zone including: compatibility with existing and future industrial uses; urban form, design and architecture as expressed in the Day Road Design Overlay Zone (Wilsonville Code Section 4.134) and the draft regulations found in the Coffee Creek Industrial Area Form Based Code; minimization of PM peak hour trip generation; the emerging and evolving nature of industry; job creation and wages; compliance with industrial performance standards; traded

and local sector benefits; as well as consistency with the purpose section of the RSIA zone (WC Section 4.135.5).

The applicant's findings state that the application is consistent with the purpose section of the RSIA zone (please refer to pages 21 and 22 of the applicant's narrative), particularly *Section .03(N) Permitted Uses* because the operation is "1) compatible with industrial operations, 2) it provides an employment center consistent with the Wilsonville Comprehensive Plan, 3) it facilitates the redevelopment of under-utilized industrial sites within the Coffee Creek Master Plan area and within the Day Road Design Overlay District, and 4) is a transition point between zoning districts and the Day Road Design Overlay District."

The applicant's narrative goes into detail regarding each of the above issues. The Coffee Creek Industrial Area was added to Wilsonville's UGB in 2004. The Coffee Creek Industrial Area Master Plan was adopted in 2007. The Day Road Design Overlay Zone was adopted in 2008. For the past 11 plus years, there have been no proposals to develop in the Coffee Creek Industrial Area, until this application. This is in large part due to the fact that utilities, particularly sanitary sewer and potable water are not located together in all parts of the project area. The Coffee Creek Urban Renewal District is being created to assist in the installation of critical infrastructure that will benefit the area.

The applicant is proposing what could be a catalytic development for the area, in that it will set the stage for both Coffee Creek and Basalt Creek industrial areas, demonstrating the high quality built form for the employment area that is envisioned to be created. The applicant's proposal is catalytic in that it will provide essential right-of-way necessary to implement the required Transportation System Plan functional classification for Day Road, which ultimately will be a five lane section, as well as has the potential to generate significant tax increment for the planned Coffee Creek Urban Renewal area which was passed on an advisory vote by the citizens of the city this past November.

The applicant's narrative goes on to state that components of the proposed project contain many of the permitted uses listed in the PDI-RSIA zone such as research and training with local educational institutions, accessory storage and warehousing of medical equipment and supplies, non-retail uses and the minimization of PM peak hour traffic impacts by staggering work shifts to avoid these times. While not primary uses, these incidental aspects of the operation are supportive of the PDI-RSIA zone.

Code Linkages:

The Wilsonville Code is unique and contains many linkages between various sections of the Code. *WC Section 4.135 Planned Development Industrial* lists Public Facilities (WC 4.135 .Q) as an outright permitted use. The Public Facilities zone (WC Section 4.136) purpose section states: *The PF zone is intended to be applied to existing public lands and facilities, including quasi-public lands and facilities which serve and benefit the community and its citizens. Typical uses*

*permitted in the PF Zone are schools, churches, public buildings, **hospitals**, parks and public utilities. Not all of the uses permitted in this zone are expected to be publically owned.*

The PDI and the PDI-RSIA zone contain many of the same objectives and are very similar in nature. It is not unreasonable to assume that since the PDI zone allows public facilities, and the Public Facility zone permits hospitals, that the PDI-RSIA zone could permit hospitals in a similar manner as the proposed use is not a retail use, does not generate significant traffic during the PM peak hour due to a ~~condition of approval requiring a~~ transportation management plan avoiding shift changes during the PM peak and is compatible with the performance standards of the PDI-RSIA zone (see Finding F13).

Urban Form:

The Day Road Design Overlay zone is applied to all properties that front along Day Road in the Coffee Creek Industrial Area, and include the subject site. The findings in this section augment the findings provided in G1 on page 68 of this staff report. The purpose of this overlay zone is to *establish standards for the design and exterior architecture of all structure located in the Day Road DOD in order to assure high quality design of development and re-development at the Day Road gateway to the City of Wilsonville. These standards are intended to create an aesthetically pleasing aspect for properties abutting Day Road by ensuring:*

A. *Coordinated design of building exteriors, additions and accessory structure exteriors.*

Response: The applicant's proposal results in coordinated design of building exteriors with buildings located close to the street framing the public realm resulting in an aesthetically pleasing streetscape.

B. *Preservation of trees and natural features.*

Response: The applicant's site plan proposes to protect large mature native and ornamental trees throughout the site, specifically at the corner of Day Road and Boones Ferry Road as well as along the west property line supporting this criterion.

C. *Minimization of adverse impacts on adjacent properties from development that detracts from the character and appearance of the area.*

Response: This is the first building to be proposed under the Day Road DOD thus setting the stage for the expectations for the type of lasting architecture and quality materials that will continue along the Day Road frontage. The proposal does not result in the creation of adverse impacts on adjacent properties as all activities will be conducted indoors or in the secure internal courtyard and the site planning and architecture do not detract from the character and appearance of the area. This standard is met.

D. Integration of the design of signage into architectural and site design, and

Response: The proposed site is at a very visible gateway corner to the Coffee Creek Industrial District. The applicant proposes gateway signage that is tasteful and appropriate for this corner location providing identification for the larger Coffee Creek Industrial area. This standard is satisfied by the applicant's proposal.

E. Minimization of the visibility of vehicular parking, circulation and loading areas.

Response: The applicant proposes to locate parking to the west and south of the building and not between the building and the street, masking, screening and minimizing the presence of vehicle parking and loading areas supporting the above design criteria.

It should also be noted that the applicant's proposal contains many of the elements of good design drafted in the Coffee Creek Industrial Area Form Based Code. Specifically, the building is oriented toward the street, attention is paid to connectivity and improved pedestrian circulation on the perimeter of the site, an enhanced public realm with art and landscaping is provided, a building with durable and attractive materials with a base, body and top, tree preservation, parking located away from the public-street as well as façade articulation, building massing, glazing and height along Day Road.

Performance Standards of the PDI-RSIA Zone:

The analysis contained in Finding F13 demonstrates that the proposed use is in conformance with the performance standards of the PDI-RSIA zone and will not have any external impacts that will affect surrounding industrial operations.

Traded and Local Sector:

The traded sector includes industries and employers which produce goods and services that are consumed outside the region where they are made. The local sector, on the other hand, consists of industries and firms that produce goods and services that are consumed locally in the region where they were made.

Both sectors – traded and local – are essential to economic health. Traded-sector employers export products or services, bring in new money into a region. In part, this money gets spent in the local economy, supporting jobs and incomes in the local sector. Local-sector employers provide necessary goods and services that both improve quality of life and contribute to the productivity and competitiveness of the traded sector.

Most forms of manufacturing, specialized design services, advertising and management, and technical consulting are classified as traded in this analysis. Retail trade, construction,

healthcare, education, real estate and food services are found in all metropolitan areas and mostly fall into the local sector (source: Portland Metro's Traded Sector, 2012).

The applicant's narrative states that there will be approximately 190 new jobs created at the site (average of 29 jobs per acre), many of which are higher paying positions with medical specialization, such as doctors, nurses and psychiatric support services. Higher job densities are desired in today's economy to make more efficient use of the land. One of the many objectives of the RSIA industrial zone is to provide an opportunity to create employment centers with higher wage jobs, which this proposal satisfies.

Conclusion: The applicant has requested a use interpretation by the Director for the proposed behavioral health facility located in the Planned Development Industrial - Regionally Significant Industrial zone. Given the applicant's findings of fact (pages 21 and 22 of the submittal documents), and the above findings, the Director finds that the proposed use:

- Is compatible with the unique nature of the surrounding industrial area.
- Is supportive of many of the objectives of the PDI-RSIA zone including job creation and higher salaries.
- Provides an employment center consistent with the intent of the Comprehensive Plan at job densities that support an employment center.
- Provides quality urban form consistent with the intent and vision established in the Day Road Design Overlay Zone (and the Form Based Code).
- Creates a gateway to the larger Coffee Creek Industrial Area.
- Does not generate traffic that would negatively impact the transportation network in the PM peak hour due to staggered shift changes and a transportation management plan.
- Is supportive of the purpose section of the PDI-RSIA zone.
- Provides many of the primary permitted uses which are ancillary to the primary operation.
- Has the potential to be a catalytic project that facilitates the redevelopment of under-utilized industrial sites within the Coffee Creek Master Plan area and within the Day Road Design Overlay District.

Given the above analysis and findings, staff recommends that the DRB approve the use as consistent with the intent of WC Section 4.135.5 N. *"other similar uses which in the judgment of the Planning Director are consistent with the purpose of the PDI-RSIA zone"*.

Subsection 4.197 (.02) A. Zone Change Procedures

- C4. Review Criteria:** "That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(18)(B)(2), or, in the case of a Planned Development, Section 4.140;"

Finding: These criteria are satisfied.

Explanation of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.

- C5. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed Zone Map Amendment is consistent with the proposed Comprehensive Map designation of Industrial and as shown in the applicant’s response findings in Exhibit B1.

Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency

- C6. **Review Criterion:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

Finding: With the proposed PF conditions in this staff report, this criterion can be met.

Explanation of Finding: The City Engineering Division has performed an analysis of existing primary public facilities, (i.e., roads and sidewalks, water, sewer and storm sewer) to determine availability and adequacy to serve the subject property. Furthermore, a Transportation Impact Analysis (TIA) was prepared by DKS Associates. See Exhibit P of Exhibit B1.

Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas

- C7. **Review Criteria:** “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;”

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has also conducted a natural resources analysis by Pacific Habitat Services, found in Exhibit O of Exhibit B1 and no significant natural resources were found on the property.

Subsection 4.197 (.02) F. Zone Change: Development within 2 Years

C8. **Review Criterion:** “That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

Finding: This criterion is satisfied.

Explanation of Finding: Development on the subject property will begin in 2016.

Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval

C9. **Review Criterion:** “That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards.”

Finding: This criterion is satisfied.

Explanation of Finding: Nothing about the zone change would prevent development on the subject property from complying with applicable development standards.

Planned Development Industrial-Regional Significant Industrial Area (PDI-RSIA) Zone

C10. **Review Criterion:** The purpose of the proposed PDI-RSIA Zone is to provide opportunities for a variety of industrial development.

Finding: This criterion is satisfied.

Details of Finding: See the applicant’s response finding on page 21 of Exhibit B1. No commercial uses are proposed.

SUMMARY FINDING FOR REQUEST C:

C11. The proposed Zone Map Amendment meets all applicable requirements and its approval may be recommend to the City Council. *This action recommends adoption of the Zone Map Amendment to the City Council for the subject property. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB15-0091). Case files DB15-0094, DB15-0095, DB15-0096, DB15-0097, DB15-0098, DB15-0099 are contingent upon City Council’s action on the Zone Map Amendment request.*

REQUEST D: STAGE I PRELIMINARY PLAN

Planned Development Regulations***Subsection 4.140 (.01) Purpose of Planned Development Regulations***

D1. **Review Criterion:** The proposed Stage I Master Plan shall be consistent with the Planned Development Regulations purpose statement.

Finding: This criterion is satisfied.

Details of Finding: See the applicant's response finding on page 21 of Exhibit B1.

Subsection 4.140 (.02) Lot Qualifications for Planned Developments

D2. **Review Criterion:** "Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140."

Finding: This criterion is satisfied.

Details of Finding: Section 4.136(.08)B of the PDI Zone requires approval of a Master Plan (Stage I Preliminary Plan) subject to Section 4.140 (Planned Development Regulations). Thus, the proposed project is of sufficient size to be developed in a manner consistent the purposes and objectives of Section 4.140 where applicable.

D3. **Review Criterion:** "Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD." All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code."

Finding: This criterion is satisfied.

Details of Finding: See the applicant's response finding on page 21 of Exhibit B1. The subject 8.4 net acre property will be developed as behavioral health facility. This use is subject to Sections 4.134 through 4.450 WC.

Subsection 4.140 (.03) Ownership Requirements for Submitting Planned Development Application

D4. **Review Criterion:** "The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included."

Finding: This criterion is satisfied.

Details of Finding: The land subject to development is in one ownership.

Subsection 4.140 (.04) Professional Design Team Required for Planned Developments

- D5. **Review Criterion:** “The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development. One of the professional consultants chosen by the applicant shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.”

Finding: This criterion is satisfied.

Details of Finding: As can be found in the applicant’s submitted materials, appropriate professionals have been involved in the planning and permitting process. Mr. Kenneth Sandblast AICP, has been designated the coordinator for the planning portion of the project.

Subsection 4.140 (.05) Planned Development Permit Process

- D6. **Review Criteria:** “All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:
1. Be zoned for planned development;
 2. Obtain a planned development permit; and
 3. Obtain Development Review Board, or, on appeal, City Council approval.”

Finding: These criteria are satisfied.

Details of Finding: The subject 8.4 net acre property will be developed as a behavioral health facility.

Subsection 4.140 (.06) Stage I Master Plan Consistent with Comprehensive Plan

- D7. **Review Criterion:** “The planning staff shall prepare a report of its findings and conclusions as to whether the use contemplated is consistent with the land use designated on the Comprehensive Plan.” “The applicant may proceed to apply for Stage I - Preliminary Approval - upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan.”

Finding: This criterion is satisfied.

Details of Finding: The proposed project, as found elsewhere in this report, with rezoning into the PDI-RSIA Zone, which with the proposed Comprehensive Plan Map Amendment in Request B would implement the Comprehensive Plan designation of Industrial for this property. All other applicable Development Code criteria that implement the Comprehensive Plan would be met with the review of Section 4.140 where applicable and Site Design Review in Sections 4.400 through 4.450 being met with conditions of approval.

Subsection 4.140 (.07) Stage I Master Plan Application Requirements and Hearing Process

- D8. **Review Criteria:** This subsection establishes that the Development Review Board shall consider a Stage I Master Plan after completion or submission of a variety of application requirements.

Finding: These criteria are satisfied.

Details of Finding: Review of the proposed Stage I Master Plan has been scheduled for a public hearing before the Development Review Board in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:

- The property affected by the revised Stage I Master Plan will be under the sole ownership of UHS. The application has been signed by the current property owner.
- The application for a Stage I Master Plan has been submitted on a form prescribed by the City.
- The professional design team and coordinator have been identified on the application form in Exhibit B1.
- The applicant has stated the public schools and park uses involved in the Master Plan and their locations.
- In terms of a boundary survey, see Exhibit C (ALTA Survey) of Exhibit B1.
- Sufficient topographic information has been submitted.
- A tabulation of the land area to be devoted to various uses has been provided; 8.4 net acre site for a 62,000 sq. ft. building and associated site development.
- The subject property is undeveloped. The project will be constructed in 1 phase.
- Any necessary performance bonds will be required.
- Since the subject property will be re-zoned to PDI-RSIA any deviation from the development standards would require a waiver not a variance.

Section 4.023 Expiration of Development Approvals

D9. **Review Criterion:** “Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section.”

Finding: This criterion is satisfied.

Details of Finding: It is anticipated that the construction of the project will begin in 2016.

D10. **Review Criterion:** Wilsonville Transportation System Plan – Chapter 3, Pedestrian and Bicycle Facilities

Finding: This criterion is satisfied.

Details of Finding: Pedestrian Trails: Sidewalks and bike lanes do not currently exist adjacent to the subject property on SW Day Road but not at SW Boones Ferry Road. DKS Associates has prepared a Traffic Study for this application in Exhibit P of Exhibit B1. The report DKS report has recommendations and mitigations measures.

SUMMARY FINDING FOR REQUEST D:

D11. The proposed Stage I Preliminary Plan meets all applicable zoning requirements for DRB approval.

REQUEST E: TWO (2) WAIVERS

The Applicant has provided compliance findings to the applicable criteria (Exhibit B1). Staff concurs with these findings except where otherwise noted.

- E1. Review Criteria: Section 4.118.03 - *The Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may approve waivers. The code requires that all waivers be specified at the time of Stage 1 Master Plan and Preliminary Plat approval.***

Waivers - Subsection 4.118.03(B) as applicable to the proposed project: (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:

A. Waive the following typical development standards:

1. minimum lot area;
2. lot width and frontage;
- Proposed: 3. height and yard requirements;**
4. lot coverage;
5. lot depth;
6. street widths;
7. sidewalk requirements;
- Proposed: 8. height of buildings** other than signs;
9. parking space configuration and drive aisle design;
10. minimum number of parking or loading spaces;
11. shade tree islands in parking lots, provided that alternative shading is provided;
12. fence height;
- Proposed: 13. architectural design standards;**
14. transit facilities; and
15. On-site pedestrian access and circulation standards; and
16. Solar access standards, as provided in section 4.137.

Finding: These criteria are satisfied.

Details of Finding:

Proposed - Two (2) Waivers: See pages 34 through 36 in Exhibit B1 for the applicant's response findings to support the proposed waivers of which staff recommending approval. Regarding the proposed waivers the applicant has met Section 4.118.03 by listing the following waivers:

The following additional waivers are requested:

1. A waiver to the Day Road Overlay District minimum 48 foot building height to allow 38.4' on one portion of the building and dropping down to 28.4' on the remainder building measured to the top of parapet walls; and
2. Waiver to reduce 20% glazing for building elevations fronting on SW Day Road or on the frontage on corner lots. Proposed is 24% at SW Day Road but 16% at SW Boones Ferry Road.

E2. Review Criteria: *Section 4.140. Planned Development Regulations.*

Section 4.140 (.01) Purpose.

A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.

B. It is the further purpose of the following Section:

1. To take advantage of advances in technology, architectural design, and functional land use design:
2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.
4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

Section 4.140. Planned Development Regulations.

6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.

Finding: These criteria are satisfied.

Details of Finding: The applicant's responses to the proposed setback waiver are found on pages 34 through 36 of the Compliance Narrative in Exhibit B1. This site planning process and the resulting waivers are consistent with Subsection 4.140.01B(4) with respect to providing flexibility in the placement of buildings through the PD process to address building height and architecture.

- E3. **Review Criteria:** Section 4.134(.05)D Standards Applying to Day Road Overlay District, generally Minimum Building Height: Forty-eight (48) feet fronting SW Day Road, and Section 4.134(.05)B glazing percentage.

Section 4.140.05(C). Development Review Board approval is governed by Sections 4.400 to 4.450. Particularly Section 4.400.02 (A through J). In this case as it relates to the decision criteria for reviewing waivers.

Section 4.140(.04) B. It is the further purpose of the following Section:

- E4. **Review Criterion** 1. To take advantage of advances in technology, architectural design, and functional land use design:

Finding: This criterion is satisfied.

Details of Finding: While the applicant has sought to take advantage of advances in functional land use design, the applicant must balance the requirements of the Development Code, e.g. building height and glazing percentage. In order to provide industrial component that is both walk-able and functional, the applicant has sought to reduce the minimum building height at SW Day Road, and reduce energy costs and to provide patient safety by reducing the percentage of glazing at SW Boones Ferry Road. It is necessary to retain the functionality of the project.

- E5. **Review Criterion** 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;

Finding: This criterion is satisfied.

Details of Finding: The applicant is seeking to develop the property for a Universal Health Services facility and not a residential development.

- E6. **Review Criterion:** 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.

Finding: This criterion is satisfied.

Details of Finding: Proposed is the PDI-RSIA zone. Planned developments allow for non-traditional land use development. Planned developments also allow for traditional zoning rules to be waived in order to promote innovation and coordinated development. Rather than approaching development on a lot-by-lot basis, as typically occurs under traditional

zoning, the entire parcel is planned in a comprehensive and integrated fashion. In this case it is being developed for a behavioral health facility.

- E7. **Review Criterion:** 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;

Finding: This criterion is satisfied.

Details of Finding: The very purpose of the Planned Development Regulations is to permit flexibility of site design. Staff finds that the proposed waivers would allow the applicant the flexibility to utilize the site more efficiently meeting code.

- E8. **Review Criterion:** 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

Finding: This criterion is satisfied.

Details of Finding: Staff concurs with the applicant's findings that the two waivers *are warranted*. Which ~~allows~~ permits flexibility to construct such a development.

- E9. **Review Criterion:** 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.

Finding: This criterion is satisfied.

Details of Finding: Adequate public facilities exist or will be made available.

Review Criterion: 7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.

Finding: This criterion is satisfied.

Details of Finding: Industrial development has been an integral part of the land use for the subject property since the City's first Comprehensive Plan was adopted in 1971. In keeping with that vision, the applicant is proposing to construct a Universal Health Services facility.

- E10. **Review Criteria:** *Section 4.118 Standards applying to all Planned Development Zones:*

Section 4.118 01. "Height Guidelines: The Development Review Board may regulate heights as follows:

- A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.

- B. To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.”
- C. to regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided reasonable rational for a reduced building heights which provides for fire protection access, is not adjacent to a low density residential zone, and does not impact scenic views of Mt. Hood or the Willamette River. Furthermore, TVFR has indicated that building design for the UHS facility is consistent with adequate provision of fire protection and fire-fighting apparatus height limitations meeting this criterion.

SUMMARY FINDING FOR REQUEST E:

- E11. Staff concurs with the applicant that reduced building heights and reduced window glazing better implements the purpose and objectives of the Day Road Overlay District especially in regards to functional land use design and flexibility in design. Thus, the proposed waivers is consistent with Subsection 4.140.01B(3) with respect to producing a development equal or better than would be achieved through the strict application of the standard.

REQUEST F: STAGE II FINAL PLAN

Industrial Development in Any Zone

Subsection 4.117 (.01) Standards Applying to Industrial Development in Any Zone

- F1. **Review Criteria:** “All industrial developments, uses, or activities are subject to performance standards. If not otherwise specified in the Planning and Development Code, industrial developments, uses, and activities shall be subject to the performance standards specified in Section 4. 135(.05) (PDI Zone).”

Finding: This criterion is satisfied.

Details of Finding: All applicable performance standards are being and will continue to be met.

Standards Applying in All Planned Development Zones

- F2. Subsection 4.118 (.01) Additional Height Guidelines

Finding: This criterion is satisfied.

Details of Finding: See Request E for the detailed discussion about proposed waivers

Subsection 4.118 (.02) Underground Utilities

- F3. **Review Criterion:** “Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.”

Finding: This criterion is satisfied.

Details of Finding: All additional utilities on the property will be installed underground.

Subsection 4.118 (.03) Waivers

- F4. **Review Criteria:** “Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may” waive a number of standards as listed in A. through E.

Finding: These criteria are satisfied.

Details of Finding: See Request E for the detailed discussion about proposed waivers.

Subsection 4.118 (.03) E. Other Requirements or Restrictions

- F5. **Review Criterion:** “Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may adopt other requirements or restrictions, inclusive of, but not limited to, the following:”

Finding: This criterion is satisfied.

Details of Finding: No additional requirements or restrictions are recommended pursuant to this subsection.

Subsection 4.118 (.05) Requirements to Set Aside Tracts for Certain Purposes

- F6. **Review Criterion:** “The Planning Director, Development Review Board, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:” Recreational Facilities, Open Space Area, Easements.”

Finding: This criterion is satisfied.

Details of Finding: No additional tracts are being required for the purposes given.

Subsection 4.118 (.09) Habitat Friendly Development Practices

- F7. **Review Criteria:** “To the extent practicable, development and construction activities of any lot shall consider the use of habitat-friendly development practices, which include:

- A. Minimizing grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;
- B. Minimizing adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2 in Section 4.139.03, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;
- C. Minimizing impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2 in Section 4.139.03; and
- D. Using the practices described in Part (c) of Table NR-2 in Section 4.139.03.”

Finding: These criteria are satisfied.

Details of Finding: Where practicable with the proposed building size and necessary parking and circulation area, native *trees and* vegetation ~~and trees is~~ *are* being preserved on the west side of the site and additional native plants are being planted to enhance the area. All storm water will be managed according to the City’s new low impact development storm water standards.

Subsection 4.133.04 (.04) A. Access to Public Streets to be Jointly Reviewed by City and ODOT

- F8. **Review Criterion:** “Approval of access to City streets within the IAMP Overlay Zone shall be granted only after joint review by the City and the Oregon Department of Transportation (ODOT). Coordination of this review will occur pursuant to Section 4.133.05(.02).”

Finding: This criterion is satisfied.

Details of Finding: The proposal has been reviewed by the City’s traffic consultant, see DKS Transportation Impact Analysis in Exhibit B1, the City Engineering staff, and ODOT has been notified and given the opportunity to comment. The primary access is at SW Day Road and secondary emergency vehicle access only at SW Boones Ferry Road. *The subject site is not in an area where an Interchange Area Management Plan (IAMP) applies.* The proposal has been reviewed by the City’s traffic consultant, see DKS Transportation Impact Analysis in Exhibit B1, the City Engineering staff, and ODOT has been notified and given the opportunity to comment.

Planned Development Industrial Zone

Subsection 4.135 (.01) Purpose of Planned Development Industrial Zone

- F9. **Review Criterion:** “The purpose of the PDI zone is to provide opportunities for a variety of industrial operations and associated uses.”

Finding: This criterion is satisfied.

Details of Finding: On the basis of the applicant’s finding found on pages 21 and 22 of Exhibit B1 the proposed behavioral health facility is consistent with the purpose of the PDI-RSIA zone.

Subsection 4.135 (.02) PDI Zone Governed by Planned Development Regulations

F10. Review Criterion: “The PDI Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.”

Finding: This criterion is satisfied.

Details of Finding: As described in the findings for this request and associated Stage I /II and Site Design Review requests, the proposed behavioral health facility use is being reviewed in accordance with Section 4.140.

Subsection 4.135 (.03) Allowed Uses in PDI Zone

F11. Review Criteria: “Uses that are typically permitted:” Listed A. through T.

Finding: These criteria are satisfied.

Details of Finding: On the basis of the applicant’s finding found on pages 21 and 22 of Exhibit B1 the proposed behavioral health facility is consistent with the purpose of the PDI-RSIA zone.

Subsection 4.135 (.04) Block and Access Standards in PDI Zone

F12. Review Criteria: “The PDI zone shall be subject to the same block and access standards as the PDC zone, Section 4.131(.02) and (.03).”

Finding: These criteria are satisfied.

Details of Finding: This criterion is not relevant to this application. Section 4.131(.03) only applies to residential or mixed-use development – not industrial uses.

Subsection 4.135 (.05) Industrial Performance Standards

F13. Review Criteria: “The following performance standards apply to all industrial properties and sites within the PDI Zone, and are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property.” Standards listed A. through N.

Finding: These criteria are satisfied.

Details of Finding: The proposed project meets the performance standards of this subsection as follows:

- Pursuant to standard A (enclosure of uses and activities), the proposed behavioral health facility will be enclosed.
- Pursuant to standard B (vibrations), there is no indication that the proposed use of the site will produce vibrations detectable off site without instruments.
- Pursuant to standard C (emissions), the proposed use has given no indication that odorous gas or other odorous matter is or will be produced.

- Pursuant to standard D (open storage), portions of the high security/privacy wings of the ~~UMS~~ **UHS** facility will be screened with fencing and landscape screening, according to the development code standards.
- Pursuant to standard E (night operations and residential areas), the proposed UHS site is not in the vicinity of any residential areas. The closest residences are located a significant distance to the west.
- Pursuant to standard F (heat and glare), none of the UHS operations would produce any heat or glare.
- Pursuant to standard G (dangerous substances), there are no prohibited dangerous substances expected on the development site.
- Pursuant to standard H (liquid and solid wastes), staff has no evidence to suggest that the standards defined for liquid and solid waste in this subsection would be violated.
- Pursuant to standard I (noise), the proposed UHS use would not violated the City's Noise Ordinance.
- Pursuant to standard J (electrical disturbances), staff has no evidence to suggest that any prohibited electrical disturbances would be produced by the proposed UHS facility.
- Pursuant to standard K (discharge of air pollutants), staff has no evidence to suggest that any prohibited discharges would be produced by the proposed project.
- Pursuant to standard L (open burning), no open burning is proposed on the development site.
- Pursuant to standard M (outdoor storage), the proposed UHS facility will not have outdoor storage.

Subsection 4.135 (.06) Other PDI Standards

F14. Review Criteria: This section lists other standards of the PDI zone including: minimum individual lot size, maximum lot coverage, front yard setback, rear and side yard setback, corner vision, off street parking and loading, and signs.

Finding: These criteria are satisfied.

Details of Finding: The proposed development meets these standards as follows:

- The property is of sufficient size to allow for the required amount of landscaping, parking, and other applicable site requirements along with lot coverage of the proposed development.
- The required thirty foot (30') front, rear, and side yard requirements are exceeded by the proposed UHS facility.
- The vision clearance standards of Section 4.177 are met.
- Off-street parking and loading requirements are or will be met.
- Signs are proposed. See Request J for detailed analysis of the proposed signs.

Section 4.139.02 Applicability of SROZ Regulations

- F15. Review Criteria:** This section identifies where the Significant Resource Overlay Zone (SROZ) regulations apply.
Finding: These criteria are satisfied.
Details of Finding: None of the proposed development is within the SROZ or its impact area, thus the SROZ regulations do not apply.

Planned Development Regulations

Subsection 4.140 (.01) Purpose of Planned Development Regulations

- F16. Review Criterion:** The proposed Stage II Final Plan shall be consistent with the Planned Development Regulations purpose statement.
Finding: This criterion is satisfied.
Details of Finding: Based on the information provided in the application narrative, staff finds that the purpose of the planned development regulations is met by the proposed Stage II Final Plan, based on the findings in this report.

Subsection 4.140 (.02) Lot Qualifications for Planned Developments

- F17. Review Criterion:** “Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140.”
Finding: This criterion is satisfied.
Details of Finding: The subject development site is of sufficient size to be developed in a manner consistent the purposes and objectives of Section 4.140 as noted in the findings in this report.
- F18. Review Criterion:** “Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned ‘PD.’ All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code.”
Finding: This criterion is satisfied.
Details of Finding: The 8.4 net acre site is greater than 2 acres, will be designated ‘Industrial’ on the Comprehensive Plan Map, and is zoned “Planned Development Industrial – Regional Significant Industrial Area” on the Zoning Map. The property will be developed as a component of a planned development in accordance with this subsection.

Subsection 4.140 (.03) Ownership Requirements for Submitting Planned Development Application

F19. Review Criterion: “The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included.”

Finding: This criterion is satisfied.

Details of Finding: The 8.4 net acres included in the proposed Stage II Final Plan is under the single ownership and has signed the application.

Subsection 4.140 (.04) Professional Design Team Required for Planned Developments

F20. Review Criterion: “The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development. One of the professional consultants chosen by the applicant shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.”

Finding: This criterion is satisfied.

Details of Finding: As can be found in the applicant’s submitted materials, appropriate professionals have been involved in the planning and permitting process. Mr. Sandblast has been designated the coordinator for the planning portion of the project.

Subsection 4.140 (.05) Planned Development Permit Process

F21. Review Criteria: “All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:

1. Be zoned for planned development;
2. Obtain a planned development permit; and
3. Obtain Development Review Board, or, on appeal, City Council approval.”

Finding: These criteria are satisfied.

Details of Finding: The subject 8.4 net acres is greater than 2 acres, is proposed for Industrial on the Comprehensive Plan Map, and will be rezoned to PDI-RSIA. The property will be developed as a planned development in accordance with this subsection.

Stage II Final Plan Submission Requirements and Process

Subsection 4.140 (.09) A. Timing of Submission

F22. Review Criterion: “Unless an extension has been granted by the Development Review Board, within two (2) years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development”

Finding: This criterion is satisfied.

Details of Finding: The applicant has submitted a Stage II Final Plan concurrently with a Stage I Preliminary Plan.

Subsection 4.140 (.09) B. Determination by Development Review Board

F23. Review Criterion: “the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application”.

Finding: This criterion is satisfied.

Details of Finding: The Development Review Board shall consider all applicable permit criteria set forth in the Planning and Land Development Code, and the staff is recommending the Development Review Board approve the application with conditions of approval.

Subsection 4.140 (.09) C. Conformance with Stage I and Additional Submission Requirements

F24. Review Criteria: “The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:” listed 1. through 6.

Finding: These criteria are satisfied.

Details of Finding: The applicant states, and staff concurs, that the Stage II Final Plan substantially conforms to the proposed Stage I Preliminary Plan. The applicant has provided the required drawings and other documents showing all the additional information required by this subsection.

Subsection 4.140 (.09) D. Stage II Final Plan Detail

F25. Review Criterion: “The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development.”

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided sufficiently detailed information to indicate fully the ultimate operation and appearance of the proposed UHS facility, including a detailed site plan, elevation drawings, and material information to review the application.

Proposed Stage II Final Plan		
Area 8.4 net acres	Size	% of Total Site
Building area footprint, including courtyards.	85,866 SF	23%
Parking, drive lanes, walkways	48,036SF	13%

New landscaping area	142,962 SF	39%
Undisturbed native area	60,755 SF	17%
Pedestrian hardscape area	19,178 SF	5%
Gravel and access roads	9,584 SF	3%
Total site area:	acres	100%

Subsection 4.140 (.09) E. Submission of Legal Documents

F26. Review Criterion: “Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner’s association, shall also be submitted.”

Finding: This criterion is satisfied.

Details of Finding: No additional legal documentation is required for dedication or reservation of public facilities.

Subsection 4.140 (.09) I. and Section 4.023 Expiration of Stage II Approval

F27. Review Criterion: This subsection and section identify the period for which Stage II approvals are valid.

Finding: This criterion is satisfied.

Details of Finding: The Stage II Final Plan approval, along other associated applications, will expire two (2) years after approval, unless an extension is approved in accordance with these subsections.

Subsection 4.140 (.09) J. 1. Planned Development Permit Requirements: Conformance with Comprehensive Plan and other Applicable Plans and Ordinances

F28. Review Criterion: “The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.”

Finding: This criterion is satisfied.

Details of Finding: In Request C the applicant is seeking rezoning to PDI-RSIA consistent with the proposed Industrial designation the Comprehensive Plan in Request B. As noted in this report, the location, design, size, and use are consistent with other applicable plans, maps, and ordinances, or will be consistent by meeting the recommended conditions of approval.

Subsection 4.140 (.09) J. 2. Planned Development Permit Requirements: Traffic Concurrency

F29. Review Criterion: “That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated

safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5." Additional qualifiers and criteria listed a. through e.

Finding: This criterion is satisfied.

Details of Finding: A Transportation Impact Study for the proposed development was prepared by DKS Associates for the project which can be found in Exhibit B1. Off-site transportation mitigation is necessary.

Estimated New PM Peak Hour Trips	107
Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area	75
Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	6

As part of the Transportation Impact Study DKS Associates looked at a variety of uses allowed under the proposed PDI-RSIA Zone Change. The worst case trip generator for the proposed zone change would be expected to produce the following impacts.

Estimated New PM Peak Hour Trips	127
Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area	88
Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	7

Subsection 4.140 (.09) J. 3. Planned Development Permit Requirements: Facilities and Services Concurrency

F30. Review Criterion: "That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services."

Finding: This criterion is satisfied.

Details of Finding: Facilities and services, including utilities, are available and sufficient to serve the proposed development.

On-site Pedestrian Access and Circulation

Subsection 4.154 (.01) B. 1. Continuous Pathway System

F31. Review Criterion: “A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks, and to all future phases of the development, as applicable.”

Finding: This criterion is satisfied.

Explanation of Finding: A 5 foot wide sidewalk is ~~at~~ *currently along* SW Day Road. *An 8’ wide sidewalk is proposed along SW Day Road.* A five (5) foot wide concrete sidewalk is proposed along the east side of the building at SW Boones Ferry Road.

Subsection 4.154 (.01) B. 2. Safe, Direct, and Convenient Pathways

F32. Review Criteria: “Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:

- a. Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface.
- b. The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that do not involve a significant amount of unnecessary out-of-direction travel.
- c. The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.
- d. All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)(B.)(3.)(d).”

Finding: These criteria are satisfied.

Explanation of Finding:

- All proposed pathways are of smooth and consistent concrete and no hazards are evident on the site plan.
- All proposed pathways are straight and provide direct access to intended destinations.
- The pathways next to the ~~UMS~~ *UHS* building connect to the primary building entrance.
- Where required, pathways meet ADA requirements or will be required to by the building code.
- No parking area is larger than 3 acres in size.

Subsection 4.154 (.01) B. 3. Vehicle/Pathway Separation

F33. Review Criterion: “Except as required for crosswalks, per subsection 4, below, where a pathway abuts a driveway or street it shall be vertically or horizontally separated from the vehicular lane. For example, a pathway may be vertically raised six inches above the abutting travel lane, or horizontally separated by a row of bollards.”

Finding: This criterion is satisfied.

Explanation of Finding: All pathways affected by this review are separated consistent with this subsection.

Subsection 4.154 (.01) B. 4. Crosswalks

F34. Review Criterion: “Where a pathway crosses a parking area or driveway, it shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast).”

Finding: This criterion is satisfied.

Explanation of Finding: The method of marking the crosswalks is clear from the plans.

Subsection 4.154 (.01) B. 5. Pathway Width and Surface

F35. Review Criterion: “Primary pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five (5) feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA.”

Finding: This criterion is satisfied.

Explanation of Finding: Primary pathways are the required width and will be constructed of concrete or asphalt. However, the Applicant/Owner must provide ADA accessible path from the gates of the southerly accessible ramp to the concrete basketball courts to the concrete walks to the building entrances serving the recreational yards.

Parking and Loading

Subsection 4.155 (.02) General Parking Provisions

F36. Review Criteria: This subsection lists a number of general provisions for parking.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided sufficient information demonstrating compliance with the provisions in this subsection applicable to Stage II Final Plan review. Among the information provided is Plan Sheet C100. Staff specifically points out the following:

- In relation to provision A no waivers to parking standards have been requested
- In relation to provision B parking areas are accessible and usable for parking.
- In relation to provision D parking is being calculated summing the requirements of different uses.
- Parking will not be used for any other business activity.

- In relation to provision K the parking areas will be paved and provided with adequate drainage.
- In relation to provision L compliance with the outdoor lighting ordinance and vegetative screening will prevent artificial lighting from shining into adjoining structures or affecting passersby
- In relation to provision M all the proposed uses are listed in the Code
- In relation to provision N. ~~498~~ parking spaces or ~~40~~ ³⁹% of the parking is proposed as compact.
- In relation to provision O all planting areas that vehicles may overhang are seven feet (7') or greater in depth.

Subsection 4.155 (.03) A. Functional Design of Parking, Loading, and Delivery Areas

- F37. Review Criteria:** "Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:
1. Separate loading and delivery areas and circulation from customer and/or employee parking and pedestrian areas. Circulation patterns shall be clearly marked.
 2. To the greatest extent possible, separate vehicle and pedestrian traffic."

Finding: These criteria are satisfied.

Details of Finding: The functional needs of the site for exterior parking and loading include employee and visitor parking of standard passenger vehicles and delivery of vehicles by carrier trucks. The required amount of parking is provided, with drive aisles of widths adequate to accommodate two-way truck and passenger vehicle traffic. All turning radii are adequate. Access is being provided from one driveway access at SW Day Road. Loading berths meeting number of size requirements of the development code are provided and is considered adequate to serve the expected amount of delivery to the site. The needs for Solid Waste and Recycling pick up vehicles and fire apparatus are being reviewed separately and have been approved by Republic Services and TVF&R.

The required loading and delivery berth is located at the west side of the proposed ~~UMS~~ **UHS** building, separated from the main employee and customer areas. The access drive is shared, but separate access drives are not required or practical with the site design.

Circulation patterns are clearly evident by the standard width of the drive aisles which are equivalent to a local street without pavement markings, and the clear delineation of the edge of the drive aisles by painted parking stalls, landscape planters, and the building. Otherwise the pedestrian circulation system is on raised sidewalks meeting the separation standards of Section 4.154.

Subsection 4.155 (.03) B. 1.-3. Parking Area Landscaping

- F38. Review Criteria:** "Parking and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows:" Listed 1 through 3.

Finding: These criteria are satisfied.

Details of Finding: 39% of the site area will be landscaped. Nearly all of the landscaping is adjacent to the proposed UMS building and parking areas. The proposed landscape includes perimeter landscaping as well as interior landscape islands which would be identified as parking area landscaping. The proposed landscaping strips/areas provide screening from the public right-of-way and off-site.

Furthermore, the Applicant/Owner must substitute the Common hornbeam parking lot trees with another parking lot friendly deciduous tree species that has more shading coverage.

Subsection 4.155 (.03) C. Parking and Loading Areas-Safe and Convenient Access

F39. Review Criterion: “Be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces., provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.”

Finding: This criterion is satisfied.

Details of Finding: Nine (9) ADA stalls are proposed, meeting the standard established in this subsection. ADA parking will also be reviewed as part of the review of the Building Code requirements for the Building Permit.

Subsection 4.155 (.03) D. Parking Connectivity and Efficient On-site Circulation

F40. Review Criterion: “Where possible, parking areas shall be designed to connect with parking areas on adjacent sites so as to eliminate the necessity of utilizing the public street for multiple accesses or cross movements. In addition, on-site parking shall be designed for efficient on-site circulation and parking.”

Finding: This criterion is satisfied.

Details of Finding: There are no existing and adjacent parking areas to the project site.

Subsection 4.155 (.03) F. On-Street Parking

F41. Review Criterion: “On-street parking spaces, directly adjoining the frontage of and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking standards.”

Finding: This criterion is satisfied.

Details of Finding: No on-street parking spaces are part of the space count to meet the minimum parking standards, SW Day Road and SW Boones Ferry Road would not allow on-street parking.

Subsection 4.155 (.03) G. Parking Minimum and Maximum

F42. Review Criterion: “Tables 5, below, shall be used to determine the minimum and maximum parking standards for various land uses. The minimum number of required

parking spaces shown on Tables 5 shall be determined by rounding to the nearest whole parking space.”

Finding: With proposed Condition PDE2 this criterion can be resolved.

Details of Finding: 200 parking spaces based on city code for hospitals may be too much; UHS current site plan sheet L100 shows 120 spaces but the applicant’s parking finding indicates 114 spaces. For PM peak hour traffic trips the DKS traffic consultant used a rate that was 75% of the ITE Code 610 rate. Firm data on what is an acceptable high and low rate for parking for behavioral health hospitals was not available at the time of writing this staff report. Staff is reluctant to underestimate it because there is no on-street parking in this area, and no nearby offsite parking. Steve Adams, Development Engineering Manager has commented to planning staff; “Key evidence is to find out from UHS is the maximum overlap they anticipate at shift changes, if 90 staff leave the day shift and 50 come on the night shift staff can see a need for at least 140 parking spots just for staff, plus additional for visitors.” **In the professional opinion of planning staff the applicant must provide minimum 140 parking spaces.**

Table 5 of the Parking Code identifies two use groups to determine parking provisions:

Use	Use (as listed in Section 4.155 Table 5)	Parking Min.	Parking Max.	Bicycle Min.
Sanitarium, convalescent hospital, nursing home, rest home, home for the aged.	1 space/2 beds for patients. (100 beds)	50	No limit	1 per 6,000 sq. ft. Min. of 2 =11
Hospital	2 spaces/bed. (100 beds)	200	No limit	1 per 20 parking spaces Min. of 2.
Proposed Parking		120		12 including 6 long term

The applicant’s table shown below, 114 parking spaces are proposed.

The following table was provided by the applicant for proposed parking:

Peak-Hour Parking Need Analysis

Inpatient Parking (100 Beds)	Less than 5% of average inpatient daily census	3.75
Outpatient Parking	Daily therapy visits = 15% of average inpatient census (75%) x 80% drivers	9.00
Visitor & Vendor Parking	20% of average inpatient census split between day and evening visiting hours	7.50
Dedicated UHS Van Parking	2 patient transport vans	2.00
Peak Shift Staff Parking (63 x 80%)	63 day staff x 80% drivers (7 AM to 5 PM)	50.40
Non-Peak Afternoon Staff Parking (38 x 80%)	38 afternoon staff x 80% drivers (3 PM to 11 PM)	30.40
Total		103.05
Peak Factor (10%)		10.31
Total		113.36

use 114

Notes:

This 100-bed facility will operate with an Average Daily Census (ADC) of 75%

Hours of operation is 24 hours a day, 7 days a week.

Total staff is 190, operating in 3 shifts as follows: Day Shift (Peak) = 63, Afternoon Shift (Non-peak) = 38, Night Shift (Off Peak) = 25, Weekend Shift = 63

20% of staff will use alternative means of transportation, on-average

Scheduled Visiting Hours are Noon to 2 PM and 7 to 9 PM.

Peak parking load will occur during the shift-change hours of 3 PM to 5 PM

Inpatients typically are transported by relatives or friends, ambulance or taxi cabs, and are not encouraged to drive.

UHS vans are used for both inpatient and outpatient transport

The applicant’s Plan Sheet L100 shows 120 parking spaces. Three (3) parking spaces for the disabled are proposed.

On pages 19 and 20 of the DKS Transportation Impact Analysis it states:

“The City of Wilsonville code provides a minimum required number of vehicular parking stalls and bicycle parking spaces based on the proposed development and size. However, the code does not include parking requirements based on the proposed Behavioral Health Hospital institution. Two similar land uses that are provided in the City code (“convalescent hospital, nursing home, sanitarium, rest home, home for the aged” and “hospital”) are summarized below in Table 12. Based on discussions with the City, the estimated parking demand of the proposed Behavioral Health Hospital institution is assumed to be within the two ranges (minimum of 50 to 200 parking spaces) of parking requirements in Table 12.”

Table 12: Parking Requirements for Comparable Land Uses

Land Use	Size (Number of Beds)	Vehicle Parking		Bicycle Parking	
		Requirement	Minimum	Requirement	Minimum
Convalescent hospital ^a	100 beds	1 space/ 2 beds	50	1 per 6 KSF ^b	10
Hospital		1 space/ 1 bed	200	1 per 20 veh. spaces	10

^aConvalescent hospital land use also includes nursing home, sanitarium, rest home, and home for the aged

^bKSF = 1,000 square feet (proposed 62,000 square foot Behavioral Health Hospital)

The two land uses do not include maximum parking requirements

“In order to determine the estimated peak parking demand of the proposed development, UHS provided a breakdown of the staff levels by time of day, estimated number of visitors, outpatient parking, etc. The primary factors considered in the parking evaluation provided was a 20% rate of alternative modes of transportation for the estimated number of staff. Additionally, seven visitor and vendor parking were assumed during each of the scheduled

visiting hours (12 pm to 2 pm and 7pm to 9pm). The resulting proposed number of parking stalls provided by UHS was 114, the complete breakdown assumptions and parking needs can be found in the appendix.”

“Although there is a bus stop on the south leg of the Boones Ferry Road/Day Road intersection that serves the Wilsonville, Tualatin, and Portland City Center areas (TriMet Route 96), based on the surrounding study vicinity it is recommended that the alternative modes of transportation means be reduced from 20% to 5%. Additionally, it is recommended that the estimated visitor/vendor parking number be increased from 7.5 to 15. These recommendations would result in a worst case parking demand scenario. Table 13 shows the UHS parking estimation compared to the recommended parking. As shown, with the above recommendations, the parking need analysis would increase by 26 stalls to a total of 140. The 140 stalls would include three ADA stalls (City code requires one ADA stall for every 50 standard stalls).”

Table 13: UHS Peak-Hour Parking Needs Estimation and DKS Recommendation

Parking Needs Scenario	Assumed Alternative Transportation Rate	Estimated Visitors/ Vendors ^a	Total Peak Hour Parking Needs
UHS Proposed Parking	20%	7.5	114 stalls
Recommended (worst case)	5%	15	140 stalls

^aDuring each visitor parking period

The current site plan includes a total of 120 parking spaces and does not show a number of bicycle parking spaces provided. It is recommended that the plan be revised to include a minimum of 140 parking stalls (including a minimum of three ADA stalls). The site should also provide a minimum of seven bicycle spaces.

Subsection 4.155 (.03) H. Electric Vehicle Charging

F43. Review Criteria: “Electrical Vehicle Charging Stations:

1. Parking spaces designed to accommodate and provide one or more electric vehicle charging stations on site may be counted towards meeting the minimum off-street parking standards.
2. Modification of existing parking spaces to accommodate electric vehicle charging stations on site is allowed outright.”

Finding: These criteria are satisfied.

Details of Finding: No electric vehicle charging stations are proposed.

Subsection 4.155 (.03) I. Motorcycle Parking

F44. Review Criteria: “Motorcycle parking:

1. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space.
2. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.

Finding: These criteria are satisfied.

Details of Finding: No motorcycle parking is proposed.

Subsection 4.155 (.04) Bicycle Parking

Subsection 4.155 (.04) A. Bicycle Parking-General Provisions

F45. Review Criteria: "Required Bicycle Parking - General Provisions.

1. The required minimum number of bicycle parking spaces for each use category is shown in Table 5, Parking Standards.
2. Bicycle parking spaces are not required for accessory buildings. If a primary use is listed in Table 5, bicycle parking is not required for the accessory use.
3. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.
4. Bicycle parking space requirements may be waived by the Development Review Board per Section 4.118(.03)(A.)(9.) and (10.).

Finding: These criteria are satisfied.

Details of Finding: ~~11-12~~ total bicycle parking spaces with 6 long term bicycle parking spaces are provided.

Subsection 4.155 (.04) B. Bicycle Parking-Standards

F46. Review Criteria: "Standards for Required Bicycle Parking

1. Each space must be at least 2 feet by 6 feet in area and be accessible without moving another bicycle.
2. An aisle at least 5 feet wide shall be maintained behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
3. When bicycle parking is provided in racks, there must be enough space between the rack and any obstructions to use the space properly.
4. Bicycle lockers or racks, when provided, shall be securely anchored.
5. Bicycle parking shall be located within 30 feet of the main entrance to the building or inside a building, in a location that is easily accessible for bicycles. For multi-tenant developments, with multiple business entrances, bicycle parking may be distributed on-site among more than one main entrance."

Finding: These criteria are satisfied.

Details of Finding: 12 bicycle parking spaces are provided. 6 are covered near the main building entrance 6 are in the landscape island near the circular drop-off drive. The stalls

are 2' by 6' and have a 5' aisle behind them. The covered parking spaces are within 30 feet of a customer entry. The additional 6 required spaced are covered long-term spaces.

Subsection 4.155 (.04) C. 2. Long-term Bicycle Parking Requirements and Standards

F47. Review Criteria: “For a proposed multi-family residential, retail, office, or institutional development, or for a park and ride or transit center, where six (6) or more bicycle parking spaces are required pursuant to Table 5, 50% of the bicycle parking shall be developed as long-term, secure spaces. Required long-term bicycle parking shall meet the following standards:

- a. All required spaces shall meet the standards in subsection (B.) above, and must be covered in one of the following ways: inside buildings, under roof overhangs or permanent awnings, in bicycle lockers, or within or under other structures.
- b. All spaces must be located in areas that are secure or monitored (e.g., visible to employees, monitored by security guards, or in public view).
- c. Spaces are not subject to the locational criterion of (B.)(5).”

Finding: These criteria are satisfied.

Details of Finding: The 6 bicycle parking spaces are long-term spaces provided under a canopy.

Subsection 4.155 (.05) Required Number of Loading Berths

F48. Review Criterion: “Every building that is erected or structurally altered to increase the floor area, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading berths on the basis of minimum requirements as follows:” listed 1. through 2. “A loading berth shall contain space twelve (12) feet wide, thirty-five (35) feet long, and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased to accommodate the larger vehicles.”

Finding: This criterion is satisfied.

Details of Finding: A minimum of 1 loading berth is required. 1 is provided at the west side of the ~~UMS~~ UHS building.

Subsection 4.155 (.06) Carpool and Vanpool Parking Requirements

F49. Review Criterion: This subsection lists the requirements for carpool and vanpool parking.

Finding: This criterion is satisfied.

Details of Finding: Six (6) signed carpool parking spaces are proposed near the main public and employee building entrance on the west side of the building.

Section 4.167 Access, Ingress, and Egress

F50. Review Criterion: “Each access onto streets or private drives shall be at defined points as approved by the City and shall be consistent with the public's health, safety and general welfare. Such defined points of access shall be approved at the time of issuance of a building permit if not previously determined in the development permit.”

Finding: This criterion is satisfied.

Details of Finding: The one existing access drive at SW Day Road serving the development has been approved by the City.

Natural Features

Section 4.171 Protection of Natural Features and Other Resources

F51. Review Criterion: This section provides for the protection of a number of natural features and other resources including: general terrain preparation, hillsides, trees and wooded areas, high voltage power-line easements and rights of way and petroleum pipeline easements, earth movement hazard areas, soil hazard areas, historic resources, and cultural resources.

Finding: This criterion is satisfied.

Details of Finding: As noted herein, there are no significant natural features or resources on the site. The property has moderate sloping terrain with small tree groves on the west side and northeast corner of the property. Trees have been considered as part of site planning and many of the trees on the westerly side of the property are being retained. No other hillsides, power-line easements, etc. needing protection exist on the site.

Public Safety and Crime Prevention

Subsection 4.175 (.01) Design to Deter Crime and Ensure Public Safety

F52. Review Criterion: “All developments shall be designed to deter crime and insure public safety.”

Finding: This criterion is satisfied.

Details of Finding: The applicant has not provided any summary findings in response to these criteria. Staff finds no evidence and has not received any testimony that the design of the site and buildings would lead to crime or negatively impact public safety.

Subsection 4.175 (.02) Addressing and Directional Signing

F53. Review Criterion: “Addressing and directional signing shall be designed to assure identification of all buildings and structures by emergency response personnel, as well as the general public.”

Finding: This criterion is not satisfied.

Details of Finding: The address is shown on submitted building elevations or signs.

Subsection 4.175 (.03) Surveillance and Police Access

F54. **Review Criterion:** “Areas vulnerable to crime shall be designed to allow surveillance. Parking and loading areas shall be designed for access by police in the course of routine patrol duties.”

Finding: This criterion is satisfied.

Details of Finding: The parking and loading areas are easily assessable and no areas of particular vulnerability to crime have been identified warranting additional surveillance.

Subsection 4.175 (.04) Lighting to Discourage Crime

F55. **Review Criterion:** “Exterior lighting shall be designed and oriented to discourage crime.”

Finding: This criterion is satisfied.

Details of Finding: Lighting has been designed in accordance with the City’s outdoor lighting standards, which will provide sufficient lighting to discourage crime.

Subsection 4.177 (.01) B. Curbs, Utility Strips, and Sidewalks Required

F56. **Review Criterion:** “All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side.”

Finding: This criterion is satisfied.

Details of Finding: SW Day Conditions of Approval require the right-of-way dedication to enable full build out of SW Day Road to TSP standards.

Subsection 4.177 (.01) E. Access Drives and Travel Lanes

F57. **Review Criterion:** This subsection sets standards for access drives and travel lanes.

Finding: This criterion is satisfied.

Details of Finding:

- The existing driveway at SW Day Road provides a clear travel lane, free from obstructions. The driveway may be relocated farther west to provide greater separation from future intersection improvements of SW Day Road and SW Boones Ferry Road. Ultimately the driveway should be combined with an adjacent driveway. Emergency access is proposed at SW Boones Ferry Road.
- The driveway at SW Day Road will have concrete apron and asphalt and capable of carrying a 23-ton load.
- Proposed emergency access lanes must be improved to a minimum of 12 feet and the development has been reviewed and approved by the Fire District.
- The access proposed is sufficient for the intended function of the site.

Subsection 4.177 (.01) F. Corner or Clear Visions Area

F58. **Review Criterion:** "A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:" Listed a. through e.

Finding: This criterion is satisfied.

Details of Finding: Clear vision area criteria have been reviewed by Engineering Staff and are met.

SUMMARY FINDING FOR REQUEST F:

F59. The proposed Stage II Final Plan is consistent with:

- **Section 4.140.09(J)(1) Land Use.** With proposed conditions of approval the location, design, size of the project, both separately and as a whole, can be made consistent with the proposed PDI - RSIA Zone. See pages 21 and 22 of Section 2 in Exhibit B1 for the applicant's detailed finding demonstrating compliance with the PDI-RSIA Zone.
- **Section 4.140.09(J)(2) Traffic.** The location, design, size of the project is such that traffic generated by the ~~townhomes~~ *project* can be accommodated safely, and without congestion in excess of level of service (LOS) "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets. Thus, there is adequate traffic capacity to serve the project which complies with Subsection 4.140.09(J)(2).
- **Section 4.140.09(J)(3) Public Facilities and Services.** The location, design, size and uses of the proposed project are such that the use to be accommodated will be adequately served by existing or immediately planned facilities and services.

REQUEST G: SITE DESIGN REVIEW

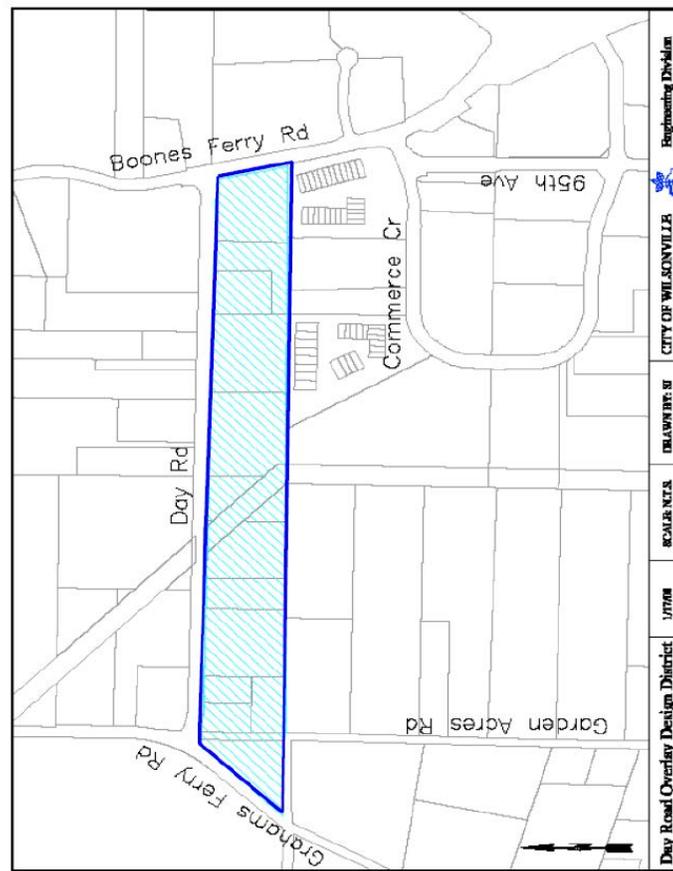


Figure D-1: Day Road Design Overlay District Area Map

Figure D-1: Day Road Overlay District Area Map

G1. Review Criteria: Section 4.134. Day Road Design Overlay District

(.01) Purpose. The Day Road Design Overlay District (DOD) is an overlay district within the larger Planned Development Industrial - Regionally Significant Industrial Area (RSIA) Zone. It is the purpose of the Day Road DOD to establish standards for site design and exterior architecture of all structures located in the Day Road DOD in order to ensure high quality design of development and redevelopment at the Day Road gateway to the City of Wilsonville. These standards are intended to create an aesthetically pleasing aspect for properties abutting Day Road by ensuring:

- A. Coordinated design of building exteriors, additions and accessory structure exteriors
- B. Preservation of trees and natural features
- C. Minimization of adverse impacts on adjacent properties from development that detracts from the character and appearance of the area
- D. Integration of the design of signage into architectural and site design, and
- E. Minimization of the visibility of vehicular parking, circulation and loading areas. It is the intent to create improved pedestrian linkages and to provide for public transit. It is

also the intent of this section to encourage architectural design in relationship to the proposed land use, site characteristics and interior building layout.

Finding: These criteria are satisfied.

Details of Finding: The Universal Health Services facility will be new building construction including associated site improvements. Professional architects, engineers, arborists and land use planners have prepared the land use application and design drawings to meet or exceed the criteria listed above.

- G2. Review Criterion:** (.02) Applicability. The Day Road DOD shall apply to all properties abutting Day Road.

The provisions of this section shall apply to:

- A. All new building construction
- B. Any exterior modifications to existing, non-residential buildings
- C. All new parking lots
- D. All outdoor storage and display areas
- E. All new signage
- F. All building expansions greater than 1,250 square feet.

Finding: These criteria are satisfied.

Details of Finding: The Universal Health Services facility will be new building construction including associated site improvements and new parking lots. New signs are proposed. Thus Day Road DOD is applicable to this application.

- G3. Review Criteria:** (.03) Exceptions. This section does not apply to the following activities:

- A. Maintenance of the exterior of an existing industrial/employment structure such as painting to the approved color palette, reroofing, or residing with the same or similar materials
- B. Industrial/employment building expansions less than 1,250 square feet
- C. Interior remodeling
- D. Essential public facilities
- E. Existing dwellings and accessory buildings
- F. Agricultural buildings

Finding: These criteria are satisfied.

Details of Finding: The Universal Health Services facility will be new building construction including site improvements so exceptions to the Day Road DOD are not proposed.

- G4. Review Criterion:** (.04) Review Process.

- A. Compliance with the Day Road DOD shall be reviewed as part of Stage One – Preliminary Plan, Stage Two - Final Approval and Site Design Review. Such review shall be by the Development Review Board. Building expansions less than 2500 square feet and exterior building modifications less than 2500 square feet may be reviewed under Class II Administrative procedures.

Finding: This criterion is satisfied.

Details of Finding: The applicant has prepared response findings to the Day Road DOD criteria found on pages 34 through 41 of Exhibit B1. The applicant has submitted Stage I Preliminary Plan, Stage II Final Plan and Site Design Review which are discussed in detail in requests E through F of this Staff Report.

- G5. Review Criterion:** B. Waivers. Under City Code [4.118(.03)], waivers to several development standards may be approved, including waivers to height and yard requirements, and architectural design standards, provided that the proposed development is equal to or better than that proposed under the standards to be waived. For example, a height waiver might be granted on a smaller site if the façade presentation was significantly enhanced, additional landscaping or open space is provided and site modifications are necessary to preserve significant trees. Waivers to the additional front yard setback for future improvements on Day Road may not be granted. [4.134(.05)(C)(1)]
Finding: This criterion is satisfied.

Details of Finding: In Request E the applicant is requesting two waivers to reduce the minimum 48 foot height limit for the subject ~~UMS~~ **UHS** building facing SW Day Road and to reduce the percentage of glazing at SW Boones Ferry Road. See Request E of this Staff Report for the detailed discussion of the proposed waivers.

- G6. Review Criterion:** (.05) Design Review Standards. The DRB shall use the standards in this section together with the standards in Sections 4.400 – 4.421 to ensure compliance with the purpose of the Day Road DOD. These standards shall apply on all Day Road frontages, and on the frontage of corner lots abutting both Day Road and either Boones Ferry Road, Kinsman Road, Garden Acres Road or Grahams Ferry Road.
Finding: This criterion is satisfied.

Details of Finding: The subject property is a corner lot located at the southwest corner of SW Day Road and SW Boones Ferry Road. As demonstrated in the following staff findings and in the response findings that were prepared by the applicant in Exhibit B1 the DRB his reviewing this project together with the standards in Sections 4.400 – 4.421 to ensure compliance with the purpose of the Day Road DOD.

- G7. Review Criterion:** A. Natural Features: Buildings shall be sited in compliance with WC 4.171, Protection of Natural Features and Other Resources and with WC 4.600, Tree Preservation and Protection.

Finding: This criterion is satisfied.

Details of Finding: There are no significant natural features or resources on the site. The property has moderate sloping terrain with small tree groves on the west side and northeast corner of the property. Trees have been considered as part of site planning and many of the trees on the westerly side of the property are proposed to be retained. No other hillsides, power-line easements, etc. needing protection exist on the site. Request H of this staff report provides a detailed analysis of the proposed Type ‘C’ Tree Removal and Preservation Plan addressing Section 4.600WC.

- G8. Review Criterion:** B. Building Location and Orientation: New buildings shall have at least one principal building entrance oriented towards the Day Road frontage. All building elevations fronting on Day Road or on the frontage on corner lots as described in (.05) above, shall have at least 20% glazing.

Finding: This criterion is satisfied.

Details of Finding: Proposed is one principal door entrance at the east end of the proposed UMS building with a covered canopy. Though it does not face directly to SW Day Road it is easily identified with a canopy and plaza like approach from SW Day Road.

- G9. Review Criteria:** C. Setbacks:

1. Front Yard: For public health and safety reasons, the front yard setback shall be 30' plus additional setback (15' minimum) to accommodate future improvements to Day Road.

2. Side and rear setbacks shall be 30'. Side and rear yard setbacks may be reduced from the 30' minimum setback requirement where the setback is adjacent to industrial development subject to meeting other requirements of this section and Building Code requirements.

Finding: These criteria are satisfied.

Details of Finding: The front yard distance to the proposed ~~UMS~~ **UHS** building at SW Day Road is 45 feet. The street side yard at SW Boones Ferry Road is approximately 80 feet. The rear (south) yard is 100'+ Feet. The west side is 100+ feet.

- G10. Review Criterion:** D. Building Height: A minimum building height of three stories, 48' is required. On the Day Road frontage and on frontages described in (.05) above. Sites may contain a combination of taller building space abutting the identified street frontages together with 1 or 2-story lab, R&D, and/or manufacturing building space on the remainder of the site. The 1 and 2-story portions of the buildings will be designed to be compatible with the taller structure's design, building materials and colors. Increased building height is encouraged, particularly in combination with site amenities such as under-structure parking, preservation of significant trees rated good or better in the arborist's report, and/or provision of trail segments or of open space areas open to the public.

Finding: This criterion is satisfied.

Details of Finding: In the findings in Request E and the applicants findings in Exhibit B1 regarding a waiver to the Day Road Overlay District minimum 48 foot building height to allow 38.4' on one portion of the building and dropping down to 28.4' on the remainder building measured to the top of parapet walls.

Sites may contain a combination of taller building space abutting the SW Boones Ferry Road (Gymnasium) together with 1-story lab and building space on the remainder of the site. The 1-story portion of the building is designed to be compatible with the taller structure's design, building materials and colors. The applicant is proposing site

amenities; hard-scape plaza, art sculpture, preservation of significant trees at the northeast corner of the property at SW Day Road and SW Boones Ferry Road.

G11. Review Criterion: E. Building Design:

1. Buildings shall be planned and designed to incorporate green building techniques wherever possible.

Finding: This criterion is satisfied.

Details of Finding: Green building techniques include lighter color roofing to reflect solar heat from the building, extra window glazing for greater R value, solar access at south building elevation and energy efficient HVAC system.

G12. Review Criteria: 2. Exterior Building Design: Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls that can be viewed from public streets or public spaces shall be designed using architectural features for at least 60% of the wall. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall. Possible techniques include:

- a. Vary the planes of the exterior walls in depth and/or direction.
- b. Vary the height of the building, so that it appears to be divided into distinct massing elements.
- c. Articulate the different parts of a building's facade by use of color, arrangement of facade elements, or a change in materials.
- d. Avoid blank walls at the ground-floor levels. Utilize windows, trellises, wall articulation, arcades, change in materials—textured and/or colored block or similar finished surface, landscape, or other features to lessen the impact of an otherwise bulky building.
- e. Define entries within the architecture of the building.
- f. Incorporate, if at all possible, some of the key architectural elements used in the front of the building into rear and side elevations where seen from a main street or residential district.

Finding: These criteria are satisfied.

Details of Finding:

- a. The planes of the proposed exterior walls have depth and/or direction are varied by recessing the center of the dining portion of the building.
- b. The height of the proposed UHS building is divided into two distinct massing elements; 1-story and 2-story.
- c. The proposed building architecture articulates the different parts of a building's facade by use of brick veneer (blends in brick color), arrangement of facade elements, or change in materials from brick veneer to horizontal cedar siding.
- d. To the greatest extent possible the proposed building architecture has avoided blank walls at the ground-floor levels. Large windows will be utilized, wall articulation is proposed, there will be change in materials—blends in brick color, attractive landscaping, and art/sculpture to lessen the impact of an otherwise bulky building.

e. The proposed primary building entrance will have a substantial structural canopy which would clearly define the entrance of the architecture of the building.

f. It is not entirely possible to incorporate some of the key architectural elements used on the front of the building facing SW Day Road from what would be viewed from the street side yard at SW Boones Ferry Road. The proposed UHS building has different functions in the north portion of the building facing SW Day Road including administrative, dining gymnasium and support services where the project architect has more architectural freedom with building massing and fenestration. The southerly portion of the building has nursing units and patient beds in a 1-story building layout having much smaller windows for privacy and security reasons.

G13. Review Criterion: 3. Building Color: All colors shall be harmonious and compatible with colors of other structures in the development and the natural surroundings. Concrete finishes must be painted. The general overall atmosphere of color must be natural tones. Stained wood, natural stone, brick, dark aluminum finishes, etc. shall be used as background colors. The use of corporate colors is permitted provided that such colors are not patterned so as to compete for visual attention. The use of corporate colors shall not create an advertisement of the building itself. Corporate colors shall not violate any other color or design limitations within the Code.

Finding: This criterion is satisfied.

Details of Finding: The proposed brick veneer will have ranges of brick color, stained horizontal cedar siding between floors at window storefronts, painted cement board siding and painted window surrounds. The colors are earth tone and would be harmonious with the natural surroundings comprising of existing trees that will be saved. Corporate colors are not proposed.

G14. Review Criteria: 4. Building façade articulation: Both vertical and horizontal articulation is required. If a building is at a corner, all facades must meet the requirement. Incorporation of several of the techniques is the preferred option. The purpose is not to create a standard rigid solution but rather to break up the mass in creative ways.

a. Horizontal articulation: Horizontal facades shall be articulated into smaller units. Appropriate methods of horizontal façade articulation include two or more of the following elements:

i. change of façade materials

ii. change of color

iii. façade planes that are vertical in proportion

iv. bays and recesses. breaks in roof elevation, or other methods as approved
Building facades shall incorporate design features such as offsets, projections, reveals, and/or similar elements to preclude large expanses of uninterrupted building surfaces. Articulation shall extend to the roof.

Finding: These criteria are satisfied.

Details of Finding:

- i. The proposed UHS building will have variety of exterior building materials including concrete masonry units, brick veneer, cedar, cement panels and window glazing.
- ii. The proposed brick veneer will have ranges of brick color, stained horizontal cedar siding between floors at window storefronts, painted cement board siding and painted window surrounds.
- iii. The proposed façade planes (walls and store front windows) are rectangular and vertical in proportion.
- iv. The proposed wall planes are made up of undulating building shapes of various sizes at all elevations. Those forms have breaks in 1-story and 2-story roof elevations. Other methods of building facades include design features such as a main entry canopy and reveals.

G15. Review Criteria: b. Vertical Facade Articulation: The purpose is to provide articulation, interest in design and human scale to the façade of buildings through a variety of building techniques. Multi-story buildings shall express a division between base and top. Appropriate methods of vertical façade articulation for all buildings include two or more of the following elements:

- i. Change of material.
- ii. Change of color, texture, or pattern of similar materials.
- iii. Change of structural expression (for example, pilasters with storefronts spanning between at the base and punched openings above)
- iv. Belt course
- v. The division between base and top shall occur at or near the floor level of programmatic division.
- vi. Base design shall incorporate design features such as recessed entries, shielded lighting, and/or similar elements to preclude long expanses of undistinguished ground level use
- vii. Differentiation of a building's base shall extend to a building's corners but may vary in height

Finding: These criteria are satisfied.

Details of Finding:

b. Vertical Facade Articulation: The purpose is to provide articulation, interest in design and human scale to the façade of buildings through a variety of building techniques. Multi-story buildings shall express a division between base and top. Appropriate methods of vertical façade articulation for all buildings include two or more of the following elements:

- i. The proposed UHS building will have variety of exterior building materials including concrete masonry units, brick veneer, cedar, cement panels and window glazing.
- ii. The proposed brick veneer will have ranges of brick colors, stained horizontal cedar siding between floors at window storefronts, painted cement board siding and painted window surrounds.

- iii. The change of structural expression is accomplished by strong vertical walls in brick veneer flanking large rectangular window store fronts. horizontal cedar siding between floors at window storefronts
- iv. The base or belt course of the proposed UHS building will be concrete masonry units.
- v. The proposed ~~UMS~~ UHS building is proposed at 2 stories and not a multi-story building that would have a division between base and top at or near the floor level of programmatic division.
- vi. The proposed UHS building base design incorporates design features such as a canopy entry, shielded lighting, horizontal and vertical articulation to preclude long expanses of undistinguished ground level use.
- vii. The proposed UHS building has differentiation of a building's base sand it extends to a building's corners but may vary in height.

G16. Review Criteria: 5. Building Materials:

- a. No less than 50% of the exterior exposed walls of any new building, or any expansion over 1,250 square feet, shall be constructed of noncombustible, non-degradable and low maintenance construction materials such as face brick, architectural or decorative block, natural stone, specially designed pre-cast concrete panels, concrete masonry units, concrete tilt panels, or other similar materials. Metal roofs may be allowed if compatible with the overall architectural design of the building. Where an elevation of the building is not currently, or will not likely in the future, be exposed to public view, the above standard does not apply.
- b. Accessory structures visible to the public shall be constructed of materials similar to or the same as the principal building(s) on the site.

Finding: These criteria are satisfied.

Details of Finding:

- a. More than 50% of the exterior exposed walls of the proposed UHS building will be constructed of noncombustible brick veneer, cement concrete panels and window glazing which are non-degradable and low maintenance construction materials.
- b. Accessory structures are not proposed.

G17. Review Criteria: 6. Roof Design:

- a. Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate for the architectural design of the building. Variations within an architectural style are highly encouraged. Visible rooflines and roofs that project over the exterior wall of buildings, and especially over entrances, are highly encouraged.
- b. Mechanical Equipment and Service Areas: Mechanical equipment and service areas shall be screened from adjacent properties, from Day Road and on Day Road corner properties abutting SW Boones Ferry Road, Kinsman Road, Garden Acres Road and Grahams Ferry Road. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units,

trash enclosures, dumpsters, loading docks and service yards. Such screening shall blend visually with the related structure.

Finding: These criteria are satisfied.

Details of Finding: The UHS roofs are designed to hidden behind moderate to high parapet walls intended to reduce the apparent exterior mass of a building, add a taller building appearance visual interest and be appropriate for the architectural design of the building. There are variations of 1 story and 2 story building heights within. There will be a visible canopy roofline that would project over the exterior wall of building, and especially over the primary building entrance.

b. Mechanical Equipment and Service Areas: Mechanical equipment and service areas will be screened by parapet walls and HVAC fence screening from adjacent properties, from SW Day Road and SW Boones Ferry Road. Such screening must blend visually with the related structure.

G18. Review Criteria: 7. Pedestrian Walkways:

a. A continuous pedestrian walkway shall be provided from the primary entrance to the sidewalk along Day Road for access to building entrances and to transit facilities.

b. Walkways from parking areas to building entrances shall be at least six (6) feet in width, and shall be separated from moving vehicles. Walkways shall be distinguished from vehicular areas through the use of special pavers, bricks, scored concrete or similar materials providing a clear demarcation between pedestrian and vehicular traffic.

c. Buildings shall be connected with onsite walkways at least six (6) feet in width.

Finding: These criteria are satisfied.

Details of Finding: The applicant is proposing pedestrian access from the existing sidewalk at SW Day Road. Proposed is a walkway from parking areas to the westerly primary building entrance. It will be separated from moving vehicles. The walkway will be distinguished from vehicular areas through the use of scored concrete providing a clear demarcation between pedestrian and vehicular traffic.

G19. Review Criterion: 8. Community Amenities: Community amenities such as patio seating, water features, art work or sculpture, clock towers, pedestrian plazas with park benches, connections to area trails, parks and open spaces, and similar amenities are strongly encouraged.

Finding: This criterion is satisfied.

Details of Finding: The proposed development will be on private property and the nature of the use is a behavioral health facility with adult inpatient crisis stabilization services and mental health programs, inpatient child and adolescent services, inpatient geriatric services, autism programs, women's programs, substance abuse treatment, behavioral pain management, as well as outpatient services. Thus UHS has high degree of privacy and security protocol to not have unlimited access by the general public. However, the applicant is proposing direct pedestrian access at SW Day Road and from the parking lot to the primary entrance at the west side of the building. At that entrance there will be a

court yard with bench seating. Also proposed is a sculpture at the northeast corner of the project site facing the intersection of SW Day Road and SW Boones Ferry Road.

- G20. Review Criterion:** 9. Lighting and Flag Poles: All lighting shall be shielded and directed interior to the site, including parking lot lighting. Lighting shall not spill over onto adjacent properties. Light poles, light fixtures and flagpoles shall conform to the City's Outdoor Lighting Standards. Flagpoles shall not exceed 40' in height.

Finding: This criterion is satisfied.

Details of Finding: The project site is within Lighting Zone 2 (LZ2) and the proposed outdoor lighting systems are reviewed under the standards of this lighting zone. See the applicant's detailed analysis for exterior lighting in Exhibit B1.

- G21. Review Criterion:** 10. Signage: Signage shall include a monument sign on the Day Road frontage identifying the industrial/business park and buildings therein. Each building may have wall signage, and such other directional and informational signage as allowed by WC 4.156.05, 4.156.08, and 4.156.09. Pole signs are prohibited. The design of signage must be integrated into the overall architectural and site design for the project.

Finding: This criterion is satisfied.

Details of Finding: See Request I for the detailed analysis of the proposed signs.

- G22. Review Criterion:** 11. Parking: Employee parking shall be located at the rear of the building, or in courtyard parking areas between buildings. If no other option is available due to site limitations, then employee parking may be located to the side of buildings. Time and number limited visitor parking is allowed at the front of the building. Within a Stage I master plan, employee parking may be combined in a shared facility or facilities with mutual use agreements. Any parking areas visible from Day Road shall be screened from view with broadleaf evergreen or coniferous shrubbery and/or architectural walls or berms.

Finding: This criterion is satisfied.

Details of Finding: Proposed parking would be located at the west side and south sides (rear) of the proposed UHS building which would be partially visible from SW Day Road and SW Boones Ferry Road.

- G23. Review Criterion:** (.06) Infill construction. The following general rules shall be followed when constructing a new building adjacent to existing industrial/employment buildings built under the Day Road DOD. Adjacent includes buildings north of Day Road built under the Day Road DOD.

Finding: This criterion is not applicable.

Details of Finding: The proposed UHS building is the first site development project to be reviewed under the Day Road DOD design standards so it is not an infill project. Thus, this criterion is not applicable.

Landscaping*Subsection 4.176 (.02) B. Landscape Standards and Compliance with Code*

G24. Review Criterion: “All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length”

Finding: This criterion is satisfied.

Details of Finding: The project landscape architect, Walker/Macy, is highly regarded for their landscape designs that respond to the natural environment. Key to this project is to have attractive landscaping along SW Day Road which requires the most attention. Proposed are a variety of narrow bands of ground covers, sedges and shrubs. Retained trees are incorporated into the landscape plan. As shown in their submitted landscape plans (Plan Sheets L-100 and L-101 of Exhibit B1). No waivers or variances to landscape standards have been requested. Thus all landscaping and screening must comply with standards of this section.

Subsections 4.176 (.02) C. through I. Landscape Standards-Intent and Required Materials

G25. Review Criterion: These subsections identify the various landscaping standards, including the intent of where they should be applied, and the required materials.

Finding: This criterion is satisfied.

Details of Finding: The minimum or higher standard has been applied throughout different landscape areas of the site and landscape materials are proposed to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage II Final Plan which includes a thorough analysis of the functional application of the landscaping standards.

Subsection 4.176 (.03) Landscape Area and Locations

G26. Review Criteria: “Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.”

Finding: These criteria are satisfied.

Details of Finding: Consistent with the proposed Stage II Final Plan for the site, applicant's Plan Sheets L-100 and L-101 in Exhibit J of Exhibit B1 indicates new landscaping will cover 39% and undisturbed native area at 17% of the site. Landscaping is proposed in a variety of different areas. Planting areas are provided around the proposed building. A wide variety of plants have been proposed to achieve a professional design. The design includes consideration of using native plants and trees, including use of Western sword fern, Vine Maple, Western red cedar and Douglas-fir.

Subsection 4.176 (.04) Buffering and Screening

G27. Review Criteria: "Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

- A. All intensive or higher density developments shall be screened and buffered from less intense or lower density developments.
- B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. Multi-family developments shall be screened and buffered from single-family areas.
- C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.
- D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.
- E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.
- F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fence-line shall require Development Review Board approval."

Finding: These criteria are satisfied.

Details of Finding: The project site is not adjacent to residential areas. All exterior, roof and ground mounted, mechanical and utility equipment will be screened from ground level off-site view from adjacent streets or properties. The proposed back-up generators will be in a building attached to the main UHS building. Consistent with the proposed Stage II Final Plan, adequate screening is proposed.

Subsection 4.176 (.06) A. Plant Materials-Shrubs and Groundcover

Review Criteria: This subsection establishes plant material and planting requirements for shrubs and ground cover.

Finding: This criterion is satisfied.

Details of Finding: The condition of approval requires that the detailed requirements of this subsection are met.

Subsection 4.176 (.06) B. Plant Materials-Trees

G28. Review Criteria: This subsection establishes plant material requirements for trees.

Finding: This criterion is satisfied.

Details of Finding: The plants material requirements for trees will be met as follows:

- The applicant's planting plan (Plan Sheets L-101 of Exhibit B1) shows all trees as B&B (Balled and Burlapped)
- Plant materials installed will conform in size and grade to "American Standard for Nursery Stock" current edition."
- The applicant's planting plan lists tree sizes meeting requirements.

Subsection 4.176 (.06) C. Plant Materials-Large Buildings

G29. Review Criterion: "Where a proposed development includes buildings larger than twenty-four (24) feet in height or greater than 50,000 square feet in footprint area, the Development Review Board may require larger or more mature plant materials:" Listed 1.-3.

Finding: This criterion is satisfied.

Details of Finding: Appropriate plant materials are provided for the development no requirements for larger or more mature trees are recommended.

Subsection 4.176 (.06) D. Plant Materials-Street Trees

G30. Review Criterion: This subsection establishes plant material requirements for street trees.

Finding: This criterion is satisfied.

Details of Finding: SW Day Road: Street trees were planted with the reconstruction of SW Day Road when Coffee Creek Prison was built. They are planted within *a* five (5) *foot* planting strip. SW Boones Ferry Road: 3" minimum caliper streets trees are required for arterial streets. SW Boones Ferry Road is a major arterial. In the event the overhead electric power lines along the frontage of the project site in SW Boones Ferry Road are installed underground as part of the City Public Works Permit, the Applicant/Owner shall plant 3" caliper, deciduous street trees. See Condition PDG 8.

Subsection 4.176 (.06) E. Types of Plant Species

G31. Review Criterion: This subsection discusses use of existing landscaping or native vegetation, selection of plant materials, and prohibited plant materials.

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided sufficient information in their landscape plan (Plan Sheets L-100 and L-101) showing the proposed landscape design meets the standards of this subsection.

Subsection 4.176 (.06) F. Tree Credit

G32. Review Criteria: “Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows:

Existing trunk diameter	Number of Tree Credits
18 to 24 inches in diameter	3 tree credits
25 to 31 inches in diameter	4 tree credits
32 inches or greater	5 tree credits:”

Maintenance requirements listed 1. through 2.

Finding: These criteria are satisfied.

Details of Finding: The applicant is not requesting any of preserved trees be counted as tree credits pursuant to this subsection.

Subsection 4.176 (.06) G. Exceeding Plant Material Standards

G33. Review Criterion: “Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met.”

Finding: This criterion is satisfied.

Details of Finding: The selected landscape materials do not violate any height or visions clearance requirements.

Subsection 4.176 (.07) Installation and Maintenance of Landscaping

G34. Review Criterion: This subsection establishes installation and maintenance standards for landscaping.

Finding: This criterion is satisfied.

Details of Finding: The installation and maintenance standards are or will be met as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- Note 3 on the applicant’s Plan Sheet L-101 states plants will be irrigated by an automatic, underground system.

Subsection 4.176 (.09) Landscape Plans

G35. Review Criterion: “Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated.”

Finding: This criterion is satisfied.

Details of Finding: Applicant's Plan Sheets L-100 and L-101 provides the required information.

Subsection 4.176 (.10) Completion of Landscaping

G36. Review Criterion: "The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review."

Finding: This criterion is satisfied.

Details of Finding: The applicant has not requested to defer installation of plant materials.

Section 4.179 Mixed Solid Waste and Recyclables Storage

G37. Review Criterion: This section establishes standards for mixed solid waste and recyclables storage in new multi-family residential and non-residential buildings.

Finding: This criterion is satisfied.

Details of Finding: The required storage area is shown on the Site Plan Exhibit I and the building plan in Exhibit H of Exhibit B1. The standard required for the facility is 258 sq. ft. The site will provide 895 sq. ft.

Outdoor Lighting

Sections 4.199.20 and 4.199.60 Applicability of Outdoor Lighting Standards and Major Additions

G38. Review Criterion: Section 4.199.20 states that the outdoor lighting ordinance is applicable to "Installation of new exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas" and "Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas." In addition the exempt luminaires and lighting systems are listed. Section 4.199.60 identifies the threshold for major additions.

Finding: This criterion is satisfied.

Details of Finding: A new exterior lighting system is being installed for a new development. The Outdoor Lighting standards are thus applicable.

Section 4.199.30 Outdoor Lighting Zones

G39. Review Criterion: “The designated Lighting Zone as indicated on the Lighting Overlay Zone Map for a commercial, industrial, multi-family or public facility parcel or project shall determine the limitations for lighting systems and fixtures as specified in this Ordinance.”

Finding: This criterion is satisfied.

Details of Finding: The project site is within LZ2 and the proposed outdoor lighting systems are reviewed under the standards of this lighting zone.

Subsection 4.199.40 (.01) A. Performance or Prescriptive Option for Compliance

G40. Review Criteria: “All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option.

Finding: These criteria are satisfied.

Details of Finding: The applicant has elected to comply with the Performance Option and is demonstrated in the lighting plans shown in Exhibit K of Exhibit B1.

Subsection 4.199.40 (.02) D. Lighting Curfew

G41. Review Criteria: “All prescriptive or performance based exterior lighting systems shall be controlled by automatic device(s) or system(s) that:

1. Initiate operation at dusk and either extinguish lighting one hour after close or at the curfew times according to Table 10; or
2. Reduce lighting intensity one hour after close or at the curfew time to not more than 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code unless waived by the DRB due to special circumstances; and
3. Extinguish or reduce lighting consistent with 1. and 2. above on Holidays.

The following are exceptions to curfew:

- a. Exception 1: Building Code required lighting.
- b. Exception 2: Lighting for pedestrian ramps, steps and stairs.
- c. Exception 3: Businesses that operate continuously or periodically after curfew.

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDG7.

Details of Finding: The applicant did not state that the lighting will be controlled by an automatic device to reduce lighting to not more than 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code.

Sections 4.199.40 4.199.50 Outdoor Lighting Standards Submittal Requirements

G42. Review Criteria: These sections identify the Outdoor Lighting Standards for Approval and Submittal Requirements.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided the necessary information consistent with this section.

Site Design Review

Subsections 4.400 (.01) and 4.421 (.03) Excessive Uniformity, Inappropriateness of Design, Etc.

G43. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.”

Finding: These criteria are satisfied.

Explanation of Finding:

Excessive Uniformity: A variety of signs are proposed which do not create excessive uniformity.

Inappropriate or Poor Design of Signs: Signs are typical of the type of development proposed found to be appropriate throughout the City.

Lack of Proper Attention to Site Development: The appropriate professional services have been used to design the site in relation to signs

Lack of Proper Attention to Landscaping: Appropriate landscaping is placed around freestanding and monument signs.

Subsections 4.400 (.02) and 4.421 (.03) Purposes of Objectives of Site Design Review

G44. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:” Listed A through J. including D. which reads “Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;”

Finding: These criteria are satisfied.

Explanation of Finding: It is staff’s professional opinion that the signs comply with the purposes and objectives of site design review, especially objective D. which specifically mentions signs. The proposed signs are of a scale and design appropriately related to the subject site and the appropriate amount of attention has been given to visual appearance.

Subsection 4.421 (.01) Site Design Review-Design Standards

G45. Review Criteria: This subsection lists the design standards for Site Design Review. Listed A through G is applicable to this application.

Finding: These criteria are satisfied.

Explanation of Finding: There is no indication that the size, location, design, lighting or material of the proposed building would detract from the design of the building and the surrounding properties.

Subsection 4.421 (.02) Applicability of Design Standards to Signs

G46. Review Criteria: “The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.”

Finding: These criteria are satisfied.

Explanation of Finding: Design standards have been applied to exterior signs, as applicable.

Subsection 4.421 (.05) Site Design Review-Conditions of Approval

G47. Review Criterion: “The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code.”

Finding: This criterion is satisfied.

Explanation of Finding: No additional conditions of approval are recommended to ensure the proper and efficient functioning of the development in relation to signs.

Subsection 4.421 (.06) Color or Materials Requirements

G48. Review Criterion: “The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.”

Finding: This criterion is satisfied.

Explanation of Finding: Staff does not recommend any additional requirements for materials or colors for the proposed signs.

Section 4.430 Design of Trash and Recycling Enclosures

G49. Review Criteria: “The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code.” Listed (.02) A. through (.04) C.

Finding: These criteria are satisfied.

Details of Finding: Sheet A002 of Exhibit B1 shows an enclosure meeting all the standards listed in this Section. The enclosure has also been approved by the franchise solid waste hauler. See Exhibit B3.

Section 4.440 Site Design Review-Procedures

G50. Review Criteria: “A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:” Listed A through F.

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has submitted a sign plan as required by this section.

Site Design Review

Subsection 4.400 (.01) and Subsection 4.421 (.03) Excessive Uniformity, Inappropriateness of Design, Etc.

G51. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.”

Finding: These criteria are satisfied.

Explanation of Finding: Staff summarizes the compliance with this subsection as follows:

Excessive Uniformity: The UHS building has architectural form to match the Day Road Design Overlay District (DOD) design standards.

Inappropriate or Poor Design of the Exterior Appearance of Structures: The proposed UHS building is professionally designed with attention given meeting the Day Road Design Overlay District (DOD) design standards and building a quality building.

Inappropriate or Poor Design of Signs: Signs have been professionally designed, and has found in Request I, meet the standards for design in relation to architecture and landscaping on the site.

Lack of Proper Attention to Site Development: The appropriate professional services have been used to design the site incorporating unique features of the site including site size and shape and available access, demonstrating appropriate attention being given to site development.

Lack of Proper Attention to Landscaping: Landscaping is provided exceeding the area requirements, has been professionally designed by a landscape architect, and includes a variety of plant materials, all demonstrating appropriate attention being given to landscaping.

Subsection 4.400 (.02) and Subsection 4.421 (.03) Purposes of Objectives of Site Design Review

G52. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:” Listed A through J.

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has demonstrated compliance with the listed purposes and objectives. In short, the proposal provides a high quality design appropriate for the site and its location in Wilsonville, including meeting the Day Road Design Overlay District (DOD) design standards.

Section 4.420 Site Design Review-Jurisdiction and Power of the Board

G53. Review Criterion: The section states the jurisdiction and power of the Development Review Board in relation to site design review including the application of the section, that development is required in accord with plans, and variance information.

Finding: This criterion is satisfied.

Details of Finding: A condition of approval has been included to ensure construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. No building permits will be granted prior to development review board approval. No variances are requested from site development requirements.

Subsection 4.421 (.01) Site Design Review-Design Standards

G54. Review Criteria: “The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards.”

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided sufficient information demonstrating compliance with the standards of this subsection. Among the information provided is a written response to these standards in the applicant’s notebook, Exhibit B1.

Subsection 4.421 (.02) Applicability of Design Standards to Various Site Features

G55. Review Criteria: “The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.”

Finding: These criteria are satisfied.

Details of Finding: Design standards have been applied to the UHS building and other site features.

Subsection 4.421 (.03) Objectives of Section 4.400 Serve as Additional Criteria and Standards

G56. Review Criterion: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.”

Finding: This criterion is satisfied.

Details of Finding: The purposes and objectives in Section 4.400 are being used as additional criteria and standards.

Subsection 4.421 (.05) Site Design Review-Conditions of Approval

G57. Review Criterion: “The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code.”

Finding: This criterion is satisfied.

Details of Finding: No additional conditions of approval are recommended to ensure the proper and efficient functioning of the development.

Subsection 4.421 (.06) Color or Materials Requirements

G58. Review Criterion: “The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.”

Finding: This criterion is satisfied.

Details of Finding: It is the professional opinion of staff that the proposed coloring is appropriate for the proposed UHS building and no additional requirements are necessary.

Section 4.430 Design of Trash and Recycling Enclosures

G59. Review Criteria: “The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code.” Listed (.02) A. through (.04) C.

Finding: These criteria are satisfied.

Details of Finding: Trash and mixed solid waste will be inside the building next to a loading area meeting with all the standards listed in this Section and approved by the franchise solid waste hauler.

Section 4.440 Site Design Review-Procedures

G60. Review Criteria: “A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:” Listed A through F.

Finding: These criteria are satisfied.

Details of Finding: The applicant has submitted the required additional materials, as applicable.

Section 4.442 Time Limit on Approval

G61. Review Criterion: “Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

Finding: This criterion is satisfied.

Details of Finding: The applicant has indicated that they will pursue development within two (2) years and it is understood that the approval will expire after 2 years if a building permit hasn’t been issued unless an extension has been granted by the board.

Subsection 4.450 (.01) Landscape Installation or Bonding

G62. Review Criterion: “All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant.”

Finding: This criterion can be satisfied.

Details of Finding: The condition of approval will assure installation or appropriate security at the time occupancy is requested.

Subsection 4.450 (.02) Approved Landscape Plan Binding

G63. Review Criterion: “Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, as specified in this Code.”

Finding: This criterion will be satisfied.

Details of Finding: The condition of approval shall provide ongoing assurance this criterion is met.

Subsection 4.450 (.03) Landscape Maintenance and Watering

G64. Review Criterion: “All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.”

Finding: This criterion will be satisfied.

Details of Finding: The condition of approval will ensure landscaping is continually maintained in accordance with this subsection.

Subsection 4.450 (.04) Addition and Modifications of Landscaping

G65. Review Criterion: “If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City’s development review process, that removal or modification must first be approved through the procedures of Section 4.010.”

Finding: This criterion will be satisfied.

Details of Finding: The condition of approval shall provide ongoing assurance that this criterion is met by preventing modification or removal without the appropriate City review.

SUMMARY FINDING FOR REQUEST G:

G66. The proposed Site Design Review Plan is consistent with Section 4.134 Day Road Design Overlay District.

REQUEST H: TYPE C TREE REMOVAL PLAN

Subsection 4.600.50 (.03) A. Access to Site for Tree Related Observation

H1. Review Criterion: “By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant’s property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed.”

Finding: This criterion is satisfied.

Details of Finding: It is understood the City has access to the property to verify information regarding trees.

Subsection 4.610.00 (.03) B. Type C Tree Removal Review Authority

H2. Review Criterion: “Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council.”

Finding: This criterion is satisfied.

Details of Finding: The requested removal is connected to site plan review by the Development Review Board for new development. The tree removal is thus being reviewed by the DRB.

Subsection 4.610.00 (.06) A. Conditions Attached to Type C Tree Permits

H3. Review Criterion: “Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;”

Finding: This criterion is satisfied.

Details of Finding: No additional conditions are recommended pursuant to this subsection.

Subsection 4.610.00 (.06) B. Completion of Operation

H4. Review Criterion: “Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:” “Fix a reasonable time to complete tree removal operations;”

Finding: This criterion is satisfied.

Details of Finding: It is understood the tree removal will be completed by the time construction of the UHS project is completed, which is a reasonable time frame for tree removal.

Subsection 4.610.00 (.06) C. Security

H5. **Review Criterion:** “Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:” “Require the Type C permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter. 1. This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.”

Finding: This criterion is satisfied.

Details of Finding: No bond is anticipated to be required to ensure compliance with the tree removal plan as a bond is required for overall landscaping.

Subsection 4.610.10 (.01) Standards for Tree Removal, Relocation or Replacement

H6. **Review Criteria:** “Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit:” Listed A. through J.

Finding: These criteria are satisfied.

Details of Finding: The standards of this subsection are met as follows:

- The proposed tree removal is not within the Significant Resource Overlay Zone
- The applicant states tree preservation was taken into consideration the preservation of trees on the site.
- Two significant wooded areas or trees would be preserved by practicable design alternatives.
- Land clearing will not exceed the permitted areas.
- It is understood the proposed development will comply with all applicable statutes and ordinances.
- The necessary tree replacement and protection is planned according to the requirements of the tree preservation and protection ordinance.
- Tree removal is limited, either as proposed or by condition of approval, to where it is necessary for construction or to address nuisances or where the health of the trees warrants removal.
- A tree survey has been provided.
- No utilities are proposed to be located where they would cause adverse environmental consequences.

Subsection 4.610.40 (.01) Type C Tree Plan Reviewed with Stage II Final Plan

H7. Review Criteria: “Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.”

Finding: These criteria are satisfied.

Details of Finding: The proposed Type C Tree Plan is being reviewed concurrently with the Stage II Final Plan.

Section 4.610.40 (.02) Submission of Tree Maintenance and Protection Plan

H8. Review Criteria: “The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:” Listed A. 1. through A. 7.

Finding: These criteria are satisfied.

Details of Finding: The applicant has submitted the necessary copies of a Tree Maintenance and Protection Plan. See the applicant’s notebook, Exhibit B1. The Arborist Report is in Exhibit B1. Tree locations are shown on Plan Sheet C101, Existing Conditions.

Subsection 4.620.00 (.01) Tree Replacement Requirement

H9. Review Criterion: “A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.”

Finding: This criterion is satisfied.

Details of Finding: 146 regulated trees were inventoried on the site and adjoining right-of-way areas. Tree species primary include Douglas fir, London planetree, and bigleaf maple. A number of trees are being preserved as a mature intact stand at the west end and northeast corner of the property. The applicant proposes removing 41 trees and 19 trees are situational, 76 retained trees.

The trees proposed as part of the site landscaping exceed the required mitigation. Up to seventy (70) regulated trees would be removed. (see Arborist's Report in Exhibit B1).

Subsection 4.620.00 (.02) Basis for Determining Replacement

H10. Review Criterion: "The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2") or more in diameter."

Finding: This criterion is satisfied.

Details of Finding: Trees are proposed to be planted meeting or exceeding one to one ratio. Trees will meet the minimum caliper requirement or will be required to by Condition of Approval.

Subsection 4.620.00 (.03) Replacement Tree Requirements

H11. Review Criteria: "A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.

A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better.

B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date.

C. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.

D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat."

Finding: These criteria are satisfied.

Details of Finding: The condition of approval will ensure the relevant requirements of this subsection are met.

Subsection 4.620.00 (.04) Replacement Tree Stock Requirements

H12. Review Criterion: "All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade."

Finding: This criterion is satisfied.

Details of Finding: The applicant has indicates the appropriate quality of trees will be planted.

Subsection 4.620.00 (.05) Replacement Trees Locations

H13. Review Criterion: “The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.”

Finding: This criterion is satisfied.

Details of Finding: The applicant proposes to mitigate for all removed regulated trees on site and in the appropriate locations for the proposed development.

Section 4.620.10 Tree Protection During Construction

H14. Review Criteria: “Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:” Listed A. through D.

Finding: These criteria are satisfied or will be satisfied by Condition of Approvals PDE 3 and PDE 4.

Details of Finding: The conditions of approval assure the applicable requirements of this Section will be met.

SUMMARY FINDING FOR REQUEST H:

H15. The proposed Class C Tree Removal Plan is consistent with Section 4.610.00 (.03).

REQUEST I: CLASS III SIGNS
Subsection 4.031 (.01) M. and Subsection 4.156.02 (.03) Review Process

I1. Review Criterion: These subsections establish that Class III Sign Permits are reviewed by the Development Review Board.

Finding: This criterion is satisfied.

Explanation of Finding: The application qualifies as a Class III Sign Permit and is being reviewed by the Development Review Board.

Subsection 4.156.02 (.06) Class III Sign Permits Generally

I2. Review Criterion: “Sign permit requests shall be processed as a Class III Sign Permit when associated with new development, or redevelopment requiring DRB review, and not requiring a Master Sign Plan; when a sign permit request is associated with a waiver or non-administrative variance; or when the sign permit request involves one or more freestanding or ground mounted signs greater than eight (8) feet in height in a new location.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposal is associated with new development requiring DRB review and does not require a Master Sign Plan as it involves a single tenant.

Subsection 4.156.02 (.06) A. Class III Sign Permit Submission Requirements

I3. Review Criterion: This subsection identifies submission requirements for Class III Sign Permits, which includes the submission requirements for Class II sign permits.

Finding: This criterion is satisfied.

Explanation of Finding: As indicated in the table below the applicant has satisfied the submission requirements:

Requirement	Submitted	Waiver Granted		Condition of Approval	Not Applicable	Additional findings/notes
		Info Already Available to City	Info Not Necessary for Review			
Completed Application Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sign Drawings or Descriptions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Documentation of Building/Tenant Space Lengths	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Drawings of Sign Placement of Building Facades	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Project Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Information on Any Requested Waivers or Variances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Subsection 4.156.02 (.06) B. Class III Sign Permit Review Criteria

“The review criteria for Class II Sign Permits plus waiver or variance criteria when applicable.”

Subsection 4.156.02 (.05) E. Class II Sign Permit Review Criteria: Generally and Site Design Review

- I4. **Review Criteria:** “Class III Sign Permits shall satisfy the sign regulations for the applicable zoning district and the Site Design Review Criteria in Sections 4.400 through 4.421,”

Finding: These criteria are satisfied.

Explanation of Finding: As indicated in Findings in Request G this criterion is met.

Subsection 4.156.02 (.05) E. 1. Class II Sign Permit Review Criteria: Compatibility with Zone

- I5. **Review Criterion:** “The proposed signage is compatible with developments or uses permitted in the zone in terms of design, materials used, color schemes, proportionality, and location, so that it does not interfere with or detract from the visual appearance of surrounding development;”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed signs are typical of and compatible with development within the PDI zone. This includes a design and colors reflecting corporate identity with non-illuminated letters and logos. The placement of building signs are for direction such as “Main Entrance” on window glazing. No evidence exists nor has testimony been received that the subject signs would detract from the visual appearance of the surrounding development.

Subsection 4.156.02 (.05) E. 2. Class II Sign Permit Review Criteria: Nuisance and Impact on Surrounding Properties

- I6. **Review Criterion:** “The proposed signage will not create a nuisance or result in a significant reduction in the value or usefulness of surrounding development;”

Finding: This criterion is satisfied.

Explanation of Finding: There is no evidence and no testimony has been received that the subject signs would create a nuisance or negatively impact the value of surrounding properties.

Subsection 4.156.02 (.05) E. 3. Class II Sign Permit Review Criteria: Items for Special Attention

- I7. **Review Criterion:** “Special attention is paid to the interface between signs and other site elements including building architecture and landscaping, including trees.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed signs are within an architectural feature, which demonstrates consideration of the interface between the signs and building architecture. No sign-tree conflicts have been noted.

Section 4.156.03 Sign Measurement

Subsection 4.156.03 (.01) A. Measurement of Cabinet Signs and Similar

- I8. **Review Criterion:** “The area for signs enclosed by cabinet, frame, or other background (including lighted surface) not otherwise part of the architecture of a building or structure shall be the area of a shape drawn around the outer dimension of the cabinet, frame, or background.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed monument ID and Industrial District signs are measured consistent with this subsection.

Subsection 4.156.03 (.01) B. Measurement of Individual Element Signs

- I9. **Review Criterion:** “The area for signs constructed of individual elements (letters, figures, etc.) attached to a building wall or similar surface or structure shall be the summed area of up to three squares, rectangles, circles, or triangles drawn around all sign elements.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed building signs have been measured consistent with this subsection using rectangles.

Subsection 4.156.03 (.02) A. Measurement of Sign Height Above Ground

- I10. **Review Criterion:** “The height above ground of a freestanding or ground-mounted sign is measured from the average grade directly below the sign to the highest point of the sign or sign structure except as follows:” Listed 1.-2.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed signs have been measured consistent with this subsection.

Subsection 4.156.03 (.03) A.-B. Measurement of Sign Height and Length

- I11. **Review Criteria:** “Height of a sign is the vertical distance between the lowest and highest points of the sign.”

Length of a sign is the horizontal distance between the furthest left and right points of the sign.”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed signs have been measured consistent with this subsection.

Subsection 4.156.08 (.01) Freestanding and Ground Mounted Signs in the PDC, PDI, and PF Zones, Subsection 4.156.08 (.01) A. General Allowance:

I12. **Review Criteria:** “One freestanding or ground mounted sign is allowed for the first two-hundred (200) linear feet of site frontage. One additional freestanding or ground mounted sign may be added for through and corner lots having at least two-hundred (200) feet of frontage on one street or right-of-way and one-hundred (100) feet on the other street or right-of-way.”

Finding: These criteria are satisfied.

Explanation of Finding: The subject site has frontage on both SW Day Road and SW Boones Ferry Road, and is eligible for signs on both frontages.

Subsection 4.156.08 (.01) B. Allowed Height

I13. **Review Criterion:** “The allowed height above ground of a freestanding or ground mounted sign is twenty (20) feet except as noted in 1-2 below.”

Finding: This criterion is satisfied.

Explanation of Finding: The ID sign and the Industrial District sign at 7 feet high, being in the Day Road Overlay Zone and not along I-5 frontage, is limited to 8 feet in height.

Subsection 4.156.08 (.01) C. Allowed Area

I14. **Review Criterion:** This subsection identifies the allowed area for freestanding signs.

Finding: This criterion is satisfied.

Explanation of Finding: The signs pertain to a single tenant with 62,000 square feet of gross floor area. Thus each freestanding sign is allowed to be up to 64 square feet. The proposed ID sign is 24.5 sq. ft. and the Industrial District sign is 6 sq. ft.

Subsection 4.156.08 (.01) D. Pole or Sign Support Placement

I15. **Review Criterion:** “Pole or sign support placement shall be installed in a full vertical position.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed ID monument sign and Industrial District sign support is in a full vertical position.

Subsection 4.156.08 (.01) G. Design of Freestanding Signs to Match or Complement Design of Buildings

I16. **Review Criterion:** “Freestanding and ground mounted signs shall be designed to match or complement the architectural design of buildings on the site.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed ID monument sign and Industrial District sign are set on a plain concrete bases. The bases will be partially screened by landscape material. The sign bases are of a coloring and material complementary of the building. The ID monument sign is consistent with the branding appearing in the building signs.

Subsection 4.156.08 (.01) H. Width vs. Height of Signs Over 8 Feet

I17. **Review Criterion:** “For freestanding and ground mounted signs greater than eight (8) feet in height, the width of the sign shall not exceed the height.”

Finding: This criterion is satisfied.

Explanation of Finding: The ID sign and Industrial District sign are 7 feet high less than 8 feet in height, and are much less in width than in height.

Subsection 4.156.08 (.01) J. Sign Setback

I18. **Review Criterion:** “Freestanding and ground mounted signs shall be no further than fifteen (15) feet from the property line and no closer than two (2) feet from a sidewalk or other hard surface in the public right-of-way.”

Finding: This criterion is satisfied.

Explanation of Finding: The ID sign at SW Day Road and the Industrial District sign at the corner of SWS Day Road and SW Boones Ferry Road will be field determined with the City Engineering Division.

Subsection 4.156.08 (.01) K. Address Requirement

I19. **Review Criterion:** “Except for those signs fronting Interstate 5, freestanding and ground mounted signs shall include the address number of associated buildings unless otherwise approved in writing by the City and the Fire District.”

Finding: This criterion will be satisfied by Condition of Approval PDI 2.

Explanation of Finding: A condition of approval requires the address unless otherwise approved by TVF&R.

Subsection 4.156.08 (.01) L. Design of Sign Based on Initial Tenant Configuration and Size

I20. **Review Criterion:** “When a sign is designed based on the number of planned tenant spaces it shall remain a legal, conforming sign regardless of the change in the number of tenants or configuration of tenant spaces.”

Finding: This criterion is satisfied.

Explanation of Finding: A development is being designed for a single tenant and the signs are being planned accordingly.

Subsection 4.156.08 (.02) Building Signs in the PDC, PDI, and PF ZonesSubsection 4.156.08 (.02) A. Sign Eligible Facades

I21. Review Criteria: “Building signs are allowed on a facade of a tenant space or single tenant building when one or more of the following criteria are met:

1. The facade has one or more entrances open to the general public;
2. The facade faces a lot line with frontage on a street or private drive with a cross section similar to a public street, and no other buildings on the same lot obstruct the view of the building facade from the street or private drive; or
3. The facade is adjacent to the primary parking area for the building or tenant.”

Finding: These criteria are satisfied.

Explanation of Finding: The facades are sign eligible as follows:

Façade	Sign Eligible	Criteria making sign eligible
North	Yes	Entrance open to general public
East	Yes	Entrance open to emergency vehicles.
South	No	No
West	Yes	No

Subsection 4.156.08 (.02) B. Building Sign Area Allowed

I22. Review Criteria: This subsection includes a table identifying the sign area allowed for facades based on the linear length of the façade. Exceptions are listed 2 through 5.

Finding: These criteria are satisfied.

Explanation of Finding: The proposed sign area is within the allowance for each façade or waivers have been requested as follows

Façade	Linear Length	Sign Area Allowed	Proposed Sign Area
North	Approx. 257 feet	36 sq. ft. plus 12 sq. ft. for each 24 linear feet or portion thereof greater than 72 up to maximum 200 sq. ft.	24.5 sf

East	Approx. 137 feet	36 sq. ft. plus 12 sq. ft. for each 24 linear feet or portion thereof greater than 72 up to maximum 200 sq. ft. 250 sf	6 sf
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Subsection 4.156.08 (.02) B. 6. Calculating Linear Length to Determine Sign Area Allowed.

I23. Review Criteria: “For facades of a single tenant building the length the facade measured at the building line, except as noted in a. and b. below. For multi-tenant buildings the width of the façade of the tenant space shall be measured from the centerline of the party walls or the outer extent of the exterior wall at the building line, as applicable, except as noted in a. and b. below. Applicants shall provide the dimensions needed to calculate the length. Each tenant space or single occupant building shall not be considered to have more than five (5) total facades.”

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has supplied the required measurements used to determine linear lengths according to this subsection.

Subsection 4.156.08 (.02) C. Building Sign Length Allowed

I24. Review Criterion: “The length of individual tenant signs shall not exceed seventy-five (75) percent of the length of the facade of the tenant space.”

Finding: This criterion is satisfied.

Explanation of Finding: None of the facades have signs exceeding seventy-five (75) percent of the length of the façade.

Subsection 4.156.08 (.02) D. Building Sign Height Allowed

I25. Review Criterion: “The height of building signs shall be within a definable sign band, fascia, or architectural feature and allow a definable space between the sign and the top and bottom of the sign band, fascia, or architectural feature.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed building signs are within a definable architectural feature and have a definable space between the sign and the top and bottom of the architectural feature.

Subsection 4.156.08 (.02) E. Building Sign Types Allowed

I26. Review Criterion: “Types of signs permitted on buildings include wall flat, fascia, projecting, blade, marquee and awning signs. Roof-top signs are prohibited.”

Finding: This criterion is satisfied.

Explanation of Finding: All the proposed buildings signs are wall flat, which is an allowable type.

Subsection 4.156.08 (.03) A. Additional Signs: Directional Signs

I27. Review Criteria: “Notwithstanding the signs allowed based on the site in (.01) and (.02) above, the following signs may be permitted, subject to standards and conditions in this Code:” “In addition to exempt directional signs allowed under Subsection 4.156.05 (.02) C. freestanding or ground mounted directional signs six (6) square feet or less in area and four (4) feet or less in height:

1. The signs shall be designed to match or complement the architectural design of buildings on the site;
2. The signs shall only be placed at the intersection of internal circulation drives; and
3. No more than one (1) sign shall be placed per intersection corner with no more than two (2) signs per intersection.”

Finding: These criteria are satisfied.

Explanation of Finding: Directional signs are proposed. Each sign is 5.83 square feet and 2’-6” high. The signs must be placed at the intersection of internal circulation drives.

SUMMARY FINDING FOR REQUEST I:

I28. The proposed signs are consistent with Section 4.156.

**Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon**

**Development Review Board – Panel B
MOTIONS–January 25, 2016 6:30 PM**

VI. Consent Agenda:

- A. Approval of minutes of November 23, 2015 meeting

Shawn O’Neil moved to approve the November 23, 2015 DRB Panel B meeting minutes as presented. Richard Martens seconded the motion, which passed unanimously.

VII. Public Hearing:

- A. Resolution No. 322. Universal Health Services: Universal Health Services, Inc., Willamette Valley Behavioral Health– Applicant.** The applicant is requesting approval of an Annexation of territory, a Comprehensive Plan Map Amendment from Washington County – Future Development – 20 District (FD-20) designation to City – Industrial designation, a Zone Map Amendment from Washington County – Future Development – 20 District (FD-20) to City – Planned Development Industrial – Regional Significant Industrial Area (PDI-RSIA) zone, a Stage I Preliminary Development Plan, Waivers, Stage II Final Plan, Site Design Review, Type ‘C’ Tree Plan and Signs for an 8.72 acre site. The subject site is located on Tax Lots 400, 500 and 501 of Section 2B, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon.

Case Files: DB15-0091 – Annexation
 DB15-0092 – Comprehensive Plan Map Amendment
 DB15-0093 – Zone Map Amendment
 DB15-0094 – Stage I Preliminary Plan (Master Plan)
 DB15-0095 – Two (2) Waivers
 DB15-0096 – Stage II Final Plan
 DB15-0097 – Site Design Review
 DB15-0098 – Type C Tree Plan
 DB15-0099 – Class III Signs

The DRB action on the Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment is a recommendation to the City Council.

The following exhibits were entered into the record:

- **Exhibit D1:** Email correspondence between Tualatin resident Grace Lucini, the Cities of Tualatin and Wilsonville Planning Staffs, and City Development Engineering Manager, Steve Adams dated January 14, 2016 through January 20, 2016.
- **Exhibit D2:** Memorandum dated January 22, 2016 from Planning Director Chris Neamtzu noting corrections to the Staff report.
- **Exhibit D3:** Five new color renderings dated January 25, 2016 submitted by the Applicant, featuring the view east on Day Rd, the entryway, the view from Boones Ferry Rd looking south and to the north, and the gateway.
- **Exhibit D4:** Email dated January 25, 2016 from Kenneth Sandblast, Director, Land Use Planning, Westlake Consultants, requesting two clarifications regarding Conditions PF13 and PDG7.

Shawn O'Neil moved to approve Resolution No 322, adopting the Staff report dated January 14, 2016 as amended by Exhibit D2, in which the changes to Conditions PF13 and PDG7 from Exhibit D4 were incorporated, with the addition of Exhibits D1 and D3, and recommending the installation of two electric vehicle charging stations. Dianne knight seconded the motion, which passed unanimously.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: February 18, 2016	Subject: Resolution No. 2565 Tenth Amendment to the Year 2000 Urban Renewal Area (A Minor Amendment) Staff Member: Nancy Kraushaar, PE Department: Community Development	
Action Required	Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input 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 checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: Staff recommends Council adopt Resolution No. 2565.		
Recommended Language for Motion: I move to approve Resolution No. 2565.		
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>		
<input checked="" type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

The Wilsonville City Council is being asked to adopt a resolution approving a minor amendment to the Year 2000 Urban Renewal Plan to reduce acreage, add acreage, and add one project (the “Old Town Escape”).

EXECUTIVE SUMMARY:

On November 7, 2014, the Wilsonville City Council adopted the October 27, 2014 Urban Renewal Strategic Plan (the “Strategic Plan”) which recommends:

- Removing acreage from existing urban renewal areas in order to be able to create a new urban renewal area in Coffee Creek Industrial Area;
- Moving the “Old Town Escape” Project from the West Side Urban Renewal Plan to the Year 2000 Urban Renewal Plan to enable completion of the project;
- Reallocating funding for “livability projects” to Town Center planning.

This type of amendment is considered a minor Council Approved Amendments pursuant to Section 1200 of the Plan. Resolution No. 2565, attached hereto, adopts the proposed amendment to the Year 2000 UR Plan. The resolution includes Exhibit A that provides the text for the Tenth Amendment and Exhibit B, the Report on the Tenth Amendment.

EXPECTED RESULTS:

Upon adoption, the boundary of the Year 2000 Urban Renewal Area will be modified to remove and add property (as indicated in Exhibit B to the resolution, which includes maps of the tax lots to be added and removed from the boundary). Additionally, upon adoption of this resolution the “Old Town Escape” project, which has been removed from the West Side Urban Renewal Plan, will be added to the Year 2000 Plan. These actions will free up acreage to allow the creation of an urban renewal area in Coffee Creek Industrial Area and provide \$7 million for the “Old Town Escape” project implementation between Boones Ferry Road and Kinsman Road.

TIMELINE:

This amendment will not become effective until after the Second Amendment to the West Side Urban Renewal Plan goes into effect. On February 1, 2016, the City Council adopted on second reading Ordinance 783 which enacted the amendment to become effective 30 days thereafter. The resolution states that the 10th amendment will become effective on March 2, 2016. Termination of this Plan is anticipated for 2019/2020.

CURRENT YEAR BUDGET IMPACTS:

N/A

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 2/3/16

This minor amendment and parcel removals are not anticipated to impact the tax increment collected. The District currently “under-levies”, meaning that it collects less than it could, because the need for incremental tax revenue is fixed at \$4,200,000.

LEGAL REVIEW / COMMENT:

Reviewed by: BJ Date: 2/8/16

COMMUNITY INVOLVEMENT PROCESS:

The Urban Renewal Task Force was organized to develop a city-wide urban renewal strategy for Wilsonville. The actions found in the resolution being considered are identified in the October 2014 Urban Renewal Strategic Plan.

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

The Tenth Amendment to the Year 2000 UR Plan is expected to provide well-thought out benefit

to industrial and employment growth in the City of Wilsonville as well as efficient financing measures to provide important planning and infrastructure work while preparing for the closure of the Year 2000 Urban Renewal Plan.

ALTERNATIVES:

N/A

CITY MANAGER COMMENT:

ATTACHMENTS:

Resolution No. 2565 – To Amend the Year 2000 Urban Renewal Plan to Add Property, Remove Property, and Add A Project, the Tenth Amendment

RESOLUTION NO. 2565

A RESOLUTION OF THE CITY OF WILSONVILLE TO AMEND THE YEAR 2000 URBAN RENEWAL PLAN TO ADD PROPERTY, REMOVE PROPERTY AND ADD A PROJECT, THE TENTH AMENDMENT

WHEREAS, the Year 2000 Urban Renewal Plan (“Original Plan”) was adopted by the Wilsonville City Council (the “City Council”) on August 29, 1990 by Ordinance No.373 to provide tax increment funding and urban renewal authority to foster the development and redevelopment to protect the public health, safety, and welfare of the City of Wilsonville; and

WHEREAS, the Original Plan has been subsequently amended by the City Council nine times (as amended, the "Plan"); and

WHEREAS, on November 7, 2014, the City of Wilsonville City Council adopted the October 27, 2014 Urban Renewal Strategic Plan (the “Strategic Plan”); and

WHEREAS, the Strategic Plan recommends moving the “Old Town Escape” project from the West Side Urban Renewal Plan to the Plan to enable completion of the project and reallocating funding from “livability projects” to Town Center planning; and

WHEREAS, the Wilsonville Urban Renewal Agency (“Agency”), the duly organized and acting urban renewal agency of the City of Wilsonville has prepared an amendment to the Plan (the "Tenth Amendment") to add property to complete the “Old Town Escape” project, add the “Old Town Escape” project and delete property for the purposes of putting property back on the general tax rolls, which is attached to this resolution as Exhibit A and incorporated herein by this reference; and

WHEREAS, the area to be added to and removed from the Year 2000 Urban Renewal Plan is identified in the Report on the Year 2000 Plan, attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, the Tenth Amendment is being adopted as a Council Approved Amendment pursuant to Section 1200 of the Plan. Section 1200 requires City Council approval if the Agency undertakes a Minor Amendment that alters the Goals and Objectives of The Plan. While there is a goal that addresses transportation projects, the Agency desired to have Council approval on the amendment as it was directed under implementation of the City Council approved Strategic Plan.

The Agency has complied with all of the requirements for adoption of the Amendment under the Plan and

WHEREAS, this amendment will not become effective until March 2, 2016 after the Second Amendment to the West Side Urban Renewal Plan goes into effect because they are they are interrelated by moving the “Old Town Escape” from the West Side to Year 2000 Urban Renewal Areas. On February 1, 2016, the City Council adopted on second reading Ordinance 783 which enacted that West Side amendment to become effective 30 days thereafter.

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

1. Based on the above recitals, the City of Wilsonville does hereby adopt the Tenth Amendment to the Year 2000 Urban Renewal Plan and the Report on the Year 2000 Plan attached hereto as Exhibits A and B and incorporated herein by this reference.

2. Agency does hereby direct that the Tenth Amendment to the Year 2000 Urban Renewal Plan be forwarded to the Wilsonville City Council for adoption.

3. This resolution becomes effective on March 2, 2016.

ADOPTED by the Wilsonville Urban Renewal Agency at a special meeting thereof this 18th day of February, 2016 and filed with the Wilsonville City Recorder this date.

TIM KNAPP, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Councilor Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan

ATTACHMENTS:

Exhibit A – Tenth Amendment to the Year 2000 Urban Renewal Plan Plan Amendment
Exhibit B – Report on the Tenth Amendment to the Year 2000 Plan

Year 2000 Urban Renewal Plan - Council Approved Amendment – Tenth Amendment

The following changes are made to the Year 2000 Urban Renewal Plan. Deletions are shown in ~~crossout~~ and additions are shown in *italics*.

Section 100 - Introduction

The Year 2000 Plan ~~is a~~ *was originally* a 856.92 acre, Urban Renewal Plan of the City of Wilsonville, Oregon. *It was adopted by Ordinance No. 273 in 1990.*

The Urban Renewal Area is located entirely within the incorporated City of Wilsonville, Clackamas County, Oregon. The Urban Renewal Area consists of a single geographic area with an estimated total taxable 1989-90 true cash value of \$30,327,560. *The 2015/16 assessed value as designated by the Clackamas County Assessor is \$425,179,742.*

There have been numerous amendments to the urban renewal plan, all incorporated into the Plan. Minor amendments approved under URA Resolutions 32 and 59 added 11.22 acres to the Plan Area. URA Resolutions 99,102,118, 176 and 2440 removed acreage and added a small amount of acreage resulting in an overall acreage of 570 acres. The 2015 Amendment will further reduce acreage by 116.4 acres, deleting 120.9 acres and adding 4.5 acres for the Old Town Escape project, resulting in 454 acres in the Area.

Section 300 - Legal Description Boundary

Section 301 Exhibit A - Narrative Legal Description of Urban Renewal Area – *replaced in its entirety.*

Section 302 - Exhibit B - Graphic (Map) Description of Urban Renewal Area – *replaced in its entirety*

Section 403 - Relationship of Plan to Local Objectives

Section 404 - Consistency of City's Comprehensive Plan

Transportation:

GOAL 3.2: To encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation.

Policy 3.2.1 To provide for safe and efficient vehicular, transit, pedestrian and bicycle access and circulation.

Implementation Measure 3.3.1.a. Encourage a balance among housing, employment, and commercial activities within the City so more people are able to live and work within Wilsonville, thereby reducing cross-jurisdictional commuting.

Implementation Measure 3.3.2.a. Provide pedestrian and bicycle connections between residential neighborhoods and major commercial, industrial, and recreational activity centers

throughout the city, as shown in the Bicycle and Pedestrian Master Plan. Coordinate the system of pathways planned by adjacent jurisdictions to allow for regional travel.

Implementation Measure 3.3.2.b. Concrete sidewalks will be provided on both sides of all streets unless waived when alternative provisions are found to adequately address pedestrian needs.

Implementation Measure 3.3.2.c. Transportation facilities shall be ADA-compliant.

Implementation Measure 3.3.2.d. Fill gaps in the existing sidewalk and off-street pathway systems to create a continuous network of safe and accessible bicycle and pedestrian facilities.

The Tenth Amendment is in conformance with the Transportation section of the Comprehensive Plan as the project to be added to the Plan is a transportation project to allow for a more efficient transportation system and to complete the transportation system in the Area.

Section 405 - Consistency with Economic Development Policy

The City of Wilsonville Economic Development Strategy was adopted in August of 2012. It specified ten key actions, one of which was to

Action 3.1 Coordinate capital improvement planning to ensure infrastructure availability on employment land.

The Tenth Amendment is in conformance with the Economic Development Policy as the project to be added to the Plan is a transportation project to allow for a more efficient transportation system and to complete the transportation system in the Area, allowing for increased growth on employment land and access for the residential sector to key employment land.

Section 500 - Land Use Plan

Section 501 - Land Use Designations

601 Urban Renewal Projects and Improvement Activities

14) *Old Town Escape – provide an alternative route for transportation into and out of Old Town. The exact route to be determined in the future.*

Report Accompanying the Tenth Amendment to the Year 2000 Plan

Since this is not a substantial amendment, a full Report accompanying the Plan amendment is not required. However, to aid in understanding the additions and deletions, a partial report is included with this amendment.

I. Existing Physical, Social and Economic Conditions

The acreage to be added is 4.5 acres of undeveloped land in 5 parcels. There is no infrastructure in the parcels and there are no residences in the parcels. The county assessor will determine the assessed value of the parcels upon adoption of the amendment and transmission to the assessor's office. These parcels are shown in Figure 1.

Approximately 120.9 acres are scheduled to be removed from the Area to add value back to the property tax rolls to be distributed to all taxing districts and to free up acreage for potential new urban renewal; areas. The estimated assessed value to be added back to the tax rolls is \$570,000.

The net deletions total 116.4 acres (after adding the acreage to be added to the acreage to be deleted).

The Amendment to the Year 2000 Plan added acreage is shown in Figure 1. Deleted acreage is shown in Figures 2a – 2p. These are all shown in Table 1.

Table 1 - Acreage Changes

Acreage Changes	Acres Parcels	Acres ROW
Area to be Removed		
3S1W13CD – 02600	6.73	
3S1W24 TL -00601	8.85	
TL 31W24 00600	20.7	
TL 31W24 00602	1	
TL 31W24 01000	0.46	
3S1W23 CA 00100	1.68	
3S1W23DB 01100	1.1	
3S1W23 DB 01100	6	1
3S1W23 DB 01200	3.49	
3S1W23 DB 00100	6.88	
3S1W23 DB 00200	3.45	
ROW		10 Over 1-5 at Boeckman Road Bridge
TL 31W13B 02603	43.4	
TL 31W13B 02691	1.52	
31W14C 00801	1.57	
31W14C 00802	0.44	
ROW		3.3 Wilsonville Road
3S1W13b 02700	2.13	
Total to be Removed	109.4	11.50
Total to be Removed		120.9
Area to be Added		4.5
Net change		116.4

The Area after the Amendment is shown in Figure 3.

Figures 2a -2p - Acreage to be Deleted

Figure 2a - S1W13CD – 02600 - 6.73 acres



Figure 2b - 3S1W24 TL -00601 - 8.85 acres



Figure 2c - TL 31W24 00600 - 20.7 acres



Figure 2d - TL 31W24 00602 – 1 acre



Figure 2e - TL 31W24 01000 – .46 acres



Figure 2f - 3S1W23 CA 00100 - 1.68 acres



Figure 2g - 3S1W23DB 01100 - 1.1 acres



Figure 2h – 3S1W23 DB 01100 - 6 acres + R/W of approximately 1 acre



Figure 2i - 3S1W23 DB 01200 - 3.49 acres



Figure 2j - 3S1W23 DB 00100 - 6.88 acres

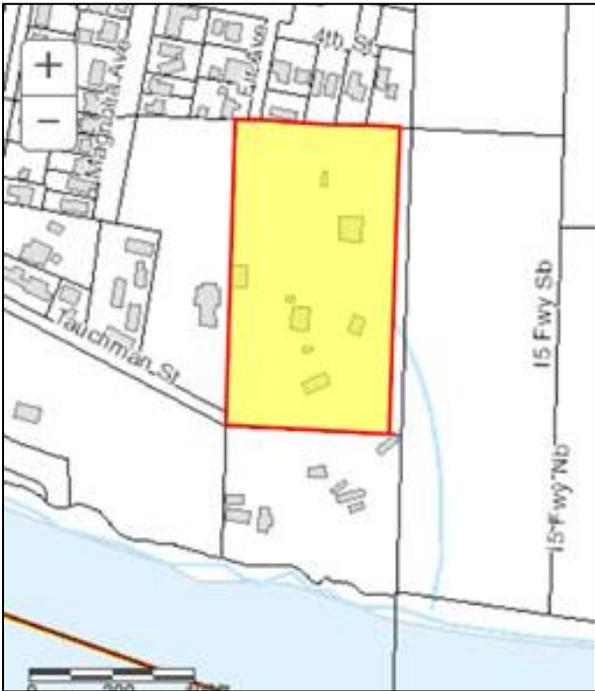


Figure 2k - 3S1W23 DB 00200 - 3.45 acres



Figure 2l - No Tax lot – ROW over I-5 at Boeckman Road bridge – approximately 10 acres



Figure 2m - TL 31W13B 02603 - 43.4 acres

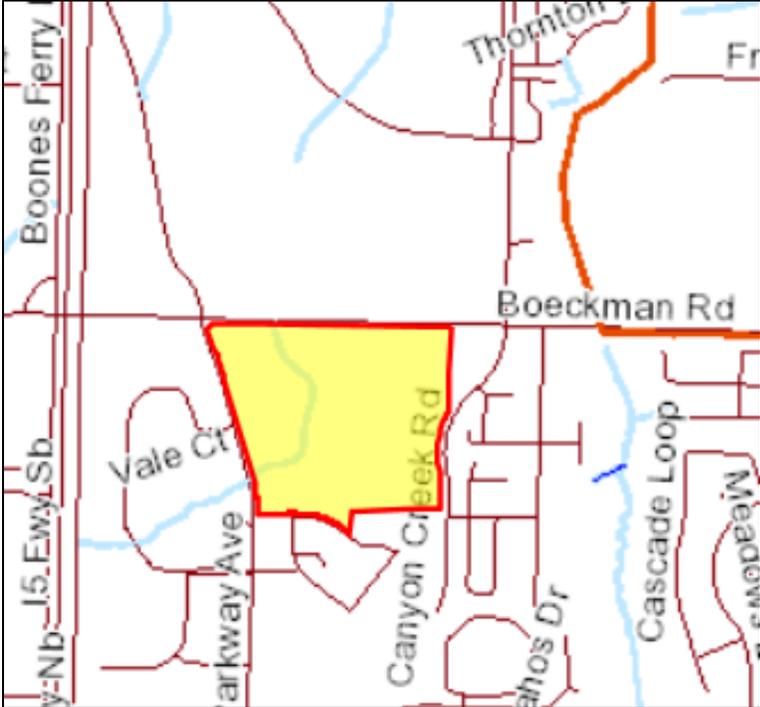


Figure 2n - TL 31W13B 02691 - 1.52 acres



Figure 2o - 31W14C 00801 - 1.57 acres, 31W14C 00802 - .44 acres, and Wilsonville Road ROW – approximately 3.3 acres



Figure 2p – 3S1W13b 02700 – 2.13 acres

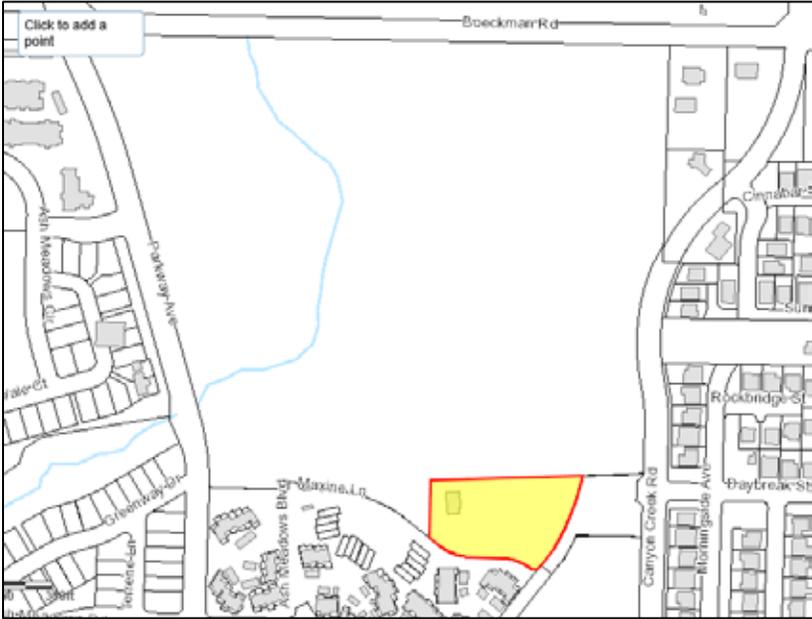
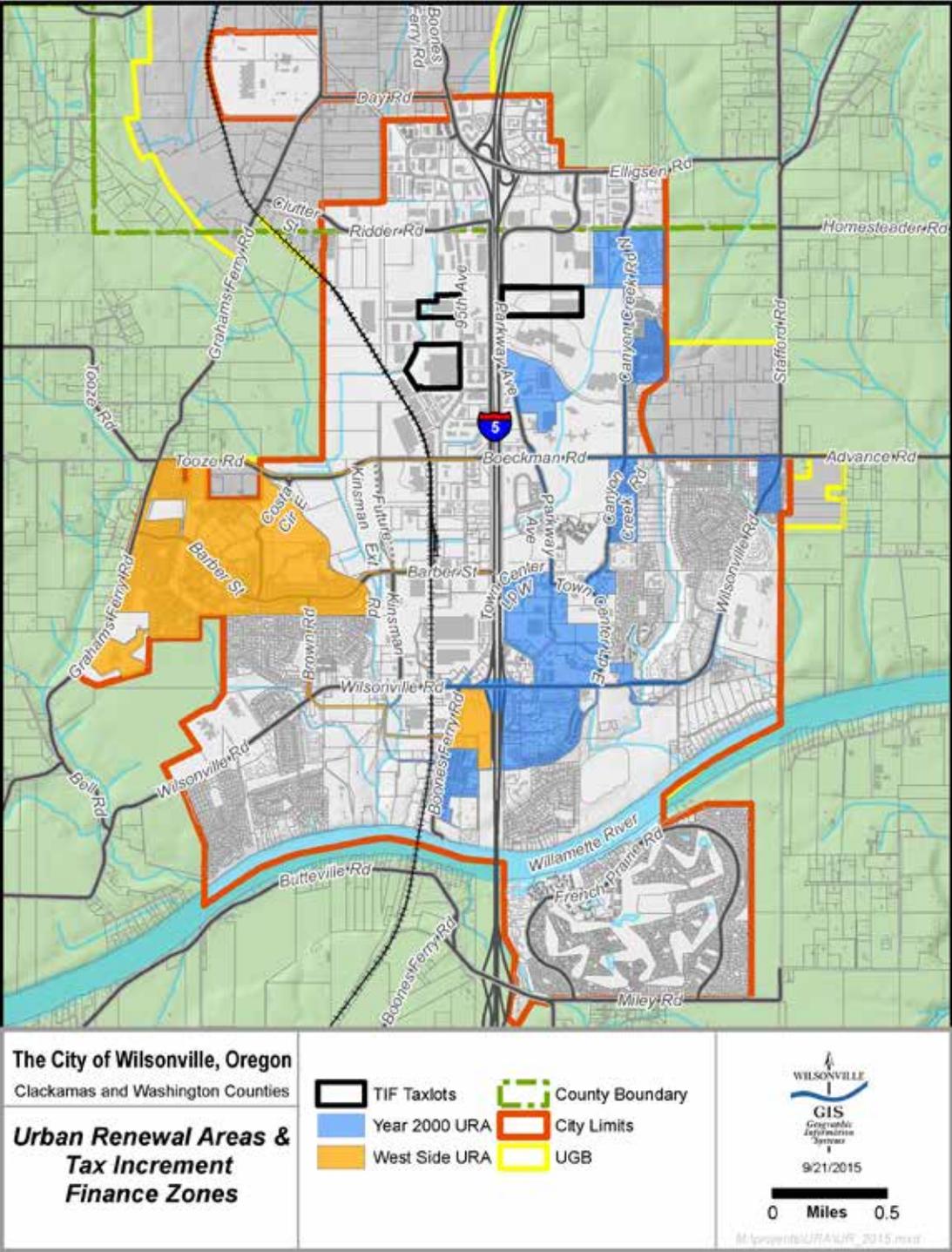


Figure 3 – Year 2000 After Amendment



I. Reasons for Selection of Each Urban Renewal Area

The acreage to be added was selected as it is blighted and will allow for the future construction of the Old Town Escape transportation project.

II. The Relationship Between the Urban Renewal Projects and the Existing Conditions in the Urban Renewal Area.

Old Town Escape

The Old Town Escape is another transportation route to provide access out of the Old Town area. The present transportation route is often congested and is the only route in and out of the area. The property is presently vacant.

III. The Estimated Total Cost of Each Project and the Sources of Money to pay for Such Costs

The estimated cost for the Old Town Escape Project will depend on the route which is chosen in the future. The urban renewal participation is up to \$7,000,000 as designated in the Wilsonville Urban Renewal Plan Task Force Recommendations adopted in 2014.

IV. The Anticipated Completion Date for Each Project

The alignment for the Old Town Escape is expected to be determined in FY 2015/16. The project is expected to be constructed in from 2017-2019.

V. Financial Analysis

No increased maximum indebtedness is required. There is sufficient maximum indebtedness capacity to fund the \$7,000,000 allocated to the Old Town Escape project. The project does not change the life of the district beyond the currently anticipated closure in FY 2020/21 and will not impact the Agency's ability to continue to under-levy tax increment revenue in the district.

VI. Impact of the Tax Increment Financing

The added project, the Old Town Escape, is within the present maximum indebtedness capacity of the Area. The Area is receiving a set amount of tax increment on an annual basis (\$4 million) and this amount will not be increased as a result of this amendment.

VII. Compliance with Statutory Limits on Assessed Value and Size of Urban Renewal Area

State law limits the percentage of both a municipality’s total assessed value and the total land area that can be contained in an urban renewal area at the time of its establishment to 25% for municipalities under 50,000 in population. The Area complies with both the acreage and assessed value limitations. These estimates are based on changes after both the West Side and Year 2000 Amendments are adopted.

Table 2 - Urban Renewal Area Conformance with Assessed Value and Area Limits

Urban Renewal Area	Frozen Base/AV	Acres
West Side URA	\$16,109,831	415
Year 2000 URA	\$44,499,418	454
TIF Zones		
27255 SW 95th Ave	\$17,938,434	26.07
26440 SW Parkway	\$12,582,201	24.98
26755 SW 95th Ave	\$7,675,439	9.76
Total in URAs	\$98,805,323	929.81
City of Wilsonville*	\$2,429,384,903	4,805
Percent of Total	4.07%	19%

December 8, 2016



29799 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax Administration
(503) 682-7025 Fax Community Development

Deena Mehdikhan, Tax Analyst
Clackamas County Assessment & Taxation
150 Beaver Creek Road
Oregon City, OR 97045

Regarding: City of Wilsonville Resolution 2504 (December 1, 2014) – Year 2000 URA boundary amendment

Dear Deena,

In follow-up to our meeting last month, I am formally notifying the County that we do not want to move forward with processing and implementing the changes made by Resolution 2504. As we discussed, there are a number of legal description errors that are not directly associated with the changes made by Resolution 2504, and which appear to go back to the formation of the district. These errors have been carried forward with each boundary revision over the years.

We are in the process of another minor amendment and boundary adjustment to the Year 2000 Urban Renewal Plan that is expected to be complete and forwarded to you in early March 2016, and the changes made by Resolution 2504 will be incorporated into the new resolution. Due to our four million dollar cap on revenue collection, this will not impact the finances of the district, and will allow the County to process one update that will make the upcoming boundary modifications, the modifications introduced in Resolution 2504, and modifications that will clean up old errors that pre-date Resolution 2504.

I have asked our surveyors, AKS, to look at the legal descriptions for both the Year 2000 Urban Renewal Plan and the West Side Urban Renewal Plan, essentially from scratch, to correct any pre-existing errors, and I have forwarded them the error sheet for the Year 2000 Urban Renewal Plan provided to me by Dennis Storm.

As I mentioned during our meeting, I will be leaving the City of Wilsonville on December 18, 2015. I have really enjoyed working with you over the last few years and have valued your helpfulness and great customer service. Until my position here has been filled, your point of contact will be Nancy Kraushaar, Community Development Director (503-570-1562 or Kraushaar@ci.wilsonville.or.us). Elaine Howard will continue to work with us on both the minor amendment to the Year 2000 Urban Renewal Plan and the substantial amendment in process for the West Side Urban Renewal Plan.

Regards,

A handwritten signature in black ink, appearing to read "KRISTIN RETHERFORD".

Kristin Retherford
Economic Development Manager

Cc: Nancy Kraushaar, Community Development Director
Sandy King, City Recorder
Elaine Howard, Consultant



Wilsonville City Council

February 18, 2016

Year 2000 Plan



Created May 1992

Frozen Tax Base \$ 84,923,026

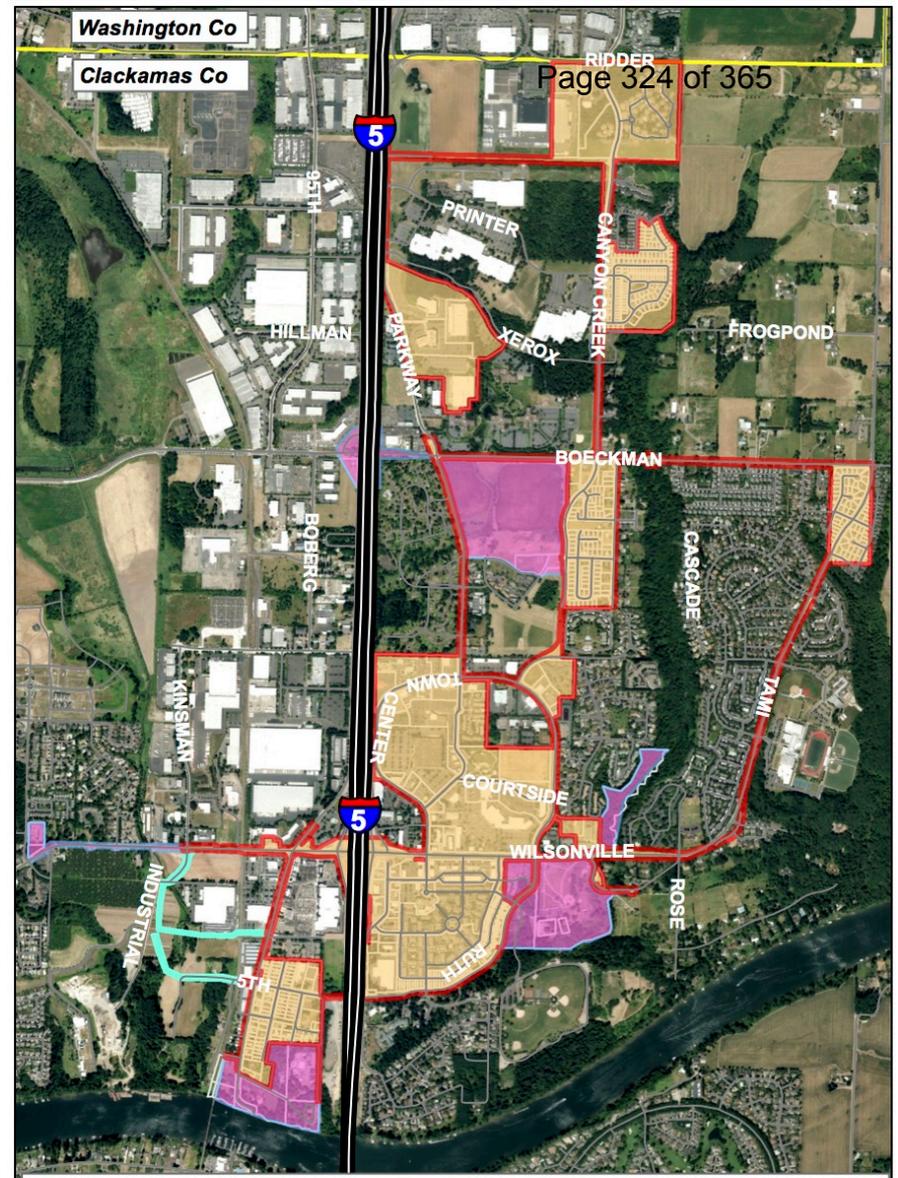
Incremental AV 02/23/2015 \$389,505,264

Total Current AV \$474,428,290

Year 2000 Plan: Overview

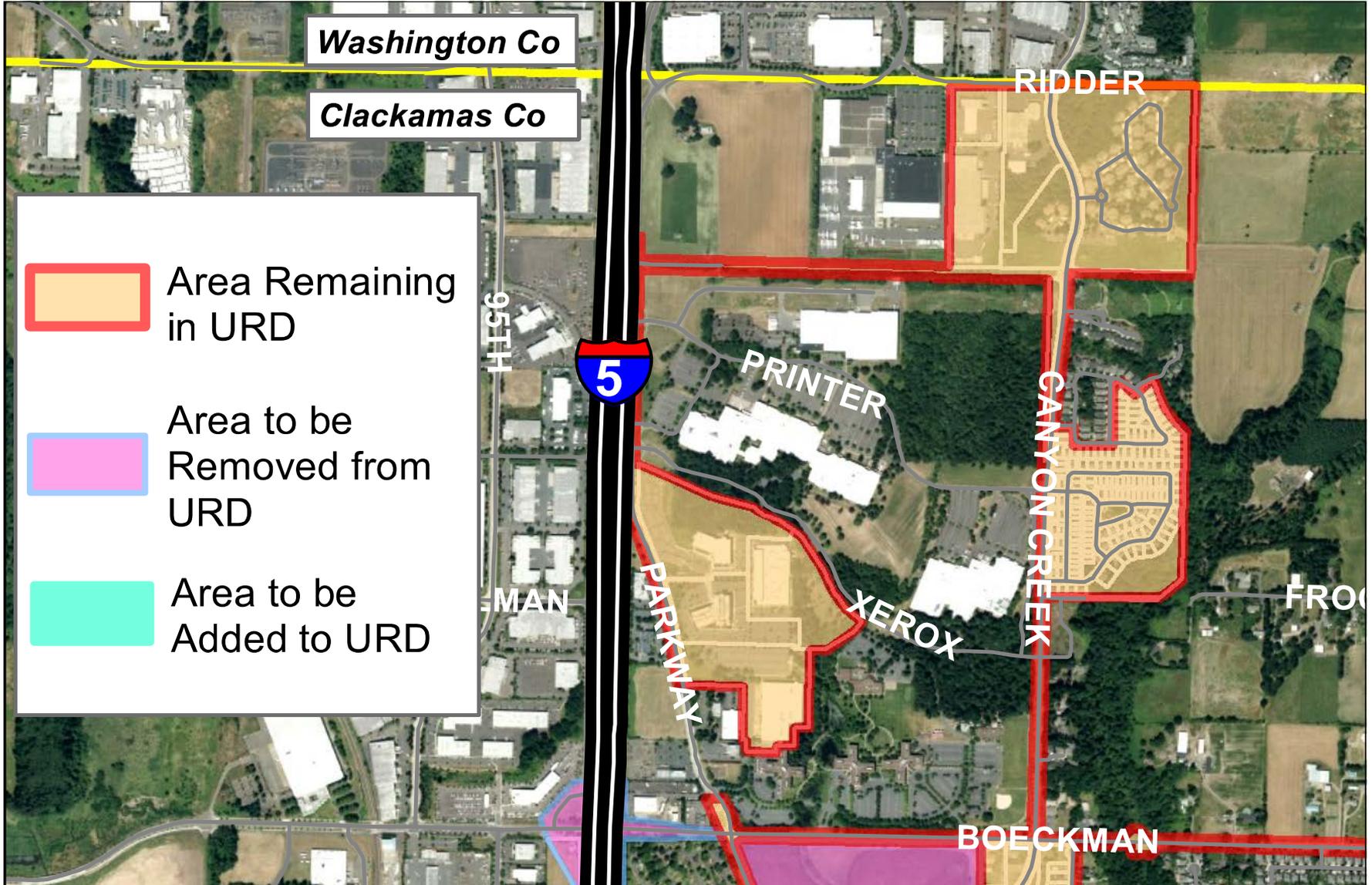
- Consistent with Task Force recommendations
- Move Old Town Escape from West Side, cap urban renewal contribution at \$7M
- Town Center Redevelopment Planning in 2015-16
- Remove low-value, high-acreage properties to free up capacity for Coffee Creek URA
- No impact on TIF revenue (already capped at \$4M per year)
- Anticipate all debt could be repaid in FYE 2019

Year 2000 Plan: Boundary Change Acreage Summary

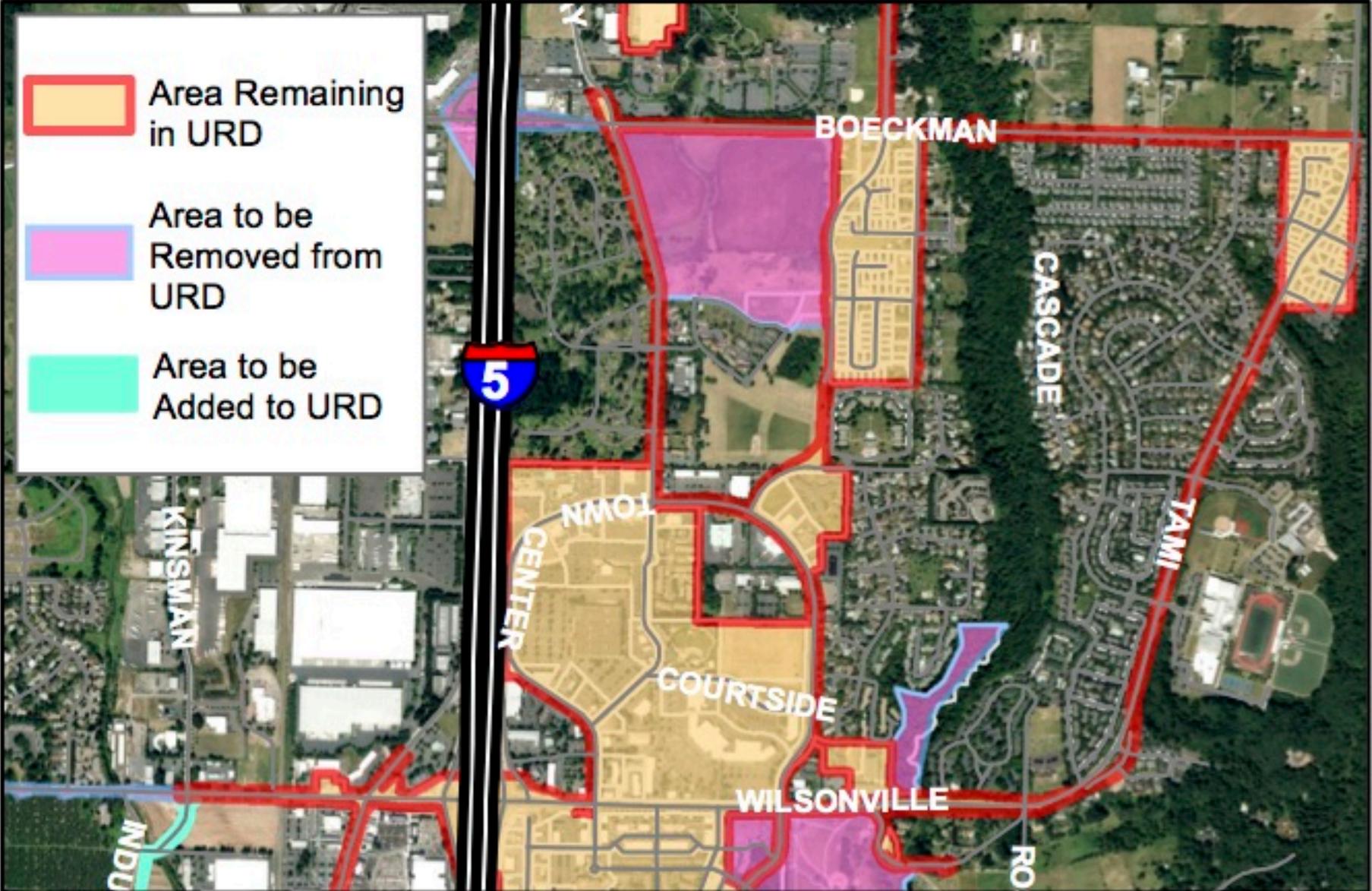


- Remaining in URD: 454 acres
- To be removed from URD: 120.9 acres
- To be added to URD: 4.5 acres

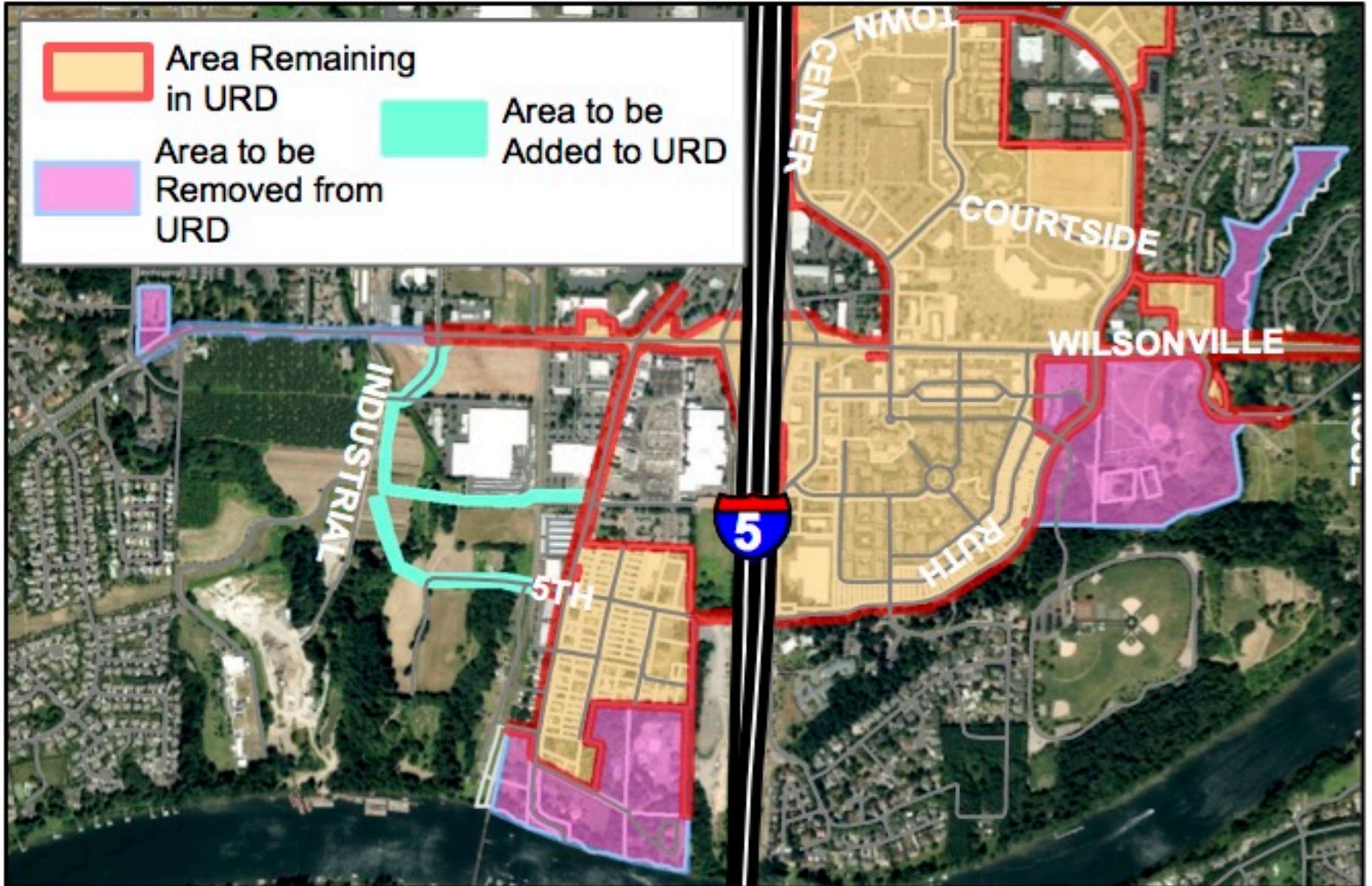
Year 2000 Plan: Boundary Change



Year 2000 Plan: Boundary Change



Year 2000: Boundary Change



Year 2000 Plan: Schedule

February 18, 2016 City Council vote

Effective March 2, 2016 when West Side is also effective

Year 2000 Plan: Questions?



CITY OF WILSONVILLE

Monthly Report



COMMUNITY DEVELOPMENT DEPARTMENT

January 2016



FROM THE DIRECTOR'S OFFICE

After the holidays and the astoundingly disappointing Ducks loss at the Alamo Bowl, the Community Development Department snapped back quickly to approach 2016 with renewed energy.

Javier Amaya has joined Michael Carr in successfully qualifying for a well-respected certification – APWA Certified Public Infrastructure Inspector (CPII). This training will complement and recognize their expertise on construction sites. Congratulations to them both for taking the time to gain this advanced certification.

The Planning Division coordinated with Mark Ottenad on providing public comment on two (2) land use applications “south of the river”. Those efforts have proved to be fruitful thus far in stopping development that we find incompatible with existing farm uses.

The Regional Transportation Plan update (2018) is underway. Many of our staff are participating in one (1) or more of the eight (8) Technical Work Groups to share our Wilsonville experiences, provide input, and get first-hand knowledge about policy priorities to be addressed in the update. The work groups include Transit, Equity, Finance Performance, Freight, Design, Safety, and Policy Actions. As part of the Performance Work Group, Steve Adams showcased the Transportation Performance Measures approach that he has been developing for Wilsonville.

I had the pleasure of discussing Wilsonville transportation issues at the January Rotary luncheon. ODOT’s Alan Snook joined me to share information and data about congestion in the region. My focus was on what’s happening here and what we have planned for the future.

We are participating in the Washington County Transportation Futures Project – a 50-year look at various scenarios of needs and improvements to plan for the future.

Moving the Urban Renewal Strategic Plan forward, the West Side Urban Renewal Plan amendment was passed by City Council, and we held the kickoff meeting for the Coffee Creek Urban Renewal Plan creation.

Here’s to an exciting and challenging 2016! – Nancy Kraushaar, PE

Engineering Division, Capital Projects

Canyon Creek Pedestrian Enhancement (4717): Construction of the four (4) crosswalk safety improvements along Canyon Creek Road (Burns Way—Boeckman Road) is nearing completion. The contractor is repairing some of the sidewalk panels to conform to ADA requirements. Striping work will be completed as soon as there are a couple of consecutive days of dry weather.



Charbonneau High Priority Utility Repair (2500/7500): Preliminary design plans have been submitted and are under review. Design of Phase I is anticipated to be completed in March 2016 with construction taking place over Summer 2016.

French Prairie Bridge (9137): Staff is negotiating final contract scope of work and fee with the selected consultant, OBEC Consulting Engineers. Project kickoff is anticipated to begin in late Spring 2016.

Kinsman Road (4004): Property acquisition work is nearing completion. Advance plans and specifications, including the Coffee Creek Interceptor Upsizing (CIP 2079) and Willamette Water Supply Pipeline (CIP 1127) has been submitted to ODOT for final review. Regulatory agencies have approved the updated environmental permits adding the pipelines to the project. Construction is anticipated to begin in July 2016.

Morningside Ave. Curb Extension (4184): Construction work is completed.

Road Maintenance Fee Update (4189): A task force is being put together to review the proposed changes to the Road Maintenance Fee, as directed by ordinance.

Signal Improvements (4118): In conjuncture with the school district's project to connect its schools, signals at Montebello, Brown and Willamette Way East have been interconnected with fiber optic. Also, to help assist in evaluating FLIR's detection equipment, they are donating thermal cameras which can be used to detect bicycles and vehicles for the Parkway Ave/Boeckman Road intersection, which currently has no bike detection.

Tooze Road (4146): Negotiation for design work to complete an updated Design Acceptance Package (DAP) is underway. DAP is anticipated to be complete by the end of March. In order to accommodate development of the City's property being sold to Polygon, stormwater design is being removed from the contract and being done directly by OBEC

Water Treatment Plant Master Plan (1122): Draft-Final Level of Service Goals and Operating Alternatives, and associated cost estimates were reviewed by the Governance Group and a Blue Ribbon panel of experts. Final decisions are pending and are needed to move forward with completion of the Master Plan.

Engineering Division, Capital Projects, cont'd

WWTP Outfall Replacement (2095): Bathymetric (river bottom topography) survey is complete. Draft siting alternatives for a new outfall location are underway. Mixing zone calculations to support the permit application to DEQ will follow the siting alternatives.

Willamette River Outfalls (7053): At Morey Court City staff is working with two (2) homeowners to install a temporary storm bypass pipe in the storm outfall channel. Undetained storm runoff over the last 20+ years is undermining a 40" cottonwood tree. The tree has been determined to be in good health and the owners have expressed a desire to keep the tree if it can be stabilized. Additional work to stabilize the tree has yet to be determined.

Willamette River Water Supply (1127): Coordination efforts between Wilsonville staff and WWSP (Willamette Water Supply Program) staff continue for two (2) current projects: (a) 124th Ave. Extension (Washington County) - which impacts City ROW on Grahams Ferry Road near the prison; and (b) the Kinsman Road Project, which is nearing design completion. See also project 4004.



Wilsonville Road/French Prairie Drive Pathway Repair (4014/4715): This project combines similar type work at two (2) separate locations into one (1) construction project. Pedestrian signals and sidewalk ramps along Wilsonville Road at Montebello and Kinsman will be upgraded to meet current ADA standards in advance of the upcoming Wilsonville Road asphalt overlay work. The pathway along French Prairie Drive in Charbonneau will have trip hazards, drainage issues and sidewalk ramp areas repaired to meet ADA standards. Preliminary design plans have been reviewed. Consultant is preparing advance construction plans and specifications. Design is anticipated to be completed in February 2016 with construction taking place in Spring 2016.

Engineering Division, Private Development

Renaissance Development: Plans are under review for constructing street improvements for six (6) new homes on Canyon Creek Road South, immediately south of Daybreak Street.

Villebois Grahams Ferry Road: As part of the Villebois Grande Pointe development a section of Grahams Ferry Road has been demolished and reconstructed to current standards, including street lighting and a 10-ft multi-use path along the east side. Polygon NW is funding most of the estimated \$700K cost, however the City is responsible for approximately \$105K of the cost.



With the roadway now paved, only sporadic closures will be needed to complete the work. The designated detour route is via Westfall/Baker/Bell roads.

Building Department

Single Family Dwelling Permits YTD: 16

Major Projects Under Review:

- Charbonneau Golf Club Renovation, 32020 SW Charbonneau Dr.
- Flir T.I. Lobby, Café, & Fitness Room, 27700 SW Parkway Ave.
- Salon Professional Academy, 8502 SW Main St.
- Audi Service Shop Addition, 26600 SW 95th



Ash Meadows Condos

Planning Division, Current



Universal Health Services, Willamette Valley Behavioral Health - Applicant.

Annexation of 8.72 acres (right-of-way dedication is expected to reduce the private development area to a total of about 8.4 acres) to the City of Wilsonville, a Comprehensive Plan Map Amendment from Washington County 'Future Development 20 Acre District' FD-20 to the City 'Industrial' Designation, a Zone Map Amendment from Washington County 'Future Development - 20 District' (FD-20) Zone to City 'Planned Development Industrial - Regional Significant Industrial Area' (PDI-RSIA) Zone, and Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type 'C' Tree Removal Plan and signs to enable development of an approximately 62,000 square foot behavioral health facility at the southwest corner of SW Day Road and SW Boones Ferry Road. DRB action on Annexation, Comprehensive Plan Map Amendment, Zone Map Amendment are a recommendation to City Council. Approved DRB Resolution No. 322.

Planning Division, Long Range

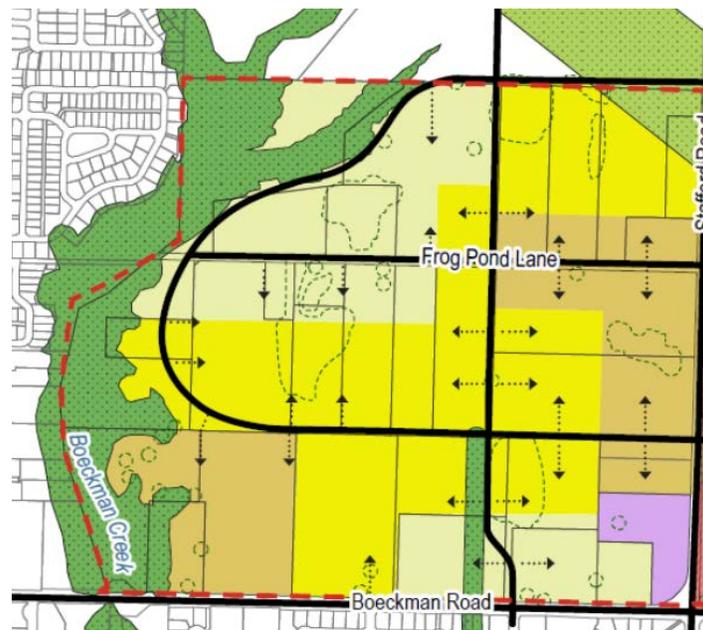
Basalt Creek Concept Plan: The Basalt Creek Concept Plan project team has continued to meet following the joint City Council Meeting on December 16, 2015, where an agreement was reached naming the proposed future Basalt Creek Parkway as the preferred jurisdictional boundary between the two (2) cities.

The project team has since made a coordinated effort to review and update the project work plan, develop an outline for the draft concept, and establish next steps for the remaining elements of the plan, such as parks, transit and trails. The next steps include a presentation of the preferred concept plan to the Agency Review Team in February (planning is underway), and a public open house in April. Staff has also drafted a Resolution for both Wilsonville and Tualatin City Councils' consideration at upcoming meetings, acknowledging the discussions and agreements from the December 16, 2015 joint Council Meeting.



Planning Division, Long Range, cont'd

Frog Pond Area Plan: The project team has been busy scoping Phase 2 of the Frog Pond Area Plan in preparation for a work session with the Planning Commission in March. The basic approach to Phase 2 is to begin the process with initial work on the key implementation products (the Comprehensive Plan and Zoning text), and then prepare drawings to support those regulations and the intended community character for Frog Pond West. The regulatory approach and drawings will support each other, and go through iterative refinement based on Planning Commission and public comment. The last steps will include wrapping it all together into a report and adoption package later this summer.



New Associate Planner: The Planning Division has successfully recruited a new Associate Planner. Ms. Connie Randall will be joining the Community Development Department on February 11th, replacing Michael Wheeler who was employed at the city for over 14 years. Ms. Randall comes to Wilsonville from the City of Sherwood, where she lives and had been employed for the past two and a half years. Prior to Sherwood, Connie was employed with the City of Phoenix, Arizona for six (6) years in their Transit Department, as well as Planning Department as a Planner III. Connie comes to Wilsonville with the full breadth of planning background and experience in both current and long-range planning and will be an excellent addition to the team.

**Wilsonville Planning Division
2015 Fourth Quarter Report**

City Council Activities October through December 2015			
Permit Number	Permit Description	Applicant/Staff	Meeting Date(s) / Actions
Resolution No 2553	Frog Pond Area Plan PHASE 1: CONCEPT PLANNING	Neamtzu/Bateschell	PC Hearing Sept 9 Recommendation of Adoption forwarded to City Council <u>Council Hearing</u> Oct 19 Nov 16 Res No 2553 Adopted
Work Session	Urban Renewal Update: <ul style="list-style-type: none"> • LP15-0006 West Side Urban Renewal Plan Substantial Amendment • Year 2000 Urban Renewal Plan Minor Amendment • Coffee Creek Urban Renewal Agency Update 	Retherford	<u>Work Session</u> Oct. 14 <u>Public Hearing for</u> <u>LP15-0006</u> Nov. 12
Work Session	West Side Substantial Amendment And Villebois Annexation	City of Wilsonville and Allen Chang	Nov 16
Work Session	Joint Meeting With Tualatin Basalt Creek Concept Plan	Neamtzu/Bateschell	Dec 6

Planning Commission Activities October through December 2015			
Permit Number	Project Description	Applicant/Staff	Meeting Date(s) / Actions
Work Session	Urban Renewal Update: <ul style="list-style-type: none"> • LP15-0006 West Side Urban Renewal Plan Substantial Amendment • Year 2000 Urban Renewal Plan Minor Amendment • Coffee Creek Urban Renewal Agency Update 	Retherford	<u>Work Session</u> Oct. 14 <u>Public Hearing for</u> <u>LP15-0006</u> Nov. 12 – postponed to Dec 12 Recommended to City Council
Work Session	Transportation Performance Measures	Adams	Nov. 12

**Wilsonville Planning Division
2015 Fourth Quarter Report**

Development Review Board Panel A Activities October through December 2015			
Permit Number	Permit Description	Applicant/Staff	Hearing Date(s) / Actions
DB15-0061	Grande Pointe At Villebois Class 3 Temporary Use Permit for Grande Pointe Model Home Complex 29500 SW GRAHAMS FERRY RD	POLYGON WLH LLC	Oct. 12 Approved
DB15-0063	SAP Central PDP 8 Brookside Terrace Quasijudicial-Zone Map Amendment PDP 8C Zone Map Amendment DB15-0064 - PDP 8C Villebois SAP Amendment (with Master Plan Refinement) DB15-0065 - Villebois PDP AND PDP 8C Modification Lot 80 DB15-0066 - Villebois Final Development Plan (FDP) PDP 8C, Lot 80 DB15-0067 - Villebois Class 3 Tentative Plat Review PDP 8C, Lot 80	POLYGON NW WLH LLC	Dec. 14 Unanimously approved with addition of Exhibit A3 & added language to revised condition PDE4 in Ex A3
DB15-0068	SAP Central PDP 9 Camden Square And Royal Crescent Quasijudicial-Zone Map Amendment Zone Map Amendment with Master Plan Refinement PDP 9C Camden Square and Royal Crescent at Villebois Lot 78 and 82 DB15-0069 - Villebois SAP and Amendment with Master Plan Refinement DB15-0070 - Villebois PDP AND PDP Modification DB15-0071 - Villebois Final Development Plan (FDP) DB15-0072 - Class 3 Tentative Plat Review DB15-0073 - Class 3 Tree Removal Plan	POLYGON NW WLH LLC	Dec 14 Unanimously approved with corrections, the addition of ex A3 and added language to Cond PFA 4 and revised Condition PDE9 in Ex A3
DB15-0074	Old Town - Mark Britcliffe Site Design Review for two homes in Old Town, with attached ADUs. 30580 SW BOONES FERRY RD	MARK BRITCLIFFE	Nov. 23 DRB B Continued to 12/14 DRB A Dec. 14 Approved with condition
DB15-0083	Class 3 Annexation: Quasijudicial Review Annexation: Grahams Ferry Road ROW, Tooze Road ROW & Chang Property	CITY OF WILSONVILLE	Dec 14 Unanimously approved with the addition of Ex A3, A4, C1, D1 and D2

Development Review Board Panel B Activities October through December 2015			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
DB15-0059	Class 3 Conditional Use Permit Charbonneau Boat Dock - Greenway Conditional Use DB15-0060 - Class 3 Tree Removal Plan Charbonneau Boat Dock - Type C Tree Removal	CHARBONNEAU COUNTRY CLUB	Nov. 23 Approved with new condition for applicant

**Wilsonville Planning Division
2015 Fourth Quarter Report**

Pending City Council Activities Planning Projects Scheduled for Hearings / Work Sessions during 2016 First Quarter			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
Work Session	West Side Substantial Amendment & Villebois Annexation – Work Session Nov. 2015	Neamtzu/Bateschell	TBD
Work Session	Frog Pond Area Plan	Neamtzu	Oct .2015; hearing Res 2553 Adopted
Work Session	Transit Master Plan Public Involvement Strategy – Work Session Nov. 2015	Neamtzu/Bateschell	TBD
Work Session	Coffee Creek Industrial Area Form-Based Code – Work Session Nov. 2015	Neamtzu	Dec 2015, URA Res 256 Adopted

Pending Planning Commission/CCI Activities Planning Projects Scheduled for Hearings / Work Sessions during 2016 First Quarter			
Permit Number	Project Description	Staff	Work Sessions/ Public Hearings
Work Session	Basalt Creek Concept Plan Update	Neamtzu/Bateschell	January 2016 (work session)
Work Session	Frog Pond Area Plan	Neamtzu	April 2016 (work session)
Work Session	Transit Master Plan Public Involvement Strategy	Neamtzu/Bateschell	February 2016 (work session)
Work Session	TSP Amendments	Neamtzu/Bateschell	March 2016 (work session) April 2016 (hearing)
Work Session	Coffee Creek Industrial Area Form-Based Code	Neamtzu	March 2016 (work session) May 2016 (hearing)
Work Session	Old Town Code Amendments	Neamtzu/Bateschell	April 2016 (work session) May 2016 (hearing)
Work Sessions	<p>Projects being actively worked on in preparation for future PC Work Sessions:</p> <ul style="list-style-type: none"> • Basalt Creek Concept Planning • Coffee Creek Industrial Area Form-based Code • French Prairie Bicycle/Pedestrian Bridge • Transportation Performance Measures • Frog Pond Area Plan Phase 2 • Transit Master Plan • Town Center Master Plan • Code Amendments 		

**Wilsonville Planning Division
2015 Fourth Quarter Report**

Pending Development Review Board Activities Planning Projects Scheduled for Hearings / Work Sessions during 2016 First Quarter			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
DB15-0075	Ash Park / Brownstone Class 3 Tentative Plat Review Ash Park Subdivision- Tentative Partition Plat 8195 SW MAXINE LN	BROWNSTONE DEVELOPMENT INC	Pending
DB15-0076	Ash Park / Brownstone Class 3 Planned Development Stage 1 Ash Park Subdivision - Stage I Modified Master Plan 8195 SW MAXINE LN DB15-0077 - Class 3 Planned Development Stage 2 DB15-0078 - Class 3 Tentative Subdivision Plat Review DB15-0079 - Class 3 Site Site Design Review DB15-0080 - Class 3 Type C Tree Removal Plan DB15-0081 - Class 3 Variance for Private Street Access DB15-0082 - Class 3 2 Setback Waiver	PIONEER DESIGN GROUP	Pending
DB15-0084	Villebois PDP 4 North Calais East Class 3 Annexation: Quasijudicial Review Annexation of Nims Property Concurrently with PDP 4 North 11700 SW TOOZE RD DB15-0085 - Quasijudicial- Map Rezoning of Nims property to Village concurrently with 4 North application DB15-0086 - Villebois SAP and SAP Amendment Modification concurrent with PDP 4 DB15-0087 - Villebois PDP 4 North AND PDP Modification DB15-0088 - Class 3 Tentative Plat Plat PDP Review DB15-0089 - Class 3 Type C Tree Removal Plan DB15-0090 - Villebois Final Development Plan (FDP)	ACCOUNTPOLYGON WLH, LLC OREGON PERMIT	Pending
DB15-0091	Universal Health Services-Hospital Class 3 Annexation: Quasijudicial Review Universal Health - Annexation 9470 SW DAY RD DB15-0092 - Quasijudicial-Comp Plan Map Amendment DB15-0093 - Quasijudicial-Zone Map Amendments (Base Zone) DB15-0094 - Class 3 Planned Development Stage 1 DB15-0095 - Class 3 Two (2) Waivers DB15-0096 - Class 3 Planned Development Stage 2 DB15-0097 - Class 3 Site Site Design Review DB15-0098 - Class 3 Type C Tree Removal Plan DB15-0099 - Class 3 Signs - not MSP	HOFFMAN CONSTRUCTION COMPANY	Pending
DB15-0100	Advance Road Middle School Class 3 Planned Development Stage 2 Advance Road Middle School -Stage II Final Plan DB15-0101 - Class 3 Site Design Review DB15-0102 - Class 3 Tentative Plat Review DB15-0107 - Class 3 Signs - not MSP	WEST LINN-WILS SCH DIST #3J	Pending

**Wilsonville Planning Division
2015 Fourth Quarter Report**

Pending Development Review Board Activities Planning Projects Scheduled for Hearings / Work Sessions during 2016 First Quarter			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
DB15-0108	Lewallen/Boeckman Canyon Creek Rd S Subdivision Quasijudicial-Comp Plan Map Amendment: Comp Plan Amendment from 0-1 du/acre to 4-5 du/acre DB15-0109 - Quasijudicial-Zone Map Amendment; to PDR 3 DB15-0110 - Class 3 Planned Development Stage 1 Master Plan DB15-0111 - Class 3 Planned Development Stage 2 Final Plan DB15-0112 - Class 3 Site Design Review DB15-0113 - Class 3 Tree Removal Plan Type C DB15-0114 - Class 3 Waiver – 5 Waivers DB15-0115 - Class 3 Tentative Plat Review - Tentative Subdivision Plat	EMERIO DESIGN LLC	Pending

Scheduled Pre-Application Meetings October through December 2015	
Number	Description
PA15-0020	Bioenergy waste processing facility
PA15-0021	Conversion of old Denny's into new restaurant
PA15-0022	Single-family subdivision in Villebois
PA15-0023	Infill single-family subdivision
PA15-0024	Conversion of old Arby's into new restaurant
PA15-0025	Conversion of existing site into excavator rental business
PA15-0026	Infill single-family 10 lot subdivision
PA15-0027	Infill single-family subdivision
PA15-0028	Expansion of Coca Cola warehouse

**Wilsonville Planning Division
2015 Fourth Quarter Report**

Administrative Reviews October through December 2015			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
AR14-0064	Villebois Village Center No. 6 - Carvalho Planning Class I Review Final Plat Review for Lot 4	RCS-VILLEBOIS DEVELOPMENT LLC	Pending
AR14-0073	Planning Class I Review Final Plat Review 7525 SW SCHROEDER WAY	FIRENZE DEVELOPMENT, INC	Pending
AR14-0074	Planning Class I Review Final Plat Review 7525 SW SCHROEDER WAY	FIRENZE DEVELOPMENT, INC	Pending
AR14-0082	Renaissance Custom Homes, Llc Planning Class I Review Final Plat for Canyon Creek II Subdivision 28325 SW CANYON CREEK RD S	RENAISSANCE CUSTOM HOMES, LLC	Pending
AR15-0006	Planning Class I Review Renaissance at Canyon Creek South - Final Partition Plat See AR14-0065 for tentative partition plat approval 28375 SW CANYON CREEK RD S	RENAISSANCE CUSTOM HOMES, LLC	Pending
AR15-0020	Tonquin Meadows No. 2 Planning Class I Review Final Plat Review (PDP 4C, Phase 2)	POLYGON WLH LLC	Final
AR15-0042	Renaissance At Canyon Creek South Planning Class I Review Modify configuration of approved three-parcel partition. Lot 27 28375 SW CANYON CREEK RD S	RENAISSANCE CUSTOM HOMES, LLC	Pending
AR15-0044	Wilsonville Subaru Planning Class I Review Partition Plat to Combined Lots 9200 SW BAILEY ST	LANPHERE CONSTRUCTION & DEVELO	Pending
AR15-0047	Planning Class II Review Ash Meadows/Brownstone Development: Class II administrative determination for legal lot status (TL 2700) Owner listed as Dutch Ventures LLC - *DENIED*	BROWNSTONE DEVELOPMENT INC	Issued
AR15-0049	Xerox Planning Class I Review Parkway Woods / Xerox Final Partition Plat review 26600 SW PARKWAY AVE	OTAK, INC.	Final
AR15-0053	Planning Class I Review Zoning Verification Letter for Terrene at the Grove 8890 SW ASH MEADOWS CIR	NATIONWIDE ZONING SERVICE	Final
AR15-0055	Village Commercial Llc Planning Class I Review Final Plat Review 30050 SW TOWN CENTER LOOP W	VILLAGE RESIDENTIAL LLC	Final
AR15-0057	Planning Class I Review Zoning Verification Letter 30050 SW TOWN CENTER LOOP W	ZONING-INFO, INC	Final
AR15-0059	Renaissance At Canyon Creek South Planning Class II Review 3-lot partition – Lot 24 28595 SW CANYON CREEK RD S	RENAISSANCE CUSTOM HOMES, LLC	Final

**Wilsonville Planning Division
2015 Fourth Quarter Report**

Administrative Reviews October through December 2015			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
AR15-0063	Planning Class I Review Downs - Final Partition Plat 28205 SW CANYON CREEK RD	RONALD DOWNS	Final
AR15-0064	Planning Class I Review Zoning Verification Letter. 26600 SW PARKWAY AVE	LLC PROPERTY CONDITION ASSESSMENTS	Final
AR15-0067	Microsoft Planning Class I Review Clean Room Expansion - new ground mounted mechanical unit along south facade of the building in a vacant area. 26755 SW 95TH AVE	MCKINSTRY CO	Pending
AR15-0071	Planning Class I Review Class I Review of Building Location Change for Artistic Autobody 27975 SW PARKWAY AVE	CENTREX CONSTRUCTION	Pending
AR15-0073	Villebois Tonquin Meadows 3 Planning Class I Review Final Plat	POLYGON WLH LLC	Pending
AR15-0074	Villebois Tonquin Meadows Petit Planning Class I Review Final Plat	POLYGON WLH LLC	Pending
AR15-0075	Planning Class I Review Zoning Verification Letter 25599 SW 95TH AVE	NORRIS BEGGS & SIMPSON	Final
AR15-0077	VB Central PDP 6 Planning Class I Review Tonquin Woods at Villebois No. 8 Final Plat Review	POLYGON NW WLH LLC	Pending
AR15-0078	Planning Class I Review Zoning Verification Letter 30050 SW TOWN CTR LOOP W	ZONING-INFO, INC	Final
AR15-0079	Villebois Pdp 7 South Grande Pointe Planning Class I Review Grande Pointe No. 2 Final Plat 29500 SW GRAHAMS FERRY RD	ACCOUNT POLYGON WLH, LLC OREGON PERMIT	Pending
AR15-0080	Wilsonville High School Planning Class II Review Wilsonville High School: 4,200+ SF addition to Performing Arts portion of school 6800 SW WILSONVILLE RD	WEST LINN-WILS SCH DIST #3J	Final
AR15-0081	Planning Class II Review Expanding existing sidewalk in back, around the side of Costco. 25900 SW HEATHER PL	PNE CONSTRUCTION	Final
AR15-0082	Planning Class I Review Final Plat Review. 28525 SW CANYON CREEK RD S	RENAISSANCE CUSTOM HOMES, LLC	Final
AR15-0083	Planning Class I Review Zoning Verification Letter for Hathaway Court Apartments 29501 SW MEADOWS LOOP	PLANNING & ZONING RESOURCE COR	Final
AR15-0084	Planning Class I Review New site plan for Tonquin Meadows 2 TUP Sales Office and model homes.	ANGELA GRAJEWSKI POLYGON	final

**Wilsonville Planning Division
2015 Fourth Quarter Report**

Administrative Reviews October through December 2015			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
AR15-0085	Planning Class I Review Class I Administrative Review for a reduced setback agreement for Lot 274 on Tonquin Woods No. 6. This reduced setback agreement is to allow a 6.9' front patch setback between Lot 274 and Tract "DDD." Record Number: 2015-075608 28537 SW DUNDEE LN	ANGELA GRAJEWSKI POLYGON	Final
AR15-0086	Planning Class I Review Add compressor room at northeast corner of Building W3 27100 SW PARKWAY AVE	DW FRITZ	Pending
AR15-0087	Planning Class I Review Class I Review of Arch. Changes 9200 SW BAILEY ST	DANNY DRAKE	Final
AR15-0088	Ash Park / Brownstone Planning Class II Review Ash Park - 15 Lot Subdivision: Modify Condition of Approval from 87AR25 8195 SW MAXINE LN	BROWNSTONE DEVELOPMENT INC	Pending
AR15-0089	Planning Class I Review Class I Administrative Review of covered entry on north facade. 27700A SW PARKWAY AVE	LRS ARCHITECTS	Final
AR15-0090	Planning Class II Review Shredding Systems modifications 9760 SW FREEMAN DR	OUR ASSOCIATES	Pending
AR15-0092	Planning Class I Review Class I review of revised landscape plans for Tonquin Meadows No. 3 (portion of PDP 3 and 4 East) and approval of retaining wall and hand rail design.	ANGELA GRAJEWSKI POLYGON	Pending
AR15-0093	Planning Class I Review Fox Center: Substitute small "arbor" for larger "arbor" under DRB. 30625 SW WILLAMETTE WAY E	WYSE INVESTMENT SERVICES	Pending
AR15-0094	Tonkin Audi Planning Class I Review Tonkin Audi: addition of storage space and change to building layout 26600 SW 95TH AVE	DENNIS BANKS CONSTRUCTION CO	Pending
AR15-0095	Charbonneau Planning Class I Review Final Plat for Charbonneau Village Center Condominium (See DB13-0058) 32000 SW CHARBONNEAU DR	CHARBONNEAU COUNTRY CLUB	Pending
AR15-0096	Planning Class I Review Villebois Neighborhood Park 6 (NP-6) - Minor Revisions *See DB13-0001	POLYGON NW WLH LLC	Pending
AR15-0097	Wilsonville Subaru Planning Class I Review Class I Review of Wall/Window Changes Submitted 12/31 2015 fees apply. 9200 SW BAILEY ST	LRS ARCHITECTS	Final

**Wilsonville Planning Division
2015 Fourth Quarter Report**

Sign Reviews October through December 2015			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
SR15-0015	Class 1 Sign Review New wall signage for Tech Now 30060 SW BOONES FERRY RD	DAVID LUNEKE	Cancelled
SR15-0023	Zoom Care Class 1 Sign Review Tenant Signs 25600 SW ARGYLE AVE	VANCOUVER SIGN COMPANY INC	Pending
SR15-0031	Class 1 Sign Review New signage for Domino's Pizza. 29955 SW BOONES FERRY RD	GARRETT SIGN CO INC	Final
SR15-0032	Class 1 Sign Review New signage for Oregon Lottery 9750 SW WILSONVILLE RD	MEYER SIGN COMPANY OF OREGON	Final
SR15-0033	Class II Sign Permit New signage for Ruhl Bee Supply. 29600 SW SEELY AVE	BRUSHY MOUNTAIN BEE FARM	Final
SR15-0034	Class II Sign Permit 1 New illuminated wall sign on west elevation. 27200 SW PARKWAY AVE	SECURITY SIGNS INC	Final
SR15-0035	Class 1 Sign Review New wall signage for paradox 8229 SW WILSONVILLE RD	PARADOX	Final
SR15-0036	Class 1 Sign Review New wall sign for Edge Family Fitness. 30050 SW TOWN CTR LOOP W	MEYER SIGN COMPANY OF OREGON	Final
SR15-0037	Class 1 Sign Review New wall signage for Keller Williams/Beltran Real Estate. 29100 SW TOWN CENTER LOOP W	RAMSAY SIGNS	Final
SR15-0038	Class II Sign Permit New monument and wall sign for Marquis. 30900 SW PARKWAY AVE	SECURITY SIGNS INC	Final

Tree Reviews October through December 2015			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
TR14-0070	Type A Class 1 Tree Removal Permit Split trunk close to the house with a split trunk in danger of falling in a wind storm. 31305 SW KENSINGTON DR	MITCHELL TERRY	Final
TR14-0081	Type A Class 1 Tree Removal Permit Three birch trees 7355 SW MONTGOMERY WAY	CHARLES JOHNSON	Final
TR14-0178	Type B Class II Tree Removal Permit Retroactive: One cherry has already fallen. Other cherry is a hazard. Street trees. 10872 SW ARTHUR CT	KENYON KATHERINE ANNE	Cancelled
TR15-0006	Type B Class II Tree Removal Permit Removal of two katsura street trees that are affecting the sidewalk, utility box, and sprinklers. 26879 SW MCLEOD ST	MARSHALL LYNDA HUBER	Incomplete

**Wilsonville Planning Division
2015 Fourth Quarter Report**

Tree Reviews October through December 2015			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
TR15-0045	Village At Main Street Type A Class 1 Tree Removal Permit Remove one (1) hazardous tree. Location: Northwest of 30050 SW Town Center Loop West, at the intersection of SW Jessica Street and easternmost drive aisle of adjacent parking lot. 30050 SW TOWN CENTER LOOP W	TRUGREEN LANDCARE LLC	Final
TR15-0078	Shari's Restaurant Type B Class II Tree Removal Permit Removal of 5 Pear trees along Parkway Pl. 29690 SW TOWN CENTER LOOP W	CERTIFIED ARBORISTS PORTLAND	Final
TR15-0135	Villebois Pdp 6 Central Type C or Type D Class 1 Tree Removal Permit	POLYGON WLH LLC	Final
TR15-0138	Type B Class II Tree Removal Permit Removal of one tree in the SROZ. 27442 SW COPPER CREEK LOOP	JASON WILSON	Final
TR15-0139	Type B Class II Tree Removal Permit Removal of one flowering pear street tree. 29866 SW CAMELOT ST	ROOTS AND SHOOTS LLC	Final
TR15-0140	Type B Class II Tree Removal Permit Removal of five landscape trees. 9450 SW COMMERCE CIR	9450 COMMERCE CIRCLE LLC	Final
TR15-0141	Type A Class 1 Tree Removal Permit Removal of three trees in backyard. 7348 SW BOUCHAINE CT	NELSON CRAIG E	Final
TR15-0142	Type A Class 1 Tree Removal Permit Removal of three birch trees in backyard. 11639 SW PREAKNESS	PFLUM-CUDABACK CUDABACK NORMAN D & L D	Final
TR15-0143	Type A Class 1 Tree Removal Permit Type A Removal, One Maple Tree. near street but not street tree 11599 SW PREAKNESS	MILLER ROBERT A & DOROTHY M	Final
TR15-0144	Type A Class 1 Tree Removal Permit Type A Tree Permit - Remove one (1) tree 11252 SW CHANTILLY	JUAREZ TAIDE TELLEZ	Final
TR15-0145	Type A Class 1 Tree Removal Permit For Records Only Removal of Dead Birch on south side of Boeckman Rd overpass	CITY OF WILSONVILLE	Final
TR15-0146	Type A Class 1 Tree Removal Permit Type A Tree Permit - Removal 1 Cherry Tree 7029 SW CEDAR POINTE DR	PAUL & GAYNELLE JENSEN	Final
TR15-0147	Wilsonville High School Type B Class II Tree Removal Permit Wilsonville High School - Type B Tree Removal (8 trees) 6800 SW WILSONVILLE RD	WEST LINN-WILS SCH DIST #3J	Final
TR15-0148	Type B Class II Tree Removal Permit 9025 SW Hillman Ct. Removal and Replacement of Birch Trees with Bronze Birch Borer	DAVID GROVER	Final
TR15-0149	Type A Class 1 Tree Removal Permit Type A Tree Permit - Remove one tree 6995 SW HIGHLAND CT	KENDALL ANNETTE & MARLIN	Final
TR15-0150	Type B Class II Tree Removal Permit Removal of Heritage Walnut Tree in Canyon Creek Meadows HOA Central Common Area	CANYON CK MEADOW HMOWNR ASN	Final

**Wilsonville Planning Division
2015 Fourth Quarter Report**

Tree Reviews October through December 2015			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
TR15-0151	Type A Class 1 Tree Removal Permit Tree removal at Villebois Village Center No 3 - Approved for removal under PDP-6C (DB15-0011 et seq)	POLYGON NW WLH LLC	Final
TR15-0153	Type A Class 1 Tree Removal Permit Type A Tree permit: Remove 3 pine trees 30920 SW WILLAMETTE WAY W	BEASON TOM LEE & CHRISTIE A	Final
TR15-0154	Type A Class 1 Tree Removal Permit Removal of one flowering plum in front yard (not street tree) and spruce. 10880 SW MATZEN DR	WILBUR MATTHEW J & CAROLINE A	Final
TR15-0155	Type A Class 1 Tree Removal Permit Removal of one tree in the backyard. 28670 SW SANDALWOOD DR	DELANE JORDAN	Final
TR15-0156	Type A Class 1 Tree Removal Permit Removal of two pine trees in HOA open space.	BC CUSTOM HOMES	Final
TR15-0157	Type A Class 1 Tree Removal Permit Removal of two trees, one cherry in front yard and one spruce in side yard. 28013 SW ENGLE ST	MEEKINS DOUGLAS & ANA MARIA	Final
TR15-0158	Type B Class II Tree Removal Permit Removal of two black walnut trees in the SROZ. 31045 SW NUTTING RD	MOUNTAIN VIEW TREE SERVICE	Final
TR15-0159	Type B Class II Tree Removal Permit Removal of one street tree. 28394 SW MORGAN CT	MARK PERKINS	Final
TR15-0160	Type B Class II Tree Removal Permit Removal of one street tree. 30863 SW KENSINGTON DR	CERTIFIED ARBORISTS PORTLAND	Final
TR15-0161	Type A Class 1 Tree Removal Permit Type A Tree Permit - Woodleaf Apartments (Remove 1 White Birch) 28900 SW PARKWAY AVE	WOODLEAF APARTMENTS LLC	Final
TR15-0162	Type A Class 1 Tree Removal Permit Remove one (1) tree. 10888 SW PARKVIEW DR	MARK J & FRIEDA J C WEST	Final
TR15-0163	Type A Class 1 Tree Removal Permit Remove one (1) tree. 10907 SW PARKWOOD CT	SUSAN STEVENS	Final
TR15-0164	Type B Class II Tree Removal Permit Removal of one maple street tree. 7894 SW CINNABAR ST	MACKIE JAY A	Issued
TR15-0165	Type A Class 1 Tree Removal Permit Removal of three trees. (pine) 28595 SW CANYON CREEK RD S	AKS ENGINEERING & FORESTRY	Final
TR15-0166	Type A Class 1 Tree Removal Permit Removal of three diseased birch trees in backyard. 10858 SW MERLIN CT	TRESE PAUL F & JOANNE M	Final
TR15-0167	Type A Class 1 Tree Removal Permit Removal of one ash tree in backyard. 10896 SW MERLIN CT	WILLMAN ALLAN P TRUSTEE	Final
TR15-0168	Type A Class 1 Tree Removal Permit Removal of one tree in sideyard, due to enclosed bark creating a hazard. 10889 SW MERLIN CT	RAMONA CHIKRIZOVA	Final

**Wilsonville Planning Division
2015 Fourth Quarter Report**

Tree Reviews October through December 2015			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
TR15-0169	Type A Class I Tree Removal Permit Type A Tree Removal One Elm Tree next to house in rear yard 29773 SW LEHAN CT	ANDREW J AND MARIE CLEARY ANDREW J AND MARIE-TER	Final
TR15-0170	Type A Class I Tree Removal Permit Removal of one tree in backyard. 29832 SW CAMELOT ST	MILLAN STRAIGHT-MILLAN PHYLLIS & M	Final
TR15-0171	Type B Class II Tree Removal Permit Removal of 9 of 21 total Red Maple street trees, as per TR15-0047 approval.	WILSONVILLE MEADOWS OWNERS	Final
TR15-0172	Type B Class II Tree Removal Permit Removal of one maple street tree due to crowding -- as per TR13-0090. 7555 SW THORNTON DR	KREITZER DENNIS K & JOANN F	Final

Code Enforcement October through December		
Permit Number	Code Enforcement Description	Action
CE15-0006	Storage of yard debris along path abutting west side of property.	Resolved
CE15-0007	Unapproved window signage.	Resolved
CE15-0008	Unpermitted tree removal. Issue resolved via tree removal application and replacement.	Resolved
CE15-0009	Sight Distance Obstruction along railroad at 5th and Boones Ferry.	Final
CE15-0010	Unpermitted wall signage at Tech Now.	Final
CE15-0011	Basketball hoop in the right-of-way.	Resolved
CE15-0012	Non conforming brightness of monument sign.	Resolved
CE15-0013	Large pile of junk/yard debris in backyard.	Resolved
CE15-0014	Basketball hoop in right-of-way	Resolved
CE15-0015	Basketball hoop in the right-of-way.	Resolved
CE15-0046	Overgrown blackberries on vacant lot (TLID: 31W14D00227).	Final
CE15-0053	Storage of gravel on street in front of home.	Final
CE15-0054	Shrubs blocking sight along parkway.	Final
CE15-0055	RV hanging out past driveway - blocking pedestrian traffic.	Final
CE15-0056	Sandwich board placed in prohibited location -- letter sent.	Final
CE15-0057	Blinking "open" light -- letter sent. Switched to static on Friday, November 6th 2015.	Final
CE15-0058	Sandwich board placed in prohibited location -- letter sent.	Final
CE15-0059	Unpermitted signage -- phone call to owner (resolved).	Final
CE15-0060	Dumping of yard debris in City right-of-way.	Final
CE15-0061	Rats in dumpster. Notice sent on 12/2/15.	Final
CE15-0062	Graffiti on Old Barn. Notice sent - property posted with Nuisance Abatement Notice. 12/9/15.	Final
CE15-0063	Dumping of yard waste in right-of-way adjacent to property. Certified notice sent on 12/10/15	Final

**Wilsonville Planning Division
2015 Fourth Quarter Report**

Code Enforcement October through December		
CE15-0064	Storage of trash cans on sidewalk for over 72 hours. Notice sent 12/22/15.	Final
CE15-0065	Graffiti	Final
CE15-0066	Graffiti	Final
	Weekly Sign Enforcement citywide	

Planning Staff Activities, Projects and Meetings October through December 2015	
<u>Recurring Activities</u>	
Archiving/Purging of Planning Records	Frog Pond Area Planning
Basalt Creek Area Planning Meetings with Tualatin City Staff	Metro Committee meetings
Building Permit Plans Review	Posting of Public Notices on project sites
Clackamas County Planning Director Meetings	Pre-Construction meetings
Coffee Creek Industrial Area Form-based Code	Project Site Visits/inspections
Counter and Telephone Customer Service	Public Works/Engineering Permit Plans Review
Conditions of Approval Tracking	Transit Master Plan
Current Planning Application Tracking	Transportation Performance Modeling
Development Coordination Meetings	Updating of Planning's web pages
Eden Permit Tracking	Villebois Meetings
French Prairie Bike/Pedestrian Bridge	Washington County Planning Directors meetings
	Town Center Master Plan



Wilsonville Public Library Monthly Report to Council February 2016

Headlines:

Patrick Duke
Library Director

LIBRARY BOARD

Caroline Berry
Chair

Megan
Chuinard

Rich Dougall

Reggie Gaines

Alan Steiger

- **February is Food for Fines Month.**
There are a few days left to pay library fines by donating canned food to the Wilsonville Food Bank. **Through February 29th**, for each can of food brought to the circulation desk, staff will waive \$1 in fines. Be sure that food is not expired.
- **Adult Winter Reading is finishing up**
The Adult Winter Reading Program ends on February 29th. Bring all completed tic-tac-toe sheets and log sheets to the circulation desk to be entered for fabulous prizes.
- **Youth Services Outreach to Schools**
This winter, the library's Youth Services Librarians have been reaching out to school kids and their families.

During February, the Library hosted 6 Family Library nights (2 for each local elementary school) that invited families to the library to learn about library services, hear a story, and get a library card. Each of the kids in attendance also received a free book purchased for them by the Wilsonville Public Library Foundation.

Librarians have also been visiting kids in their classrooms. Third, fourth, and fifth graders will be visited this winter and spring as librarians do booktalks and promote our new program, The Zone. Kindergarteners through 2nd graders are also visited at least once each year.

Middle and high schoolers are also visited. Program Librarian Brad Clark will visit Wood Middle School each month to promote our popular teen programs. And Wilsonville High School English classes will be visited by librarians who will be booktalking options for the student's free reading assignments.
- **Staff Changes focus services on Programs**
This year, the library has been adding staff to focus on programming as called for in the Library's Strategic Plan. Council has already met Outreach Librarian Deborah Gitlitz, who will be taking library services to the underserved population of Wilsonville. More recently, Program Coordinator Andrea Erickson was moved into the Adult Services Department to focus on adult programming and marketing of library services. Her task is to be the point person for adult programs in order to enhance opportunities for learning and exploration for the community.
- **History Pub at Mc Menamins: Tuesday February 23rd.** Doors open at 5pm. This month: "Detained by My Country" by Mitzi Loftus, about her time in Japanese internment camps
- **Library Board meeting. February 24, 6:30pm** at the Library

December Statistics

- Physical item circulation: 39,435 items checked out or renewed.
- E-book and downloadable audiobook circulation: 1,894
- Library cards added in January 2016: 193
- Number of public computer sessions: 2,142

Adult Services

Upcoming Programming:

- Free Tax Help . Saturdays. 10:30 am to 3:30 pm through April 9th
- Game Night: Board Games, Cards and Chess. Wednesday March 30 6-8 pm
- First Friday Film: TBA, March 4th. 6 -8 pm
- Book Club: This month *Unlikely Pilgrimage of Harold Fry* by Rachel Joyce March 10th 6 - 8 pm
- Great Books Discussion Group: This month *Gospel of Mark* - Bible. March 15th. 6 - 8 pm

Youth Services

The current weekly schedule:

Library Playgroup

Mondays 10 – 11:30 am

Toddler Time

Tuesdays 10 am

Family Storytime

Tuesday 6:30 pm

Read to the Dogs

Call for appointment
503-570-1599

Babytime

Tuesdays 11 am

Wednesday 10:30 am,
and 1:00 pm

Thursday 10:30 am

Upcoming Programming:

- The Zone: 3rd to 5th Grade: March 10th. 4 – 5 pm
- K-2 Book Adventures. March 17th. 4 – 4:45 pm

See more events and services at www.wilsonvillelibrary.org

City of Wilsonville December 2015



Clackamas County Sheriff's Office
2223 Kaen Rd
Oregon City, OR 97045

www.co.clackamas.or.us/sheriff

Monthly Summary

During December 2015, the Clackamas County Sheriff's Office provided law enforcement service to the City of Wilsonville on a 24 hour a day basis. During this time period the Sheriff's Office answered 545 calls for service, which was an average of 17.6 calls per day.

The monthly average for calls for service during the past three years has been 513.8. The 545 calls in the City during the month of December reflect a 6.1% increase over the average during the last three years.

Below is a chart showing the number of calls for service in the City during the last 5 years.

<u>Year</u>	<u>Number of Calls</u>	<u>Monthly Average</u>	<u>Daily Average</u>
2010	5,803	483.6	15.9
2011	5,539	461.6	15.2
2012	5,709	475.8	15.6
2013	6,230	519.2	17.1
2014	6,558	546.5	18.0

An overall look at the shift activity reflects the following percentages of calls taken, traffic stops made and reports written for December.

	<u>Percentage of Calls Taken</u>	<u>Percentage of Traffic Stops</u>	<u>Percentage of Reports Written</u>
Graveyard:	26.2%	55.8%	22.6%
Day Shift:	41.3%	24.3%	40.3%
Swing Shift:	32.5%	19.9%	37.1%

During December 2015, 321 traffic stops were made in the City with the following breakdown for each shift.

	<u>Total</u>		<u>Graveyard</u>		<u>Days</u>		<u>Swing Shift</u>	
Stops Made:	321	=	179	55.8%	78	24.3%	64	19.9%
Citations Issued:	115	=	42	36.5%	39	33.9%	34	29.6%

Included in the above totals are 33 traffic stops (10.3%) and 23 citations (20.0%) issued by the Traffic Deputy.

Calls for Service

Number of Calls Per Shift	December 2015		Monthly Average 2014	
	545		546.5	
Graveyard (2100-0700)	143	26.2%	112.3	20.5%
Day Shift (0700-1700)	225	41.3%	238.9	43.7%
Swing Shift (1100-0300)	177	32.5%	195.3	35.7%
Average Number of Calls Per Day	17.6		18.0	

Other Officer Activity

Type of Activity	December 2015	2014 Monthly Average
Bike Patrol		0.7
Follow-Up Contact	66	78.7
Foot Patrol	6	7.0
Premise Check	13	118.0
Subject Stop	46	46.1
Suspect Contact	4	3.1
Suspicious Vehicle Stop	52	62.7
Warrant Service	4	10.4
Total:	191	326.6

The chart on the following page shows the types of calls for service received during the month. These calls do not reflect actual criminal activity. In some cases the call was dispatched as a particular type of incident, but it was later determined to be of a different nature. For actual criminal activity during the month see the "Reports Written" chart.

Types of Calls

Type of Calls	December 2015	2014 Monthly Average
Abandoned Vehicle	1	2.5
Accidents (All)	34	26.7
Alarms	72	60.8
Animal Complaint	6	10.9
Assault	3	3.4
Assist Outside Agency	9	12.8
Assist Public	33	37.2
Burglary	4	4.3
Criminal Mischief	7	20.1
Death Investigation	1	1.5
Disturbance	32	25.5
Extra Patrol Request	1	8.5
Fire Services	6	9.3
Fraud	15	12.7
Hazard	10	12.3
Juvenile Problem	17	12.1
Kidnap		.1
Mental	6	6.7
Minor In Possession		1.2
Missing Person	1	3.0
Noise Complaints	5	9.8
Open Door / Window	2	2.0
Promiscuous Shooting	4	1.1
Property Found / Lost / Recovered	10	12.6
Provide Information	25	23.9
Prowler	1	1.0
Recovered Stolen Vehicle	4	1.8
Robbery		0.6
Runaway Juvenile		4.3
Sexual Crime (All)	3	2.3
Shooting		0.1
Stolen Vehicle / UUMV	4	4.5
Suicide Attempt / Threat	17	7.9
Suspicious Circumstances	15	12.9
Suspicious Person	24	23.8
Suspicious Vehicle	16	13.8
Theft / Shoplift	36	37.7
Threat / Harassment / Menacing	20	15.3
Traffic Complaint	35	39.7
Unknown / Incomplete Call	14	14.4
Unwanted / Trespassing	9	10.3
Vice Complaints (Drugs)	6	5.0
Violation of Restraining Order	1	2.0
Welfare Check	24	19.8
Other Not Listed Above	12	8.6
Total:	545	546.5

Median Response Times to Dispatched Calls

All Dispatched Calls	All Calls	Priority 1 & 2 Calls
Input to dispatch: (Time call was on hold)	2:48 Minutes	2:27 Minutes
Dispatch to Arrival: (Time it took deputy to arrive after being dispatched)	5:58 Minutes	5:25 Minutes

During December, 159 reports were written. 22.6% were written by the graveyard shift, 40.3% by the dayshift units and 37.1% were written by the swing shift units.

Reports Written

Type of Report	November 2015
Accident	11
Theft	19
Criminal Mischief	4
Burglary	3
Stolen Vehicle	5
Assault	1
Identity Theft	
Drug Crimes	5
Other / Misc. Reports	111
Total:	159

Shift Totals	November 2015
Graveyard	36 22.6%
Day Shift	64 40.3%
Swing Shift	59 37.1%

Program News



The Community Center is currently being renovated with updates being made to the lobby and reception area. New additions include: a polished concrete floor, new front desk/registration area and updated furnishings.



Body Sculpt (21 participants) and Pilates Sculpt (20 participants) both filled to capacity and have a waitlist.



2 Yoga sessions started with 21 total participants.



Soccer Shots for 2-5 year olds started with 20 total participants.



Beginning Tai Chi (25 participants) and Tai Chi Studio (21 participants) both began a new session.

AARP Tax Assistance

The Parks and Recreation Department has partnered with AARP to provide tax assistance for seniors and individuals with fixed incomes at no charge. The appointments are available on Thursdays, beginning on February 4 and running through April 14. Appointment times are 9am to 3pm.

Those in need are asked to call the Community Center at 503-682-3727 to schedule an appointment.

Parks Maintenance Update



Changed park lights from incandescent bulbs to LEDs at Murase Plaza



Cleaned, organized and prepared items for surplus at 3-Bay



* Cleaned up sidewalks and pedestrian paths after snow/ice event

* Continued general park maintenance at all parks



Spence, Blankenship, Reeder, Jacoby, Skipper attended pesticide recertification seminar



Located irrigation crossover at Palermo Park using Ground Penetrating Radar (GPR)

Upcoming Events and Programs

- * Daddy Daughter "I **SOLD OUT!** Backaroo" Dance
Friday, February 25. 5:00 pm
Community Center. \$15 per person
- * Wilsonville Egg Hunt
Saturday, March 26th. 10:00 am
Memorial Park. No charge
- * Spa Saturday at the Center
Saturday, April 16th. 10:00 am - 1:00 pm
Community Center. No Charge



Public Works

January 2016

LEAF-BLOWING

Roads

The Roads crew continues to pick up leaves in the median strips around town. Removing the leaves is a very important task. It helps cut down on the spreading of plant diseases, weeds and has the added benefit of making the landscapes look nice.



LANDSCAPE BEDS

Facilities ~ Landscaping

January is the month for the Facility Crew to start pruning and cleaning landscape beds in preparation for pre-emergent application. Below, Rob Rollins gives the shrub bed at the Community Center a final raking.



POTHOLE REPAIR

Roads

Filling potholes has become a top priority in Wilsonville. Public Work's goal is to fill them as soon as we see them developing. Hopefully this will cut down on the amount of tire damage to cars. It seems like Day Street has had an unusually high number of potholes this year, so that street is at the top of the list.



COMMUNITY CENTER REMODEL

Facilities – Building Maintenance

The Community Center has been undergoing a small remodel of its administrative area. To limit future disruptions the Facilities Division took advantage of the construction schedule to perform some much needed maintenance and repair, some of which were items identified in the Facility Master Plan



In addition to remodel, the Community Center received some sheetrock patching and new paint in the commons area, plus additional power and data cable has been added throughout. The old carpet was removed and the existing concrete slab was ground, polished, and coated with a special protective coating. Soon to come will be new carpet in the office areas and hallways.



WATER METER/BOX REPLACEMENTS

Utilities ~ Water Distribution

The Water Distribution crew continues to work on routine maintenance duties as well as the annual CIP meter replacement program and annual hydrant maintenance. The meter box below on Flynn required a full replacement because it was becoming a significant trip hazard.



Trip Hazard

No Trip Hazard

Water Distribution Technician Steve Gering (below) replaces a water meter on Sacajawea Way. As of this week, the Water crew completed full water meter replacements on Sacajawea Way and has just begun replacements on Lafayette Way in Charbonneau.



**February 2016**

Director's Report

WILSONVILLE CONTINUES TO GROW. WHAT ABOUT SMART?

Meeting on February 1, the Wilsonville City Council adopted a resolution that established the policy for the future growth of the SMART system – if land is in the City limits, it should be part of SMART's local transit service territory.

Many people think that the expansion of the City limits will automatically expand the SMART service territory. In fact, that has not always been true in the past and won't be true in the future unless changes are made. Wilsonville has two significant developed properties that are within the City limits, but still within TriMet's service territory (Coffee Creek Correctional Facility and the Tualatin Valley Fire & Rescue Station 56 on Elligsen Road). Why does that matter? Because TriMet collects revenue for those properties but does not provide fixed route transit service to them – and SMART does provide that service without collecting any revenue from them.

In the next year a new public school will be built south of Advance Road, east of Wilsonville Road. That school too (as well as the future park and another school in the same neighborhood) will be within the City, but still in TriMet territory. There too, SMART intends to provide transit service.

As was pointed out during the recent City Council conversation, the City is going to continue to grow to the north, creating more opportunities for conflict with TriMet boundaries. The public will be best served by having this issue resolved sooner rather than later.

Over the next few months SMART staff will be reaching out to the public and to officials at TriMet talking about these issues. We feel that we have very strong arguments to put forward about why SMART should be the transit agency serving all properties within the Wilsonville City limits. We hope that the public agrees and that, ultimately, the TriMet Board of Directors will agree as well.

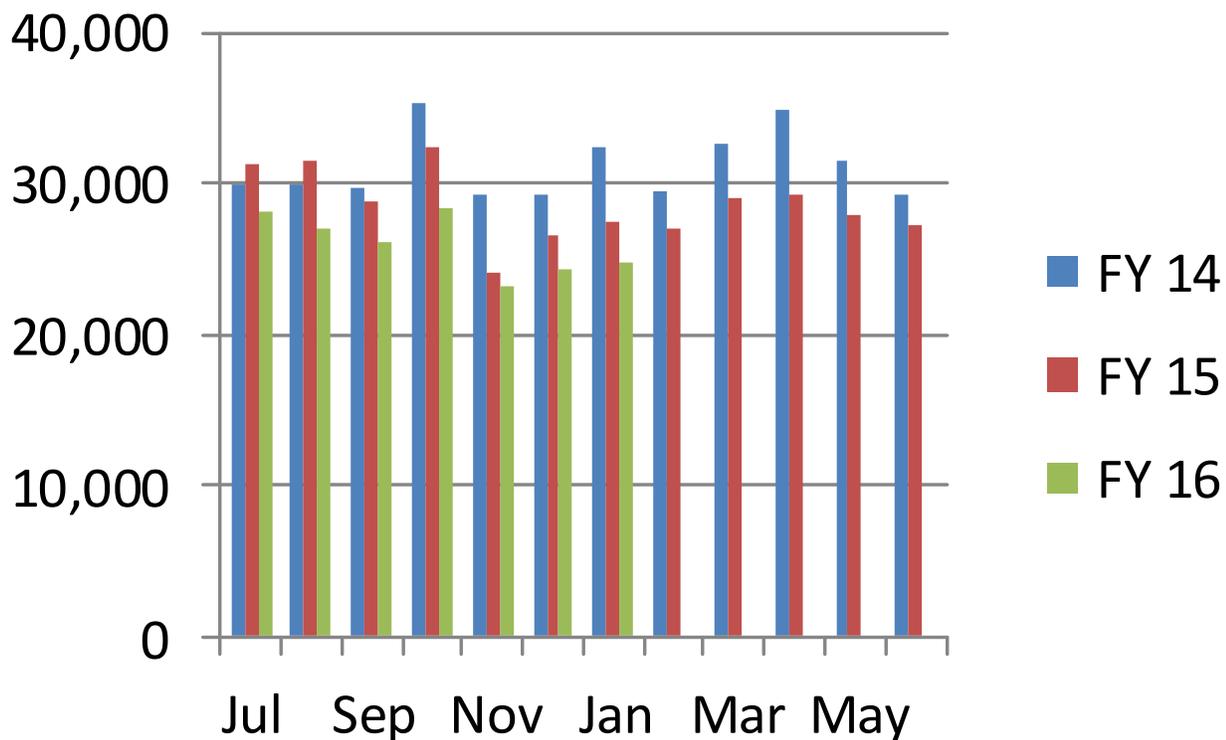
Stephan Lashbrook

January Operations Report

by Steve Allen

Although comparing year to year ridership allows for tracking trends in ridership as they move up or down, absolute comparisons should be avoided due to variables not always taken into consideration. As an example, the ridership trend is definitely tracking downward for the past two years. However, focusing on just a month to month comparison may not take into account that in previous years, the number of workdays in the month change. Again, while there is no denying that ridership is down compared with the last two years, the January in 2014 had 22 workdays, 21 workdays in 2015 and 20 workdays this year. Although we report that ridership is down 9.7% from last year, the average workday ridership was 1,260 in 2015 compared with 1,204 this year, or down 4.4%.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 14	30,094	30,024	29,661	35,481	29,342	29,216	32,432	29,551	32,645	35,010	31,581	29,371	374,408
FY 15	31,421	31,650	28,971	32,568	24,192	26,510	27,535	27,122	29,155	29,348	27,956	27,365	343,793
FY 16	28,225	27,143	26,090	28,367	23,204	24,359	24,891						



What are your priorities when you can't have it all?

Wilsonville needs to hear what you care about the most to update the Transit Master Plan to best serve our community. To make it easy and maybe even fun for you, mobile survey stations will be available around town throughout March.

We hope to hear from residents, employers, employees and visitors to help guide SMART resources over the next five years. With quick and easy-to-answer survey questions, this important community feedback will inform and help decision-makers understand the choices for SMART resources.

Visit the project website to learn more about the Transit Master Plan and please keep an eye on your community newsletters in March for survey information and kiosk locations.

www.plansmartwilsonville.com



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