

AGENDA

**WILSONVILLE CITY COUNCIL MEETING
MAY 18, 2015
7:00 P.M.**

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

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Julie Fitzgerald
Councilor Charlotte Lehan

CITY COUNCIL MISSION STATEMENT

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

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

- | | | | |
|------------------|--|-----------|---------------|
| 5:00 P.M. | EXECUTIVE SESSION | [15 min.] | |
| A. | Pursuant to ORS 912.660(2)(d) Labor Negotiations
ORS 192.660(2)(e) Real Property
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. | Memorial Park Master Plan (Sherer) | [20 min.] | |
| B. | Erosion Control Ordinance (Rappold) | [15 min.] | |
| C. | Tourism Promotion Committee Proposal (Ottenad) | [20 min.] | Page 1 |
| 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 regular session to be held, Monday, May 18, 2015 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on May 5, 2015. 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. Public Works Week Proclamation (staff – Kerber) **Page 7**
- B. Appointment to Library Board [Placeholder]
- C. Upcoming Meetings **Page 8**

7:20 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. 2531** **Page 9**
A Resolution Of The City Of Wilsonville City Council Authorizing The City Manager To Execute A Consulting Contact With AKS Engineering And Forestry For The Willamette River Storm Outfalls Project (Capital Improvement Project #7053). (staff – Adams)
- B. **Resolution No. 2532** **Page 47**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Weitman Excavation LLC For The Wilsonville Road Median Retrofit Project (Capital Improvement Project 4720).. (staff – Mende)
- C. Minutes of the May 4, 2015 City Council Meeting. (staff – King) **Page 54**

7:50 P.M. PUBLIC HEARING

- A. **Ordinance No. 769** 1st reading **Page 63**
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 3, City Property And Chapter 8, Environment To Add Updated Erosion Control Requirements. (staff – Rappold)

8:15 P.M. CONTINUING BUSINESS

- A. **Ordinance No. 768** 2nd reading **Page 79**
An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Facility (PF) Zone To The VILLAGE (V) ZONE On Approximately 3.58 Acres Northwest Of SW Villebois Drive North Between SW Orleans Avenue And SW Costa Circle West. Comprising Tax Lot 3100 And Adjacent Right-Of-Way Of Section 15AC, T3S, R1W, Clackamas County, Oregon, RCS-Villebois Development LLC, Applicant. (staff – Pauly)

INFORMATION ONLY ITEMS

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8:20 P.M. CITY MANAGER’S BUSINESS

8:25 P.M. LEGAL BUSINESS

8:30 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



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: May 18, 2015		Subject: Proposal for Wilsonville Tourism Promotion Committee Staff Member: Mark Ottenad, Public/Government Affairs Director Department: Administration	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution Information or Direction <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: City staff members have researched a range of organizational formats across Oregon for advancing the “Visit Wilsonville” Tourism Development Strategy and provide a proposal to implement under the guidance of a new Tourism Promotion Committee.	
Staff Recommendations: City Council provides feedback and suggestions for advancing proposal.			
Recommended Language for Motion: NA			
PROJECT / ISSUE RELATES TO:			
<input checked="" type="checkbox"/> Council Goals/Priorities		<input checked="" type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL

City staff present for City Council consideration a “Proposal for Tourism Promotion Committee: Proposed Organizational Charter/By-Laws Summary of Committee.” The proposal is based on key tenants of the *Wilsonville Tourism Development Strategy, May 2014*, and research on a range of community-tourism organizational structures across Oregon.

BACKGROUND

Over the past year, City staff researched a range of community-tourism organizational structures across Oregon. Results of the research show diverse and wide-ranging ways that a community may organize around tourism-promotion efforts. In a nutshell, while there are four primary models with variants for community tourism organization, each community appears to have evolved a model unique to that city or region’s experience and priorities.

Community Tourism Organizational Structures

A survey of Oregon communities and regions active in tourism show four primary models with variants for how the community or region organizes around and promotes tourism.

- **Chamber:** The local chamber of commerce is designated by the City as the tourism lead or the chamber has assumed that role.
 - **Chamber/Assn:** Some chambers of commerce have either formed a separate “visitor & convention bureau” (CVB) or work in close conjunction with a downtown association or tourism/visitor association and are designated by the City as the tourism lead or the organizations have assumed that role.
- **Chamber/City:** In some communities, the chamber of commerce and city appear to have a dual, joint-role in promoting tourism and managing visitor programs in which each party has certain responsibilities.
- **DMO / Destination Marketing Organization:** In this context, DMO means a private, nonprofit organization, often a membership association, that is focused exclusively on tourism. DMOs usually cover more than one community and are often county- or region-wide. DMOs may also be governmental organizations (such as Clackamas County Tourism & Cultural Affairs or Tillamook County Tourism); however, here the term means non-governmental organizations such as the Washington County Visitors Association (WCVA).
- **City or County:** The local city or county government is the designated tourism lead. At least five local governments in Oregon take the lead on tourism.
- **None:** Many local jurisdictions such as Wilsonville have neither a designated nor apparent tourism lead, as determined through Internet searches to gauge an “authoritative tourism resource.”

Tourism Leads for Primary Oregon “Tourism Communities/Regions”

Sorted by Tourism Lead and then Population

Jurisdiction	Population	Tourism Lead	Jurisdiction	Population	Tourism Lead
Medford	75,920	Chamber	Portland	592,120	DMO
Newberg	22,580	Chamber	Eugene	159,580	DMO
Roseburg	22,275	Chamber	Salem	157,770	DMO
Ashland	20,295	Chamber	Bend *	78,280	DMO
Hermiston	17,240	Chamber	Springfield	59,990	DMO
Pendleton	16,780	Chamber	Corvallis	55,345	DMO
Hood River	7,460	Chamber	Albany	50,720	DMO
McMinnville	32,510	Chamber/Assn	Redmond	26,590	DMO
Tillamook	4,885	Chamber/Assn	Central Point	17,315	DMO
Forest Grove	22,340	Chamber/City	Sisters	2,115	DMO
Klamath Falls	21,495	Chamber/City	La Pine	1,670	DMO
Newport	10,160	Chamber/City	Clackamas County	386,080	County
Silverton	9,330	Chamber/City	Tillamook County	25,375	County
Rockaway Beach	1,325	Chamber/City	Deschutes County	162,525	DMO
Grants Pass	34,855	City	Benton County	87,725	DMO
Lincoln City	8,380	City	Marion County	322,880	None
Seaside	6,560	City			
Garibaldi	790	City			

* Started as city agency; transformed by city to nonprofit DMO in 2001

Proposed Wilsonville Tourism Organizational Structure

The *Wilsonville Tourism Development Strategy* recommended creation of a “Visit Wilsonville” DMO as a nonprofit, non-membership organization supported by the City. The Strategy also suggested that one way to achieve the “Visit Wilsonville” DMO organizational goal would be for the City to form the organization as a City committee, with the eventual goal of moving the committee to become a nonprofit, non-membership organization.

Currently, six “tourism communities” or regions in Oregon have government-led organizational structures, including Clackamas and Tillamook counties and the cities of Garibaldi, Grants Pass, Lincoln City and Seaside.

At the conclusion of the City’s Tourism Development Strategy process, a consensus of the participants and City Council appeared to be leaning towards initial implementation of “Visit Wilsonville” as a City-led effort that could transform into a nonprofit DMO organization. Rather than jump to this conclusion, staff have created a proposal for a City Tourism Promotion Committee to lead the community’s tourism effort.

As this committee and the community matures and gains experience in the tourism sector, one could anticipate an organic movement towards formation of a nonprofit, non-membership DMO. At this time, the Tourism Promotion Committee proposal seeks a more limited goal of establishing the committee, which would create with Council approval one-year action plans and longer-term five-year strategies that help to guide the yearly plans.

“Visit Bend” a Possible Model for Wilsonville

One of the most instructive examples of a city taking the lead on tourism and turning over the effort to a nonprofit DMO is the City of Bend, perhaps Oregon’s foremost “tourism community.” Starting out initially as a city agency, the Bend City Council created in 2001 the Bend Visitor & Convention Bureau DMO as a nonprofit, non-membership organization. Now known as “Visit Bend,” the Bend DMO works in close conjunction with the City, chamber and regional DMO Central Oregon Visitors Association on tourism development and promotion.

And on a different but related local note, the highly regarded Mid-Willamette Valley economic-development organization SEDCOR that serves Marion and Polk counties originated as the City of Salem Economic Development Department before being jettisoned as an independent entity.

The Visit Bend website, About Visit Bend section, states:

“The Bend City Council created, empowered and funded Visit Bend (formerly the Bend Visitor & Convention Bureau) to develop and build Bend’s tourism industry. Visit Bend is an economic development organization whose primary function is to create an effective mix of marketing, sales, and service programs, which are designed to produce a positive economic impact of visitor and convention spending in Bend.

“Developing and implementing these programs results in enhancing the City’s livability by providing year-round employment. Visit Bend sells the entire City and works in good partnership with all sectors of the Bend and Central Oregon visitor and convention industry. Visit Bend practices the highest principles of civic citizenship. It follows good business practices and policies set forth by the bylaws.”

Of all the local, community-oriented tourism organizations reviewed, Visit Bend appeared to have the most congruent tourism development strategy, authoritative Internet presence,

professional organizational caliber and easy-to-navigate website. The Visit Bend DMO serves as an inspiring, practical model for any tourism-development effort that could be proposed.

INTERNAL CITY ORGANIZATION

The City Manager is discussing with department directors and staff the optimum location within the City organizational structure for housing the Tourism Promotion Committee. Due to the deep connection with the City's Parks and Recreation programs (as evidenced in part by the proposed inclusion of the Parks & Recreation Director or designee as an ex-officio committee member) and City parks as venue for many tourism-related events, there appears to be a logical nexus with the Parks & Recreation Department.

While the Tourism Development Strategy has been presented as a component of the City's larger overall Economic Development Strategy, there is a significant divergence between the needs and requirements of the tourism versus the industrial sectors of the economy, of which the Economic Development Strategy focuses on the latter. The City's Economic Development Division is housed in the Community Development Department due to the deep connection of public infrastructure that supports the industrial and commercial sectors.

COMMUNITY INVOLVEMENT PROCESS AND NEXT STEPS

Staff have contacted and forwarded this staff report and the Tourism Promotion Committee proposal to the 17-member tourism development stakeholder advisory task force that oversaw creation of the *Wilsonville Tourism Development Strategy* and to the Wilsonville Chamber of Commerce and invited feedback and comments.

Staff propose to bring back for formal approval by City Council in June a resolution for formation of the Tourism Promotion Committee. Assuming adoption by Council of the resolution at that time, City staff would advertise and recruit for applicants during July–August to serve on the Committee. Applicants would be forwarded to the Mayor and Councilors for review in September, and as is traditional and proposed, the Mayor would select and forward prospective committee members to the Council for approval.

Committee members' terms of office (with staggered terms as outlined in the proposal) would commence on October 1, and presumably the first meeting of the Committee held later in October 2015.

Generally, this kind of schedule that avoids meetings and committee work during the busy summer tourism season has been suggested by tourism-business proprietors and managers.

Given this preferred schedule by tourism professionals, City staff could envision the committee meeting the minimum four times over the seven-month period of October 2015 through April 2016, which constitutes the off-season and "shoulder seasons" for Oregon tourism operators.

ATTACHMENTS

Proposal for Tourism Promotion Committee: Proposed Organizational Charter/By-Laws
Summary of Committee, May 4, 2015

**Proposal for Tourism Promotion Committee:
Proposed Organizational Charter/By-Laws Summary of Committee**

May 4, 2015

Vision The Tourism Promotion Committee seeks to implement the City of Wilsonville’s (“City”) community vision for tourism, as stated in the *Wilsonville Tourism Development Strategy, May 2014*:

“In 2023, Wilsonville is a welcoming, family-friendly community that is one of Oregon’s premier destination cities, investing in tourism, meetings, leisure and recreation strengths, amenities and services to provide compelling year-round experiences.”

Mission “To facilitate the thoughtful development of Wilsonville’s visitor economy for the benefit of visitors and partners, and to enhance the quality of life for those who live and work in the community.”
Wilsonville Tourism Development Strategy, May 2014

Purpose The Tourism Promotion Committee (“Committee”) has three primary areas of responsibility:

1. The Committee oversees implementation of the “Visit Wilsonville” Tourism Development Strategy and is charged specifically to develop a larger Five-Year Action Plan and annual One-Year Implementation Plans for fulfilling the Tourism Development Strategy, to be presented and recommended to City Council for approval.
2. The Committee makes recommendations to the City Council for tourism- and visitor-related marketing, promotions, expenditures and related programs and services that will result in increased tourism activity, as measured by overnight room stays at local lodging properties.
3. The Committee makes recommendations to City Council concerning the selection and disbursement of the annual Tourism Grant Programs operated by the City, including the Community Tourism Matching Grant Program (currently \$25,000 per year) and the Clackamas County Tourism Community Partnership Grant Program (currently \$20,000 per year).

Appointment The Mayor appoints and the City Council confirms Committee members. The City Council has discretion to replace a member at any time.

Membership The Committee shall consist of eleven (11) members, including seven (7) voting members and four (4) non-voting ex-officio members.

The seven (7) voting members are to be drawn from the hospitality and tourism industry in the greater Wilsonville area, including representatives of the following stakeholders: Agri-Tourism, Arts & Culture, Community Events, Equestrian Tourism, Event Facility, Lodging, Organized Sporting Events, Outdoor Recreation and Tourism Attractions.

The four (4) ex-officio positions are a City Councilor who also acts as Council

liaison for the committee; the City's Parks and Recreation Director, or his/her designee; and a professional staff person from Clackamas County Tourism and Cultural Affairs and Washington County Visitors Association respectively.

**Term of
Voting
Member
Appointments**

Staggered three-year terms based on the fiscal year, scheduled so that two (2) or three (3) members are appointed or reappointed each year. A vacancy in a position may be appointed to fulfill the remainder of the term.

The appointment of a member shall automatically terminate upon the member's unexcused absence of three (3) consecutive meetings during a 12-month period. A member may serve a maximum of three (3) consecutive three-year terms; terms of appointment for less than three years shall not count towards the maximum time of service.

At the outset of the Committee, voting positions will be staggered as follows: Two (2) positions are one-year or slightly less in duration and two (2) positions are a two-year duration, and three (3) positions are full three-year appointments; assuming appointment by Oct. 1, 2015:

Position #1 – 1-year term: 10/1/15 – 6/30/16; next term: 7/1/16-6/30/19

Position #2 – 1-year term: 10/1/15 – 6/30/16; next term: 7/1/16-6/30/19

Position #3 – 2-year term: 10/1/15 – 6/30/17; next term: 7/1/17-6/30/20

Position #4 – 2-year term: 10/1/15 – 6/30/17; next term: 7/1/17-6/30/20

Position #5 – 3-year term: 10/1/15 – 6/30/18; next term: 7/1/18-6/30/21

Position #6 – 3-year term: 10/1/15 – 6/30/18; next term: 7/1/18-6/30/21

Position #7 – 3-year term: 10/1/15 – 6/30/18; next term: 7/1/18-6/30/21

Organization

At the first meeting of each fiscal year, the Committee will elect a chair and vice-chair from the voting members.

The Chair (Vice Chair in the absence of the Chair) will preside over all meetings.

An appointed City staff person or outside contractor will serve as secretary to keep notes of each public meeting and assist with administrative tasks.

The Committee will meet on an agreed-upon schedule at least four (4) times per year. The Chair may also call a special meeting with one week's advance notice. Such meeting notice may be given by email or regular mail.

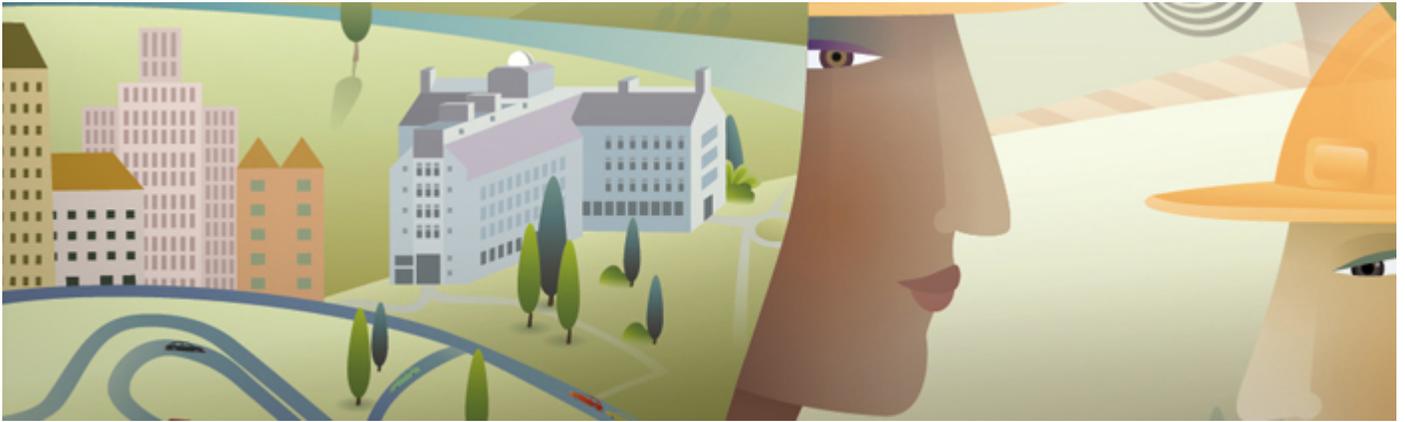
A meeting may be held without a quorum; however, a quorum of at least four (4) voting members is required in order for the Committee to vote on any matter.

Committee members may participate in a meeting telephonically.

All meetings will be announced and open to the public.

Voting

All members are entitled to vote in person at a meeting, regular or special. Proxies are not allowed. A majority vote of the members voting on the question will be required to carry any matters submitted. A member who abstains from a vote shall be counted as present for purposes of the quorum but not counted as having voted on the question.



City of Wilsonville
Public Works Week:
"Community Begins Here"

WHEREAS, public works infrastructure, facilities and services are of vital importance to our community and to the health, safety and well-being of the people of the City of Wilsonville; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals including field workers, engineers, analysts, managers, and employees from the City and the private sector. Together they plan, design, build, operate, and maintain the transportation network, water, wastewater and storm water systems, public buildings, and other structures and facilities essential to serve our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the City of Wilsonville to increase knowledge of and to maintain an enlightened interest and understand the importance of public works and public works programs in our community; and

WHEREAS, 2015 marks the 55th annual National Public Works Week sponsored by the American Public Works Association;

NOW, THEREFORE: I, Tim Knapp, Mayor of the City of Wilsonville in the State of Oregon, hereby proclaim May 17-23, 2015 to be

PUBLIC WORKS WEEK

in Wilsonville and encourage all Wilsonville citizens to join me in honoring our public works professionals and recognizing their substantial contribution to our community.

Signed this 18th day of May, 2015

Mayor Tim Knapp

CITY COUNCIL ROLLING SCHEDULE**Board and Commission Meetings 2015****Items known as of 05/12/15****May**

DATE	DAY	TIME	MEETING	LOCATION
5/18	Monday	7 p.m.	City Council Meeting	Council Chambers
5/19	Tuesday	6 p.m.	Budget Committee	Council Chambers
5/20	Wednesday	6 p.m.	Budget Committee	Council Chambers
5/25			City offices closed in observance of Memorial Day	
5/27	Wednesday	6:30	Library Board	Library
5/28	Thursday	6 p.m.	DRB Panel B This meeting replaces the 5/25 meeting postponed due to Memorial Day Holiday	Council Chambers

June

DATE	DAY	TIME	MEETING	LOCATION
6/1	Monday	7 p.m.	City Council Meeting	Council Chambers
6/8	Monday	6:30 p.m.	DRB Panel A	Council Chambers
6/10	Wednesday	1 p.m.	Wilsonville Community Seniors, Inc.	Community Center
6/10	Wednesday	6 p.m.	Planning Commission	Council Chambers
6/15	Monday	7 p.m.	City Council Meeting	Council Chambers
6/22	Monday	6:30 p.m.	DRB Panel B	Council Chambers
6/24	Wednesday	6:30 p.m.	Library Board	Library

COMMUNITY EVENTS**Spa Saturday at the Center**

May 16, 10:30 AM - 1:30 PM @ Community Center, 7965 SW Wilsonville Road

There will be free sample sessions of massage, acupuncture, yoga, tai chi, Pilates, meditation, health and craft vendors, raffle prizes and more!

Korean War Memorial Remembrance

May 25, 10:00 AM Town Center Park

Memorial Day / Eagle Scout Event -- Medallion Dedication for Veterans

May 25, 11 AM Pleasant View Cemetery, 14250 SW Westfall Road.

Wilsonville Festival of Arts

May 30 & 31, 10:00 AM - 9:00 PM @ Town Center Park

The Wilsonville Arts & Culture Council is presenting the 16th annual Wilsonville Festival of Arts

Water Features Turned On

June 13, 10 a.m. Town Center Park and Murase Plaza

Joint Meeting with Tualatin City Council Tualatin Police Training Room

6/17 Wednesday 6 p.m.



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: May 18, 2015		Subject: Resolution No. 2531 Consultant contract award Willamette River Storm Outfalls – CIP 4184 Staff Member: Steve Adams, Development Engineering Manager 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 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.2531.			
Recommended Language for Motion: I move to approve Resolution No. 2531.			
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>			
<input checked="" type="checkbox"/> Council Goals/Priorities Well-maintained infrastructure	<input checked="" type="checkbox"/> Adopted Master Plan(s) Stormwater Master Plan – 2014 Priority Capital Projects	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

A Resolution of the City of Wilsonville authorizing the City Manager to execute a consulting contract not to exceed \$593,995 with AKS Engineering & Forestry (AKS).

EXECUTIVE SUMMARY:

The Willamette River Storm Outfalls project will repair/retrofit three stormwater outfalls in the Rivergreen and Moreys Landing neighborhoods that have experienced erosion issues since they

were installed in the 1990s. The Consultant will provide engineering design plans, acquire the necessary federal and state permits required to perform the repair work, and provide construction inspection and assistance.

Work will also include adding stormwater quality facilities to bring the City into compliance with federal and state NPDES water quality requirements.

When the City's Stormwater Master Plan was adopted in 2012 these three erosional problems were not known to exist. They were determined to be priority projects and included in the 2014 Stormwater Priority Projects list and programmed for the first five years of those recognized capital needs.

Three proposals were received on April 14, 2015. Staff evaluated the proposals, interviewed the two most qualified consultant teams, and then chose AKS as our preferred consultant to work with during design and construction of these projects.

EXPECTED RESULTS:

Prepare design plans and obtain necessary permitting for the three project areas for bid and construction readiness; contract includes construction observation and project close-out.

TIMELINE:

Design, permitting and construction observation work is expected to begin in summer 2016 at one of the outfalls, with subsequent work occurring in summer 2017 and summer 2018 with work each year scheduled to conclude before the winter wet season.

CURRENT YEAR BUDGET IMPACTS:

Project #7053 is funded through stormwater fees. The proposed FY 2015-16 Wilsonville budget includes \$453,455 for design, permitting, construction, contract administration, and overhead. Additional budget will need to be developed for FY 20 16-17 and FY 2017-18. A Feasibility Study prepared by another consultant in 2014 has estimated total costs of \$1.6 M for design, permitting and construction work for all three outfall locations.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 5/8/15

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 5/6/2015

Resolution approved as to form.

COMMUNITY INVOLVEMENT PROCESS:

City staff has met and communicated with the Rivergreen HOA and the four property owners most affected by the erosion issues. As design plans are developed, City staff will share the plans with the Rivergreen HOA and the four property owners and work to incorporate their comments or concerns into the final project designs.

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

Project #7053 will repair erosion issues and stabilize the stormwater channels below the outfalls to the Willamette River. The work is anticipated to prevent future erosion and stability issues on the HOA owned open spaces and private properties where the outfalls are located. Work will also include adding stormwater quality facilities to bring the City into compliance with federal and state NPDES water quality requirements.

ALTERNATIVES:

No alternatives exist to the outfall erosion problems; these neighborhoods were constructed at a time when the City did not require stormwater detention and allowed storm outfalls to be constructed at the upper end of slopes. Staff will work with the Consultant to develop plans that will minimize cost to the City while still being acceptable to federal and state permitting agencies.

CITY MANAGER COMMENT:

ATTACHMENTS

Attachment "A", Resolution No. 2531

Attachment "B", PSA and Scope of Work

Attachment "C", Consultant Estimate, not-to-exceed

RESOLUTION NO. 2531

A RESOLUTION OF THE CITY OF WILSONVILLE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING CONTRACT WITH AKS ENGINEERING & FORESTRY FOR THE WILLAMETTE RIVER STORM OUTFALLS PROJECT (CAPITAL IMPROVEMENT PROJECT #7053).

WHEREAS, the City has planned and budgeted for design of Capital Improvement Project #7053, known as the Willamette River Storm Outfalls project (the Project); and

WHEREAS, there are three outfalls to be improved and it is anticipated that the projects will conclude in the late fall of 2018, although the City engineering staff believes there may be an opportunity to potential complete the last two outfall improvements by the late fall of 2017 if sufficient resources become available;

WHEREAS, the City solicited proposals from qualified consultants for the Project that duly followed the State of Oregon Public Contracting Rules and the City of Wilsonville Municipal Code; and

WHEREAS, AKS Engineering & Forestry submitted a proposal for the Project on April 14, 2015 and was subsequently evaluated and interviewed, and was determined to be the most qualified Consultant to perform the work; and

WHEREAS, following the qualifications based selection process and under the direction of the City, a detailed scope of work was prepared and is attached to the staff report presented to the City Council in support of this Resolution and the fee for the scope was negotiated and found to be acceptable and appropriate for the services to be provided through the potential term ending in 2018.

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

1. The procurement process for the Project duly followed Oregon Public Contracting Rules, and AKS Engineering & Forestry was determined to be the most qualified to perform the work.
2. The City of Wilsonville, acting as the Local Contract Review Board, authorizes the City Manager to enter into, on behalf of the City of Wilsonville, a Consulting

Contract with AKS Engineering & Forestry for a stated value not to exceed \$593,995.

3. This resolution is effective upon adoption

ADOPTED by the Wilsonville City Council at a regular meeting on May 18, 2015 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	_____

Attachment "B"

**CITY OF WILSONVILLE
PROFESSIONAL SERVICES AGREEMENT
WILLAMETTE RIVER STORM OUTFALLS #7053**

This Professional Services Agreement ("Agreement") is made and entered into on this _____ day of _____, 2015 ("Effective Date") by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (hereinafter referred to as the "City"), and _____ a(n) _____ [state] _____ [corporation/limited liability company, etc.] (hereinafter referred to as "Consultant").

RECITALS

WHEREAS, the City requires services which Consultant is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, Consultant represents that Consultant is qualified to perform the services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Consultant is prepared to provide such services as the City does hereinafter require.

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

AGREEMENT

Section 1. Term

The term of this Agreement shall be from the Effective Date until all services required to be performed hereunder ("Services") are completed and accepted, unless earlier terminated in accordance herewith. Consultant shall diligently perform the Services according to the requirements and deliverable dates identified in the Scope of Services, attached hereto as **Exhibit A** and incorporated by reference herein. Except in the event of an extension of time, agreed to in writing by the City, all Services must be completed no later than November 30, 2016 for Project #1; November 30, 2017 for Project #2; and November 30, 2018 for Project #3.

Section 2. Consultant's Services

2.1. Consultant will perform the Scope of Services, more particularly described on **Exhibit A**, for the Willamette River Storm Outfalls Project ("Project").

2.2. All written documents, drawings, and plans submitted by Consultant in conjunction with the Services shall bear the signature, stamp, or initials of Consultant's authorized Project Manager. Any documents submitted by Consultant which do not bear the signature, stamp, or initials of Consultant's authorized Project Manager, will not be relied upon

by the City. Interpretation of plans and answers to questions regarding the Services or Scope of Services given by Consultant's Project Manager may be verbal or in writing, and may be relied upon by the City, whether given verbally or in writing. If requested by the City to be in writing, Consultant's Project Manager will provide such written documentation.

2.3. Consultant will not be deemed to be in default by reason of delays in performance due to reasons beyond Consultant's reasonable control, including but not limited to strikes, lockouts, severe acts of nature, or other unavoidable delays or acts of third parties not under Consultant's direction and control ("Force Majeure"). In the case of the happening of any Force Majeure event, the time for completion of the Services will be extended accordingly and proportionately by the City, in writing. Lack of labor, supplies, materials, or the cost of any of the foregoing shall not be deemed a Force Majeure event.

2.4. The existence of this Agreement between the City and Consultant shall not be construed as the City's promise or assurance that Consultant will be retained for future services beyond the Scope of Services described herein.

2.5. Consultant shall maintain the confidentiality of any confidential information that is exempt from disclosure under state or federal law to which Consultant may have access by reason of this Agreement. Consultant warrants that Consultant's employees assigned to work on the Services provided in this Agreement shall be clearly instructed to maintain this confidentiality. All agreements with respect to confidentiality shall survive the termination or expiration of this Agreement.

Section 3. Compensation

3.1. Except as otherwise set forth in this **Section 3**, the City agrees to pay Consultant on a time and materials basis, guaranteed not to exceed _____ DOLLARS (\$_____) for performance of the Services ("Compensation Amount"). Any compensation in excess of the Compensation Amount will require an express written Change Order to be executed between the City and Consultant.

3.2. During the course of Consultant's performance, if the City, through its Project Manager, specifically requests Consultant to provide additional services that are beyond the Scope of Services described on **Exhibit A**, Consultant shall provide such additional services and bill the City at the hourly rates outlined on Consultant's Rate Schedule, as set forth in **Exhibit B**. Compensation above the amount shown in **Subsection 3.1** above requires a written Change Order, executed in compliance with the provisions of **Section 16**.

3.3. Unless expressly set forth on Consultant's Rate Schedule as a reimbursable expense item that is not included in the Compensation Amount of **Subsection 3.1**, or as an additional charge for which a written Change Order has been approved, in accordance with **Subsection 3.2** and the requirements of **Section 16**, Consultant shall only be entitled to the Compensation Amount specified in **Subsection 3.1**.

3.4. Except for amounts withheld by the City pursuant to this Agreement, Consultant will be paid for Services for which an itemized invoice is received by the City within thirty (30) days of receipt, unless the City disputes such invoice. In that instance, the undisputed portion of the invoice will be paid by the City within the above timeframe. The City will set forth its reasons for the disputed claim amount and make good faith efforts to resolve the invoice dispute with Consultant as promptly as is reasonably possible.

3.5. The City will be responsible for the direct payment of required fees payable to governmental agencies, including but not limited to plan checking, land use, zoning, and all other similar fees resulting from this Project, that are not specifically covered by **Exhibit A**.

3.6. Consultant's Compensation Amount and Rate Schedule are all inclusive and include, but are not limited to, all work-related expenses, salaries or wages plus fringe benefits and contributions, including payroll taxes, workers compensation insurance, liability insurance, profit, pension benefits and similar contributions and benefits, technology and/or software charges, office expenses, and all other indirect and overhead charges.

Section 4. Prevailing Wages

This contract is part of a Public Works Project subject to ORS 279C.800 to 279C.870. Therefore, not less than the current applicable state prevailing wage must be paid on this Project to any employees of Consultant or Consultant's subcontractors, if any, who are subject to the prevailing wage scales. Wage rates for this Project are those published by BOLI effective January 1, 2015, and all subsequent amendments. The BOLI prevailing wage rate for public works contracts can be found at the following web address: http://www.oregon.gov/boli/WHD/PWR/Pages/pwr_state.aspx. Because this is a public works contract subject to payment of prevailing wages, each worker in each trade or occupation employed in the performance of the Services, either by Consultant, a subcontractor, or other person doing or contracting to do, or contracting for the whole or any part of the Services, must be paid not less than the applicable state prevailing wage for an hour's work in the same trade or occupation in the locality where such labor is performed, in accordance with ORS 279C.838 and 279C.840, if applicable. Consultant must comply with all public contracting wages required by law. Consultant and any subcontractor, or their sureties, shall file a certificate of rate of wage as required by ORS 279C.845. If the City determines at any time that the prevailing rate of wages has not been or is not being paid as required herein, it may retain from the moneys due to Consultant an amount sufficient to make up the difference between the wages actually paid and the prevailing rate of wages, and may also cancel the contract for breach. Consultant shall be liable to the workers affected for failure to pay the required rate of wage, including all fringe benefits under ORS 279C.840(5). Consultant shall include a contract provision in compliance with this paragraph in every subcontract and shall require each subcontractor to include it in subcontract(s).

Section 5. City's Responsibilities

The scope of the City's responsibilities, including those of the City's Project Manager, are also set forth in the Scope of Services. The City will designate a Project Manager to facilitate day-

to-day communication between Consultant and the City, including timely receipt and processing of invoices, requests for information, and general coordination of City staff to support the Project.

Section 6. City's Project Manager

The City's Project Manager is Steve Adams. The City shall give Consultant prompt written notice of any redesignation of its Project Manager.

Section 7. Consultant's Project Manager

Consultant's Project Manager is _____. In the event that Consultant's designated Project Manager is changed, Consultant shall give the City prompt written notification of such redesignation. Recognizing the need for consistency and knowledge in the administration of the Project, Consultant's Project Manager will not be changed without the written consent of the City, which consent shall not be unreasonably withheld. In the event the City receives any communication from Consultant that is not from Consultant's designated Project Manager, the City may request verification by Consultant's Project Manager, which verification must be promptly furnished.

Section 8. Project Information

Except for confidential information designated by the City as information not to be shared, Consultant agrees to share Project information with, and to fully cooperate with, those corporations, firms, contractors, public utilities, governmental entities, and persons involved in or associated with the Project. No information, news, or press releases related to the Project, whether made to representatives of newspapers, magazines, or television and radio stations, shall be made without the written authorization of the City's Project Manager.

Section 9. Duty to Inform

If, at any time during the performance of this Agreement or any future phase of this Agreement for which Consultant has been retained, Consultant becomes aware of actual or potential problems, faults, or defects in the Project or Scope of Services, or any portion thereof; or of any nonconformance with federal, state, or local laws, rules, or regulations; or if Consultant has any objection to any decision or order made by the City with respect to such laws, rules, or regulations, Consultant shall give prompt written notice thereof to the City's Project Manager. Any delay or failure on the part of the City to provide a written response to Consultant shall neither constitute agreement with nor acquiescence to Consultant's statement or claim, nor constitute a waiver of any of the City's rights.

Section 10. Subcontractors and Assignments

10.1. Environmental permitting and geotechnical exploration may be performed by persons other than Consultant, provided Consultant advises the City of the names of such subcontractors and the work which they intend to perform, and the City specifically agrees in

writing to such subcontracting. Consultant acknowledges such work will be provided to the City pursuant to a subcontract(s) between Consultant and subcontractor(s) and no privity of contract exists between the City and the subcontractor(s). Unless otherwise specifically provided by this Agreement, the City incurs no liability to third persons for payment of any compensation provided herein to Consultant. Any attempted assignment of this Agreement without the written consent of the City shall be void. Except as otherwise specifically agreed, all costs for work performed by others on behalf of Consultant shall not be subject to additional reimbursement by the City.

10.2. The City shall have the right to enter into other agreements for the Project, to be coordinated with this Agreement. Consultant shall cooperate with the City and other firms, engineers or subcontractors on the Project so that all portions of the Project may be completed in the least possible time and within normal working hours. Consultant shall furnish other engineers, subcontractors and affected public utilities, whose designs are fitted into Consultant's design, detail drawings giving full information so that conflicts can be avoided.

Section 11. Consultant Is Independent Contractor

11.1. Consultant is an independent contractor for all purposes and shall be entitled to no compensation other than the Compensation Amount provided for under **Section 3** of this Agreement. Consultant will be solely responsible for determining the manner and means of accomplishing the end result of Consultant's Services. The City does not have the right to control or interfere with the manner or method of accomplishing said Services. The City, however, will have the right to specify and control the results of Consultant's Services so such Services meet the requirements of the Project.

11.2. Consultant may request that some consulting Services be performed on the Project by persons or firms other than Consultant, through a subcontract with Consultant. Consultant acknowledges that if such Services are provided to the City pursuant to a subcontract(s) between Consultant and those who provide such services, Consultant may not utilize any subcontractor(s), or in any way assign its responsibility under this Agreement, without first obtaining the express written consent of the City, which consent may be given or denied in the City's sole discretion. For all Services performed under subcontract to Consultant, as approved by the City, Consultant shall only charge the compensation rates shown on an approved Rate Schedule. Rate Schedules for named or unnamed subcontractors, and Consultant markups of subcontractor billings, will only be recognized by the City as set forth in Consultant's Rate Schedule, unless documented and approved, in writing, by the City pursuant to a modification to Consultant's Rate Schedule, per **Section 16** of this Agreement. In all cases, processing and payment of billings from subcontractors is solely the responsibility of Consultant.

11.3. Consultant shall be responsible for, and defend, indemnify, and hold the City harmless against, any liability, cost, or damage arising out of Consultant's use of such subcontractor(s) and subcontractor's negligent acts, errors, or omissions. Unless otherwise agreed to, in writing, by the City, Consultant shall require that all of Consultant's

subcontractors also comply with and be subject to the provisions of this **Section 11** and meet the same insurance requirements of Consultant under this Agreement.

Section 12. Consultant Responsibilities

12.1. Consultant shall make prompt payment for any claims for labor, materials, or services furnished to Consultant by any person in connection with this Agreement, as such claims become due. Consultant shall not permit any liens or claims to be filed or prosecuted against the City on account of any labor or material furnished to or on behalf of Consultant. If Consultant fails, neglects, or refuses to make prompt payment of any such claim, the City may, but shall not be obligated to, pay such claim to the subcontractor furnishing the labor, materials, or services and offset the amount of the payment against funds due or to become due to Consultant under this Agreement. The City may also recover any such amounts directly from Consultant.

12.2. Consultant must comply with all applicable Oregon and federal wage and hour laws. Consultant shall make all required workers compensation and medical care payments on time. Consultant shall be fully responsible for payment of all employee withholdings required by law, including but not limited to taxes, including payroll, income, Social Security (FICA), and Medicaid. Consultant shall also be fully responsible for payment of salaries, benefits, taxes, Industrial Accident Fund contributions, and all other charges on account of any employees. Consultant shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. All costs incident to the hiring of assistants or employees shall be Consultant's responsibility. Consultant shall defend, indemnify, and hold the City harmless from claims for payment of all such expenses. Unless otherwise expressly set forth on **Exhibit B** as a reimbursable expense item, specific costs associated with items set forth in this subsection shall be deemed as fully and conclusively included in the rate upon which Consultant's Compensation Amount is based.

12.3. No person shall be discriminated against by Consultant or any subcontractor in the performance of this Agreement on the basis of race, color, creed, religion, marital status, age, disability, sex, gender, sexual orientation, gender identity, or national origin. Any violation of this provision shall be grounds for cancellation, termination, or suspension of the Agreement, in whole or in part, by the City.

12.4. References to "subcontractor" mean a subcontractor at any tier.

Section 13. Indemnity and Insurance

13.1. Consultant acknowledges responsibility for liability arising out of the performance of this Agreement, and shall defend, indemnify, and hold the City harmless from any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim resulting or allegedly resulting from Consultant's negligent acts, omissions, errors, or willful or reckless misconduct pursuant to this Agreement, or from Consultant's failure to perform its responsibilities as set forth in this Agreement. The review, approval, or acceptance by the City, its Project Manager, or any City employee of documents or other Services

performed, prepared, or submitted by Consultant shall not be considered a negligent act, error, omission, or willful misconduct on the part of the City, and none of the foregoing shall relieve Consultant of its responsibility to perform in full conformity with the City's requirements, as set forth in this Agreement, and to indemnify the City as provided above and to reimburse the City for any and all costs and damages suffered by the City as a result of Consultant's negligent performance of this Agreement, failure of performance hereunder, violation of state or federal laws, or failure to adhere to the standards of performance and care described in **Subsection 13.2**. Consultant shall defend the City (using legal counsel reasonably acceptable to the City) against any claim that alleges negligent acts, omissions, errors, or willful or reckless misconduct by Consultant.

13.2. Consultant's Standard of Care and Insurance Requirements.

13.2.1. Standard of Care: In the performance of professional services, Consultant agrees to use at least that degree of care and skill exercised under similar circumstances by reputable members of Consultant's profession practicing in the Portland metropolitan area. Consultant will re-perform any Services not meeting this standard without additional compensation. Consultant's re-performance of any Services, even if done at the City's request, shall not be considered as a limitation or waiver by the City of any other remedies or claims it may have arising out of Consultant's failure to perform in accordance with the applicable standard of care of this Agreement and within the prescribed timeframe.

13.2.2. Insurance Requirements: Consultant shall maintain insurance coverage acceptable to the City in full force and effect throughout the term of this Agreement. Such insurance shall cover all risks arising directly or indirectly out of Consultant's activities or work hereunder. The amount of insurance carried is in no way a limitation on Consultant's liability hereunder. The policy or policies of insurance maintained by Consultant shall provide at least the following minimum limits and coverages at all times during performance under this Agreement:

13.2.2.1. Commercial General Liability Insurance. Consultant shall obtain, at Consultant's expense, and keep in effect during the term of this Agreement, comprehensive Commercial General Liability Insurance covering Bodily Injury and Property Damage, written on an "occurrence" form policy. This coverage shall include broad form Contractual Liability insurance for the indemnities provided under this Agreement and shall be for the following minimum insurance coverage amounts: The coverage shall be in the amount of **\$2,000,000** for each occurrence and **\$3,000,000** general aggregate and shall include Products-Completed Operations Aggregate in the minimum amount of **\$2,000,000** per occurrence, Fire Damage (any one fire) in the minimum amount of **\$50,000**, and Medical Expense (any one person) in the minimum amount of **\$10,000**. All of the foregoing coverages must be carried and maintained at all times during this Agreement.

13.2.2.2. Professional Errors and Omissions Coverage. Consultant agrees to carry Professional Errors and Omissions Liability insurance on a policy form appropriate to the professionals providing the Services hereunder with a limit of no less than **\$2,000,000** per claim. Consultant shall maintain this insurance for damages alleged to be as a result of errors, omissions, or negligent acts of Consultant. Such policy shall have a retroactive date effective before the commencement of any work by Consultant on the Services covered by this Agreement, and coverage will remain in force for a period of at least three (3) years thereafter.

13.2.2.3. Business Automobile Liability Insurance. If Consultant will be using a motor vehicle in the performance of the Services herein, Consultant shall provide the City a certificate indicating that Consultant has business automobile liability coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than **\$2,000,000**.

13.2.2.4. Workers Compensation Insurance. Consultant and all employers providing work, labor, or materials under this Agreement that are subject employers under the Oregon Workers Compensation Law shall comply with ORS 656.017, which requires them to provide workers compensation coverage that satisfies Oregon law for all their subject workers under ORS 656.126. Out-of-state employers must provide Oregon workers compensation coverage for their workers who work at a single location within Oregon for more than thirty (30) days in a calendar year. Consultants who perform work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than **\$500,000** each accident.

13.2.2.5. Insurance Carrier Rating. Coverages provided by Consultant must be underwritten by an insurance company deemed acceptable by the City with an AM Best Rating of A or better. The City reserves the right to reject all or any insurance carrier(s) with a financial rating that is unacceptable to the City.

13.2.2.6. Additional Insured and Termination Endorsements. Additional Insured coverage under Consultant's Commercial General Liability, Pollution Liability and Excess Liability Policy(ies), as applicable, will be provided by endorsement. Additional insured coverage shall be for both on-going operations via ISO Form CG 2010 or its equivalent, and products and completed operations via ISO Form CG 2037 or its equivalent. Coverage shall be Primary and Non-Contributory. Waiver of Subrogation endorsement via ISO form CG 2404 or its equivalent shall be provided. The following is included as additional insured: The City of Wilsonville, its elected and appointed officials, officers, agents, employees, and volunteers. An endorsement shall also be provided requiring the insurance carrier to give the City at least thirty (30) days' written notification of

any termination or major modification of the insurance policies required hereunder.

13.2.2.7. Certificates of Insurance. As evidence of the insurance coverage required by this Agreement, Consultant shall furnish a Certificate of Insurance to the City. This Agreement shall not be effective until the required certificates and the Additional Insured Endorsements have been received and approved by the City. Consultant agrees that it will not terminate or change its coverage during the term of this Agreement without giving the City at least thirty (30) days' prior advance notice and Consultant will obtain an endorsement from its insurance carrier, in favor of the City, requiring the carrier to notify the City of any termination or change in insurance coverage, as provided above.

13.3. The coverage provided by these policies shall be primary, and any other insurance carried by the City is excess. Consultant shall be responsible for any deductible amounts payable under all policies of insurance. If insurance policies are "Claims Made" policies, Consultant will be required to maintain such policies in full force and effect throughout any warranty period.

Section 14. Early Termination; Default

14.1. This Agreement may be terminated prior to the expiration of the agreed upon terms:

14.1.1. By mutual written consent of the parties;

14.1.2. By the City, for any reason, and within its sole discretion, effective upon delivery of written notice to Consultant by mail or in person; and

14.1.3. By Consultant, effective upon seven (7) days' prior written notice in the event of substantial failure by the City to perform in accordance with the terms through no fault of Consultant, where such default is not cured within the seven (7) day period by the City. Withholding of disputed payment is not a default by the City.

14.2. If the City terminates this Agreement, in whole or in part, due to default or failure of Consultant to perform Services in accordance with the Agreement, the City may procure, upon reasonable terms and in a reasonable manner, services similar to those so terminated. In addition to any other remedies the City may have, both at law and in equity, for breach of contract, Consultant shall be liable for all costs and damages incurred by the City as a result of the default by Consultant, including, but not limited to all costs incurred by the City in procuring services from others as needed to complete this Agreement. This Agreement shall be in full force to the extent not terminated by written notice from the City to Consultant. In the event of a default, the City will provide Consultant with written notice of the default and a period of ten (10) days to cure the default. If Consultant notifies the City that it wishes to cure the default but cannot, in good faith, do so within the ten (10) day cure period provided, then the City may elect, in its sole discretion, to extend the cure period to an agreed upon time

period, or the City may elect to terminate this Agreement and seek remedies for the default, as provided above.

14.3. If the City terminates this Agreement for its own convenience not due to any default by Consultant, payment of Consultant shall be prorated to, and include the day of, termination and shall be in full satisfaction of all claims by Consultant against the City under this Agreement.

14.4. Termination under any provision of this section shall not affect any right, obligation, or liability of Consultant or the City that accrued prior to such termination. Consultant shall surrender to the City items of work or portions thereof, referred to in **Section 18**, for which Consultant has received payment or the City has made payment. The City retains the right to elect whether or not to proceed with actual construction of the Project.

Section 15. Suspension of Services

The City may suspend, delay, or interrupt all or any part of the Services for such time as the City deems appropriate for its own convenience by giving written notice thereof to Consultant. An adjustment in the time of performance or method of compensation shall be allowed as a result of such delay or suspension unless the reason for the delay is within Consultant's control. The City shall not be responsible for Services performed by any subcontractors after notice of suspension is given by the City to Consultant. Should the City suspend, delay, or interrupt the Services and the suspension is not within Consultant's control, then the City shall extend the time of completion by the length of the delay.

Section 16. Modification/Change Orders

Any modification of the provisions of this Agreement shall not be enforceable unless reduced to writing and signed by both the City and Consultant. A modification is a written document, contemporaneously executed by the City and Consultant, which increases or decreases the cost to the City over the agreed Compensation Amount in **Section 3** of this Agreement, or changes or modifies the Scope of Services or the time for performance. No modification shall be binding or effective until executed, in writing, by both Consultant and the City. In the event Consultant receives any communication of whatsoever nature from the City, which communication Consultant contends gives rise to any modification of this Agreement, Consultant shall, within five (5) days after receipt, make a written request for modification to the City's Project Manager in the form of a Change Order. Consultant's failure to submit such written request for modification in the form of a Change Order shall be the basis for refusal by the City to treat said communication as a basis for modification or to allow such modification. In connection with any modification to this Agreement affecting any change in price, Consultant shall submit a complete breakdown of labor, material, equipment, and other costs. If Consultant incurs additional costs or devotes additional time on Project tasks, the City shall be responsible for payment of only those additional costs for which it has agreed to pay under a signed Change Order. To be enforceable, the Change Order must describe with particularity the nature of the change, any delay in time the Change Order will cause, or any increase or

decrease in the Compensation Amount. The Change Order must be signed and dated by both Consultant and the City before the Change Order may be implemented.

Section 17. Access to Records

The City shall have access, upon request, to such books, documents, receipts, papers, and records of Consultant as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of four (4) years, unless within that time the City specifically requests an extension. This clause shall survive the expiration, completion, or termination of this Agreement.

Section 18. Property of the City

18.1. Originals or certified copies of the original work forms, including but not limited to documents, drawings, tracings, surveying records, mylars, papers, diaries, inspection reports, and photographs, performed or produced by Consultant under this Agreement shall be the exclusive property of the City and shall be delivered to the City prior to final payment. Any statutory or common law rights to such property held by Consultant as creator of such work shall be conveyed to the City upon request without additional compensation. Upon the City's approval, and provided the City is identified in connection therewith, Consultant may include Consultant's work in its promotional materials. Drawings may bear a disclaimer releasing Consultant from any liability for changes made on the original drawings and for reuse of the drawings subsequent to the date they are turned over to the City.

18.2. Consultant shall not be held liable for any damage, loss, increased expenses, or otherwise, caused by or attributed to the reuse by the City or its designees of all work performed by Consultant pursuant to this Agreement without the express written permission of Consultant.

Section 19. Notices

Any notice required or permitted under this Agreement shall be in writing and shall be given when actually delivered in person or forty-eight (48) hours after having been deposited in the United States mail as certified or registered mail, addressed to the addresses set forth below, or to such other address as one party may indicate by written notice to the other party.

To City: City of Wilsonville
Attn: Steve Adams
29799 SW Town Center Loop East
Wilsonville, OR 97070

To Consultant: _____
Attn: _____

Section 20. Miscellaneous Provisions

20.1. Integration. This Agreement, including all exhibits attached hereto, contains the entire and integrated agreement between the parties and supersedes all prior written or oral discussions, representations, or agreements. In case of conflict among these documents, the provisions of this Agreement shall control.

20.2. Legal Effect and Assignment. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns. This Agreement may be enforced by an action at law or in equity.

20.3. No Assignment. Consultant may not assign this Agreement, nor the performance of any obligations hereunder, unless agreed to in advance and in writing by the City.

20.4. Adherence to Law. In the performance of this Agreement, Consultant shall adhere to all applicable federal, state, and local laws (including the Wilsonville Code and Public Works Standards), including but not limited to laws, rules, regulations, and policies concerning employer and employee relationships, workers compensation, and minimum and prevailing wage requirements. Any certificates, licenses, or permits that Consultant is required by law to obtain or maintain in order to perform the Services described on **Exhibit A**, shall be obtained and maintained throughout the term of this Agreement.

20.5. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon. All contractual provisions required by ORS Chapters 279A and 279C to be included in public agreements are hereby incorporated by reference and shall become a part of this Agreement as if fully set forth herein.

20.6. Jurisdiction. Venue for any dispute will be in Clackamas County Circuit Court.

20.7. Legal Action/Attorney Fees. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court or body at trial or on any appeal or review, in addition to all other amounts provided by law. If the City is required to seek legal assistance to enforce any term of this Agreement, such fees shall include all of the above fees, whether or not a proceeding is initiated. Payment of all such fees shall also apply to any administrative proceeding, trial, and/or any appeal or petition for review.

20.8. Nonwaiver. Failure by either party at any time to require performance by the other party of any of the provisions of this Agreement shall in no way affect the party's rights hereunder to enforce the same, nor shall any waiver by the party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

20.9. Severability. If any provision of this Agreement is found to be void or unenforceable to any extent, it is the intent of the parties that the rest of the Agreement shall remain in full force and effect, to the greatest extent allowed by law.

20.10. Modification. This Agreement may not be modified except by written instrument executed by Consultant and the City.

20.11. Time of the Essence. Time is expressly made of the essence in the performance of this Agreement.

20.12. Calculation of Time. Except where the reference is to business days, all periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday observed by the City, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday. Where the reference is to business days, periods of time referred to herein shall exclude Saturdays, Sundays, and legal holidays observed by the City. Whenever a time period is set forth in days in this Agreement, the first day from which the designated period of time begins to run shall not be included.

20.13. Headings. Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

20.14. Number, Gender and Captions. In construing this Agreement, it is understood that, if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that, generally, all grammatical changes shall be made, assumed, and implied to individuals and/or corporations and partnerships. All captions and paragraph headings used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

20.15. Good Faith and Reasonableness. The Parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of where this Agreement gives the City “sole discretion” or the City is allowed to make a decision in its “sole judgment.”

20.16. Other Necessary Acts. Each party shall execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other parties the full and complete enjoyment of rights and privileges hereunder.

20.17. Interpretation. As a further condition of this Agreement, the City and Consultant acknowledge that this Agreement shall be deemed and construed to have been prepared mutually by each party and it shall be expressly agreed that any uncertainty or

ambiguity existing therein shall not be construed against any party. In the event that any party shall take an action, whether judicial or otherwise, to enforce or interpret any of the terms of the Agreement, the prevailing party shall be entitled to recover from the other party all expenses which it may reasonably incur in taking such action, including attorney fees and costs, whether incurred in a court of law or otherwise.

20.18. Entire Agreement. This Agreement and all documents attached to this Agreement represent the entire agreement between the parties.

20.19. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original Agreement but all of which together shall constitute one and the same instrument.

20.20. Authority. Each party signing on behalf of Consultant and the City hereby warrants actual authority to bind their respective party.

The Consultant and the City hereby agree to all provisions of this Agreement.

CONSULTANT:

CITY:

CITY OF WILSONVILLE

By: _____

By: _____

(Print Name): _____

(Print Name): _____

As Its: _____

As Its: _____

Employer I.D. No. _____

APPROVED AS TO FORM:

ATTESTED TO:

Barbara A. Jacobson, Assistant City Attorney
City of Wilsonville, Oregon

Sandra C. King, MMC, City Recorder
City of Wilsonville, Oregon

Scope of Work – CIP 7053

The following work plan provides a more detailed look at the key issues for each phase, our approach, and the scope of work to be performed by the AKS team.

PHASE 1: INVESTIGATION PHASE SERVICES

Objective: The objective of this phase is to gather information on the current site conditions at all three locations as necessary to provide design recommendations, permitting documents, and construction documents for the project.

Project Kick-off Meeting

- A project kick-off meeting will be held with the AKS project team and key City staff to discuss the following items:
- Team contact information
- Project elements
- Design criteria
- Project timeline
- Input on preferences
- Neighborhood contact
- Site access protocols

TASK 1 – NATURAL RESOURCE ASSESSMENT

1.1 Wetland/Water Delineation

W²r will delineate wetlands and waters of the intermittent tributaries to the Willamette River. The delineation will be conducted in accordance with the methodology of the Western Mountains, Valleys, and Coast Regional Supplement and the 1987 USACE Wetlands Delineation Manual used by the USACE and ODSL. Data will be collected at select locations to document the presence or absence of wetland or water conditions. On-site wetland/water boundaries and sample plot locations will be flagged in the field for surveying.

1.2 Wetland/Water Delineation Report

W²r will prepare a summary report describing the results of Task 1.1 for permitting purposes. The wetland/water delineation report will be submitted to ODSL for concurrence and will be submitted to the Portland District USACE for their jurisdictional determination. A draft report will be submitted to the City for review prior to submittal to ODSL and the USACE.

TASK 2 – GEOTECHNICAL ENGINEERING SERVICES

2.1 Literature Review and Site Reconnaissance

This task consists of reviewing published and available geologic information, aerial photos, and LiDAR maps to assess the general soil deposition, site development, and surface stresses in the project area. S&W will also conduct a site reconnaissance to map any slide areas and severe erosion areas at the outfalls and along drainage channels. During the site visit, S&W will check

access and mark the exploration locations on the site. The utility notification center will be contacted for utility clearance.

2.2 Field Explorations

S&W will coordinate with the City to develop an acceptable geotechnical exploration program for all three projects. Geotechnical exploration may consist of borings, hand augers, or other agreed upon method(s). Samples from the borings and hand augers will be collected for laboratory testing. The explorations will be observed by S&W's engineer/geology staff, who will develop field logs. The explorations do not include environmental assessments and the site is assumed to be "clean" regarding contaminated and hazardous materials.

2.3 Laboratory Testing

Laboratory testing will be conducted on disturbed and undisturbed soil samples obtained from the exploration to characterize the subsurface soils and to develop soil properties.

2.4 Geotechnical Data Report

S&W will summarize field explorations, laboratory testing results, and other geotechnical/geologic factual information into a Geotechnical Data Report (GDR). This will allow reference during future bidding to the geotechnical data in the report only. This report will be submitted as an electronic file in PDF format for City of Wilsonville use and distribution.

TASK 3 – SURVEYING SERVICES

3.1 Site/Topographic Surveying

Based on the topographical surveys AKS completed, dated 9/2/2014, additional surveying of changed site conditions, missing information, wetland boundaries and geotechnical explorations will be needed. Surveying for design purposes will be performed as necessary to supplement the existing survey data.

At a minimum, surveying will include the following:

- Establishing a horizontal and vertical survey control network.
- Referencing the network and all mapping to the City of Wilsonville approved vertical datum.
- Surveying the following:
 - Locations and invert elevations of all storm structures and outfalls within the project areas
 - Located utilities
 - Natural drainage features
 - Delineated wetland / waterway boundaries
 - Geotechnical bore locations
 - Trees
 - Fences
 - Pilings and dock improvements
 - Other important topographic features
- Survey data will be compiled in a digital format and a digital terrain model will be created which can be used for design purposes.

- An existing conditions map stamped by a Professional Land Surveyor will be prepared showing all the above items.

3.2 Property Boundary Surveying

AKS will perform surveying necessary to accurately locate the existing property lines and relevant easements in the vicinity of the project. Property boundary surveying will include:

- Ordering title reports for the four private properties and two tracts of land where the three outfalls are located.
- Reviewing record of surveys, plats, and deed documents of adjacent ownerships.
- Establishing property, right-of-way, and easement lines adjacent to the project.

TASK 4 – ARBORIST SERVICES

4.1 Tree Evaluation

In accordance with City of Wilsonville requirements, AKS Certified Arborists will perform a tree survey for trees within the vicinity of the three project construction areas. The tree survey will include:

- Species
- Diameter
- Health
- Wind throw resistance
- Condition rating (e.g., good, poor)
- Pruning recommendations

Deliverables:

The project deliverable will be a complete summary report of the existing conditions. This document will include:

- Wetland/Waterway delineation report
- Geotechnical Data Report
- Updated Existing Conditions Survey map with property boundaries and easements
- Tree Inventory and Assessment

PHASE 2: PRELIMINARY ENGINEERING AND DESIGN/FEDERAL AND STATE PERMITS

Objective: Following completion of the Investigation Phase, Consultant will proceed with the Preliminary Design Phase. The objective is to develop reports and 70% construction plans showing all necessary information to obtain all required Federal and State permits to construct the necessary improvements to stabilize the storm drainage erosion and resulting slope instability currently occurring at the three outfall areas:

- Willamette Way West
- Belnap Court
- Morey Court

TASK 1 – PRELIMINARY 50% DESIGN, ALL THREE PROJECTS

1.1 Stormwater Report and Calculations

Utilizing as-built information on the upstream stormwater drainage system, the AKS team will perform calculations to determine the volumes, peak flow rates, and velocities of stormwater entering the three project sites based on the 25-year 24-hour storm event; note that there are no upstream stormwater detention or water quality treatment facilities at any of the three project sites. W²r will prepare and submit a Stormwater Report showing the basin areas and calculations used to derive the storm runoff volumes, peak flow rates, and velocities at the three project sites.

1.2 Draft Geotechnical Report

S&W will prepare a draft geotechnical report that will reference the information provided in the Geotechnical Data Report and provide geotechnical design information addressing the following items:

- Engineering and slope stability analyses along the stormwater channels from the outfalls to the Willamette River low water elevation, as surveyed on 8/28/2014, or at other critical areas that may be identified, to assess the need for improvement and mitigation alternatives in relation to the channel and outfall improvements.
- Evaluations and analyses to support proposed stormwater outfall foundation system analysis and design. Work to be performed under this task includes:
 - Evaluating foundation types for the proposed outfall structures
 - Providing recommendations for the foundation design, estimate the foundation settlement and bearing capacities
 - Providing lateral earth pressure and lateral load resistance recommendations
 - Providing recommendations for site preparation, grading, drainage, and wet-weather earthwork procedures
 - Providing recommendations for use and reuse of on-site soil and imported material for structural fill, and compaction criteria
 - Providing excavation recommendations for the construction of the structure foundations
- Geotechnical engineering recommendations for subgrade stabilization, bank stabilization, and under drain system (if needed) for the improvements of the main storm channels and outfall areas.

1.3 Natural Resource Design Recommendations

W²r will provide bio-engineering recommendations to facilitate USACE and ODSL permitting and stormwater outfall designs. A list of recommended native plants suitable for the site and useful for erosion control will be prepared.

1.4 Preliminary Engineering Plans – 50% Design

Preliminary engineering plans will be developed based on information gathered during the investigation phase and the draft geotechnical report. That will include:

- Plan views and notes of the construction area
- Profiles of the drainage channels
- Profiles of the proposed stormwater pipe outfalls

- Typical cross-sections of the designed drainage channels
- Rendering cross-sections of the designed drainage channels for presentation purposes to property owners and HOAs
- Details of stormwater outfall structure design
- Stormwater Report

Design recommendations will be discussed with the City prior to proceeding with further design and construction documents.

1.5 Pre-Application Meeting with USACE/ODSL

W²r will coordinate, prepare for, and attend a meeting with the City, USACE, ODSL and other necessary agencies to discuss the permitting process and obtain their feedback on our preliminary design.

1.6 Legal Descriptions

AKS will prepare legal descriptions for any permanent and temporary easements necessary for the three sites.

TASK 2 – 70% DESIGN, WILLAMETTE WAY OUTFALL

2.1 Engineering Plans

Following review by the City, AKS will integrate City comments and develop a 70% engineering plan for Project #1, Willamette Way Outfall. Plans will include sufficient detail information to submit to USACE and ODSL to obtain required permits. Design documents will include:

- Cover sheet
- Legend and general notes
- Existing conditions plans
- Tree removal and protection plans with notes
- Erosion control plans (assume DEQ 1200-C permit is not required, < 1 acre disturbed)
- Grading plans
- Storm channel plans and profiles
- Typical storm channel cross-sections
- Storm channel details
- Stormwater outfall details
- Landscape planting plans and details
- Stormwater report

AKS will schedule and hold a “plan review” meeting with City staff to review the 70% plans.

Deliverables:

The project deliverables will include:

- Preliminary engineering plans (50% and 70% plans)
- Meeting notes
- Draft Geotechnical Report
- Stormwater Report

PHASE 3: SUBMIT AND OBTAIN REQUIRED FEDERAL AND STATE PERMITS, WILLAMETTE WAY OUTFALL

Objective Obtain necessary permits for Willamette Way Outfall.

TASK 1 – SUBMIT AND OBTAIN REQUIRED FEDERAL AND STATE PERMITS

1.1 Biological Assessment (BA) Report , all Three Project Sites

With stormwater channel reconstruction work occurring along the Willamette River, a Biological Assessment (BA) performed by W²r will likely be required. A list of potential listed species in the project area will be identified and a National Marine Fisheries Service (NMFS) BA will be prepared that includes the species listed or proposed for listing, and their critical habitat, under the jurisdiction of United States Fish and Wildlife Service NMFS. The BA will also address essential fish habitat (EFH) for species protected under the Magnuson-Stevens Fishery Conservation Act (MSA). The BA will be prepared consistent with NMFS guidelines, and will include:

- Consulting with state and federal agencies and the City to identify significant concerns regarding the project area and/or report.
- Reviewing proposed alternatives and the preferred design, stormwater treatment, potential impacts to the riparian area, and other potential temporary construction impacts to the resource.

1.2 USACE and DSL Permit Preparation, Submittal, and Coordination

The AKS team will prepare a removal-fill joint permit application for submittal to the USACE and DSL based on the 70% plans. Project drawings for the fill permit application will be prepared by AKS and include plans showing the existing wetland/water boundaries, locations of permanent and any temporary wetland or water impacts, cross-section drawings showing existing and proposed elevations and structures, alternative site design drawings, and measures to minimize impacts and provide mitigation.

Deliverables:

The project deliverables will include:

- BA report and NMFS Biological Opinion
- Copies of all joint permit application forms, materials, and plans
- USACE permit
- DSL Permit

PHASE 4: FINAL DESIGN AND BIDDING ASSISTANCE, WILLAMETTE WAY OUTFALL

Objective: Prepare final engineering plans for Willamette Way Outfall.

TASK 1 – 90% DESIGN, WILLAMETTE WAY OUTFALL

1.1 Engineering Plans

AKS will develop 90% engineering plans for Willamette Way Outfall based on feedback provided by the City, USACE, Oregon DSL, and NMFS. Design documents will include:

- Cover Sheet

- Legend and General Notes
- Existing Conditions Plan
- Tree Removal and Protection Plan with Notes
- Erosion Control Plan (assume DEQ 1200-C permit is not required, < 1 acre disturbed)
- Grading Plan
- Stormwater Outfall Plan and Profile
- Typical Main Channel Cross-Section
- Main Channel Details
- Stormwater Outfall Details
- Landscape Planting Plans and Details

In addition to preparing the above plans, the AKS team will prepare the following documents:

- Bid sheet
- Project special provisions
- Engineer's construction cost estimate

TASK 2 – FINAL DESIGN (100% SET), WILLAMETTE WAY OUTFALL

2.1 Final Design (100% Set)

Following review of the 90% Design and obtaining all required USACE and DSL Permits and NMFS Biological Opinion, AKS will make any necessary revisions and re-submit the 100% design plans, bid sheet, project special provisions, engineer's construction cost estimate, geotechnical report, and USACE and DSL permits to the City for bidding and construction of the Willamette Way Outfall project. The construction bid package will include:

- Engineering plans (100% plans)
- Bid sheet
- Project special provisions
- Engineer's construction cost estimate

TASK 3 – FINAL GEOTECHNICAL REPORT

3.1 Final Geotechnical Report

S&W will finalize the Draft Geotechnical Report based on comments from the design team, design documents, and City comments.

Deliverables:

The project deliverables will include:

- Engineering plans (90% and 100% plans)
- Bid sheet (90% and 100% plans)
- Project special provisions (90% and 100% plans)
- Engineer's construction cost estimate (90% and 100% plans)
- Final Geotechnical Report

PHASE 5: CONSTRUCTION ENGINEERING AND SUPPORT, WILLAMETTE WAY OUTFALL (2016)

Objective: The objective is to provide construction phase services to assist the City and ensure successful construction of the Willamette Way Outfall project during the summer of 2016.

TASK 1 – CONSTRUCTION PHASE SERVICES

1.1 Construction Engineering

The AKS team will provide the following construction engineering services:

- Attend the project’s pre-construction meeting to be scheduled by the City
- Respond to requests for clarifications as necessary
- Review contractor submittals
- Perform site visits during the construction phase; this could be daily site visits during periods of active construction
- Perform a walk through following substantial project completion and create a project punch list
- *The City is providing primary inspection services and the final walk through.*

Deliverables:

The project deliverables will include:

- Pre-construction meeting notes
- Answers to any questions arising from the pre-construction meeting
- Submittal reviews
- Site visits and inspection reports
- RFI clarifications (as needed)
- Review Contractors monthly Pay Estimates for accuracy
- Punch list

1.2 Pre-Construction Surveying

AKS will conduct a pre-survey to locate all existing monuments of record within the project limits. This will ensure that if they are destroyed during construction, they can be re-set within 90 days. All survey work will be performed in accordance with all county and state standards. At a minimum, surveying will include:

- Locations of all survey monuments that may be disturbed or destroyed by construction
- Descriptions of all located survey monuments

1.3 Construction Surveying

AKS will provide the following construction surveying:

- One set of clearing limit stakes
- One set of erosion control stakes
- One set of grading stakes for project area
- All construction surveying will be coordinated with the Contractor and the City

Deliverables:

The project deliverables will include:

- Copies of contractor staking requests

- Stakes in the field
- Copies of staking maps
- Copies of cut sheets/field notes

1.4 Post-Construction Survey

AKS will perform a post-construction survey to replace monuments that were destroyed during construction in accordance with county and state standards. This proposal assumes that property monuments will be re-set within 90 days of disturbance/destruction. At a minimum, surveying will include the following:

- Re-setting destroyed monuments of record
- Preparing a Record of Survey showing the locations of all survey monuments disturbed or destroyed by construction and reset existing monuments of record
- Descriptions of all reset survey monuments

Deliverables:

The project deliverables include:

- Post-Construction Survey (including map and narrative) recorded with the Clackamas County Surveyor's Office

1.5 As-Builts

AKS will provide a topographic survey (based on the City's approved vertical datum) of the constructed improvements to include:

- Survey elevations and location of all stormwater weirs or other channel structures
- Survey elevations and location of all storm structures
- Location of all constructed features
- One foot contours

Deliverables:

The project deliverables will include:

- As-built engineering plans in paper, mylar (min. 3-mil), and digital (AutoCAD, latest version) formats
- As-built topographic survey

PHASE 6: 70% DESIGN, BELNAP COURT OUTFALL

Objective: Prepare 70% design plans for Belnap Court.

TASK 1 – 70% DESIGN, BELNAP COURT OUTFALL

1.1 Engineering Plans

Following review by the City, AKS will integrate City comments and develop a 70% engineering plan for Project #2, Belnap Court Outfall. Plans will include sufficient detail information to submit to USACE and ODSL to obtain required permits. Note: the City may decide this project be combined with the Morey Court Outfall for coordinated design and construction. Design documents will include:

- Cover sheet
- Legend and general notes
- Existing conditions plans
- Tree removal and protection plans with notes
- Erosion control plans (assume DEQ 1200-C permit is not required, < 1 acre disturbed)
- Grading plans
- Storm channel plans and profiles
- Typical storm channel cross-sections
- Storm channel details
- Stormwater outfall details
- Landscape planting plans and details
- Stormwater report

AKS will schedule and hold a “plan review” meeting with City staff to review the 70% plans.

Deliverables:

The project deliverables will include:

- Preliminary engineering plans (50% and 70% plans)
- Meeting notes
- Draft Geotechnical Report
- Stormwater Report

PHASE 7: SUBMIT AND OBTAIN REQUIRED FEDERAL AND STATE PERMITS, BELNAP COURT OUTFALL

Objective Obtain necessary permits for Belnap Court.

TASK 1 – SUBMIT AND OBTAIN REQUIRED FEDERAL AND STATE PERMITS

1.1 USACE and DSL Permit Preparation, Submittal, and Coordination

The AKS team will prepare a removal-fill joint permit application for submittal to the USACE and DSL based on the 70% plans. Project drawings for the fill permit application will be prepared by AKS and include plans showing the existing wetland/water boundaries, locations of permanent and any temporary wetland or water impacts, cross-section drawings showing existing and proposed elevations and structures, alternative site design drawings, and measures to minimize impacts and provide mitigation.

Deliverables:

The project deliverables will include:

- BA report and NMFS Biological Opinion (delivered as Phase 3 task 1.1)
- Copies of all joint permit application forms, materials, and plans
- USACE permit
- DSL Permit

PHASE 8: FINAL DESIGN AND BIDDING ASSISTANCE, BELNAP COURT OUTFALL

Objective: The purpose of this task is to develop 90% engineering plans for Project #2.

TASK 1 – 90% DESIGN, BELNAP COURT OUTALL

1.1 Engineering Plans

Based on feedback provided by the City, USACE, Oregon DSL, and NMFS, AKS will develop 90% engineering plans for Belnap Court Outfall project. Design documents will include:

- Cover Sheet
- Legend and General Notes
- Existing Conditions Plan
- Tree Removal and Protection Plan with Notes
- Erosion Control Plan (assume DEQ 1200-C permit is not required, < 1 acre disturbed)
- Grading Plan
- Stormwater Outfall Plan and Profile
- Typical Main Channel Cross-Section
- Main Channel Details
- Stormwater Outfall Details
- Planting Plan

In addition to preparing the plan set, AKS will prepare the following construction documents:

- Bid sheet
- Project special provisions
- Engineer's construction cost estimate

TASK 2 – FINAL DESIGN (100% SET), BELNAP COURT OUTFALL

2.1 Final Design (90% and 100% Sets)

Following review of the 90% Design and obtaining all required USACE and ODSL Permits and NMFS Biological Opinion, AKS will make any necessary revisions and re-submit the 100% design plans, bid sheet, project special provisions, engineer's construction cost estimate, geotechnical report, and USACE and ODSL permits to the City for bidding and construction of the Belnap Court Outfall project during the summer of 2017. The construction bid package will include:

- Engineering plans (100% plans)
- Bid sheet
- Project special provisions
- Engineer's construction cost estimate

Deliverables:

The project deliverables will include:

- Engineering plans (100% plans)
- Bid sheet
- Project special provisions
- Engineer's construction cost estimate

TASK 3 – FINAL GEOTECHNICAL REPORT

3.1 Final Geotechnical Report

S&W will finalize the Draft Geotechnical Report based on comments from the design team, design documents, and City comments.

Deliverables:

The project deliverables will include:

- Engineering plans (90% and 100% plans)
- Bid sheet (90% and 100% plans)
- Project special provisions (90% and 100% plans)
- Engineer's construction cost estimate (90% and 100% plans)
- Final Geotechnical Report

PHASE 9: CONSTRUCTION ENGINEERING AND SUPPORT, BELNAP COURT OUTFALL (2017)

Objective: The objective is to provide construction phase services to assist the City and ensure successful construction of Project #2 during the Summer 2017.

TASK 1 – CONSTRUCTION PHASE SERVICES

1.1 Construction Engineering

AKS will provide the following construction engineering services:

- Attend the project's pre-construction meeting to be scheduled by the City.
- Answer requests for clarifications as necessary.
- Make site visits during the construction phase; during periods of active construction this could be daily site visits.
- Perform a walk through following substantial project completion and create a project punch list.

The City is providing primary inspection services and the final walk through.

Deliverables:

The project deliverables will include:

- Pre-construction meeting notes
- Answers to any questions arising from the pre-construction meeting
- Submittal reviews
- Site visits and inspection reports
- RFI clarifications (as needed)
- Review Contractors monthly Pay Estimates for accuracy
- Punch list

1.2 Pre-Construction Surveying

AKS will conduct a pre-construction survey to locate all existing monuments of record within the project limits. This will ensure that if they are destroyed during construction, they can be re-set within 90 days. All survey work will be performed in accordance with all county and state standards. At a minimum, surveying will include:

- Locations of all survey monuments that may be disturbed or destroyed by construction
- Descriptions of all located survey monuments

1.3 Construction Surveying

AKS will provide the following construction surveying:

- One set of clearing limit stakes
- One set of erosion control stakes
- One set of grading stakes for project area
- All construction surveying will be coordinated with the contractor and the City

Deliverables:

The project deliverables will include:

- Copies of Contractor staking requests
- Copies of staking maps
- Copies of cut sheets/field notes

1.4 Post-Construction Survey

AKS will perform a post-construction survey to replace monuments that were destroyed during construction in accordance with County and State standards. This proposal assumes that property monuments will be re-set within 90 days of disturbance/destruction. At a minimum, surveying will include the following:

- Re-setting destroyed monuments of record
- Preparing a Record of Survey showing the locations of all survey monuments disturbed or destroyed by construction and reset existing monuments of record
- Descriptions of all reset survey monuments

Deliverables:

The project deliverables will include:

Post-Construction Survey (including map and narrative) recorded with the Clackamas County Surveyor's Office

1.5 As-Builts

AKS will provide a topographic survey (based on the City's approved vertical datum) of the constructed improvements to include:

- Survey elevations and location of all stormwater weirs or other channel structures
- Survey elevations and location of all storm structures
- Location of all constructed features
- One foot contours

Deliverables:

The project deliverables will include:

- As-built engineering plans in paper, Mylar (min. 3-mil), and digital (AutoCAD, latest version) formats

- As-built topographic survey

PHASE 10: 70% DESIGN, MOREY COURT OUTFALL

Objective: Prepare 70% design plans for Morey Court.

TASK 1 – 70% DESIGN, MOREY COURT OUTFALL

1.1 Engineering Plans

Following review by the City, AKS will integrate City comments and develop a 70% engineering plan for Project #3, Morey Court Outfall. Note: the City may decide this project be combined with the Belnap Court Outfall for coordinated design and construction. Plans will include sufficient detail information to submit to USACE and ODSL to obtain required permits. Design documents will include:

- Cover sheet
- Legend and general notes
- Existing conditions plans
- Tree removal and protection plans with notes
- Erosion control plans (assume DEQ 1200-C permit is not required, < 1 acre disturbed)
- Grading plans
- Storm channel plans and profiles
- Typical storm channel cross-sections
- Storm channel details
- Stormwater outfall details
- Landscape planting plans and details
- Stormwater report

AKS will schedule and hold a “plan review” meeting with City staff to review the 70% plans.

Deliverables:

The project deliverables will include:

- Preliminary engineering plans (50% and 70% plans)
- Meeting notes
- Draft Geotechnical Report
- Stormwater Report

PHASE 11: SUBMIT AND OBTAIN REQUIRED FEDERAL AND STATE PERMITS, MOREY COURT OUTFALL

Objective Obtain necessary permits for Morey Court.

TASK 1 – SUBMIT AND OBTAIN REQUIRED FEDERAL AND STATE PERMITS

- Consulting with state and federal agencies and the City to identify significant concerns regarding the project area and/or report.

- Reviewing proposed alternatives and the preferred design, stormwater treatment, potential impacts to the riparian area, and other potential temporary construction impacts to the resource.

1.1 USACE and DSL Permit Preparation, Submittal, and Coordination

The AKS team will prepare a removal-fill joint permit application for submittal to the USACE and DSL based on the 70% plans. Project drawings for the fill permit application will be prepared by AKS and include plans showing the existing wetland/water boundaries, locations of permanent and any temporary wetland or water impacts, cross-section drawings showing existing and proposed elevations and structures, alternative site design drawings, and measures to minimize impacts and provide mitigation.

Deliverables:

The project deliverables will include:

- BA report and NMFS Biological Opinion (delivered as Phase 3 task 1.1)
- Copies of all joint permit application forms, materials, and plans
- USACE permit
- DSL Permit

PHASE 12: FINAL DESIGN AND BIDDING ASSISTANCE, MOREY COURT OUTFALL

Objective: The purpose of this task is to develop 90% engineering plans for Project #3.

TASK 1 – 90% DESIGN, MOREY COURT OUTFALL

1.1 Engineering Plans

AKS will develop 90% engineering plans for Morey Court Outfall based on feedback provided by the City, USACE, ODSL, and NMFS. Design documents will include:

- Cover Sheet
- Legend and General Notes
- Existing Conditions Plan
- Tree Removal and Protection Plan with Notes
- Erosion Control Plan (assume DEQ 1200-C permit is not required, < 1 acre disturbed)
- Grading Plan
- Stormwater Outfall Plan and Profile
- Typical Main Channel Cross-Section
- Main Channel Details
- Stormwater Outfall Details
- Planting Plan

In addition to preparing the above plans, AKS will also prepare the following construction documents:

- Bid sheet
- Project special provisions
- Engineer's construction cost estimate

TASK 2 – FINAL DESIGN (100% SET), MOREY COURT OUTFALL

2.1 Final Design (100% Set)

Following review of the 90% Design and obtaining all required USACE and ODSL Permits and NMFS Biological Opinion, AKS will make any necessary revisions and re-submit the 100% design plans, bid sheet, project special provisions, engineer's construction cost estimate, geotechnical report, and USACE and ODSL permits to the City for bidding and construction of the Morey Court Outfall project during the summer of 2018 (if combined with the Belnap Court Outfall project, construction will occur in summer of 2017). The construction bid package will include:

- Engineering plans (100% plans)
- Bid sheet
- Project special provisions
- Engineer's construction cost estimate

TASK 3 – FINAL GEOTECHNICAL REPORT

3.1 Final Geotechnical Report

S&W will finalize the Draft Geotechnical Report based on comments from the design team, design documents, and City comments.

Deliverables:

The project deliverables will include:

- Engineering plans (90% and 100% plans)
- Bid sheet (90% and 100% plans)
- Project special provisions (90% and 100% plans)
- Engineer's construction cost estimate (90% and 100% plans)
- Final Geotechnical Report

PHASE 13: CONSTRUCTION ENGINEERING AND SUPPORT, MOREY COURT OUTFALL (2018)

Objective: The objective is to provide construction phase services to assist the City and ensure successful construction of Project #3 during the Summer 2018.

TASK 1 – CONSTRUCTION PHASE SERVICES

1.1 Construction Engineering

AKS will provide the following construction engineering services:

- Attend the project's pre-construction meeting to be scheduled by the City.
- Answer requests for clarifications as necessary.
- Make site visits during the construction phase; during periods of active construction this could be daily site visits.
- Perform a walk through following substantial project completion and create a project punch list.

The City is providing primary inspection services and the final walk through.

Deliverables:

The project deliverables will include:

- Pre-construction meeting notes
- Answers to any questions arising from the pre-construction meeting
- Submittal reviews
- Site visits and inspection reports
- RFI clarifications (as needed)
- Review Contractors monthly Pay Estimates for accuracy
- Punch list

1.2 Pre-Construction Surveying

AKS will conduct a pre-survey to locate all existing monuments of record within the project limits. This will ensure that if they are destroyed during construction, they can be re-set within 90 days. All survey work will be performed in accordance with all county and state standards. At a minimum, surveying will include:

- Locations of all survey monuments that may be disturbed or destroyed by construction
- Descriptions of all located survey monuments

1.3 Construction Surveying

AKS will provide the following construction surveying:

- One set of clearing limit stakes
- One set of erosion control stakes
- One set of grading stakes for project area
- All construction surveying will be coordinated with the contractor and the City

Deliverables:

The project deliverables will include:

- Copies of Contractor staking requests
- Copies of staking maps
- Copies of cut sheets/field notes

1.4 Post-Construction Survey

AKS will perform a post-construction survey to replace monuments that were destroyed during construction in accordance with county and state standards. This proposal assumes that property monuments will be re-set within 90 days of disturbance/destruction. At a minimum, surveying will include the following:

- Re-setting destroyed monuments of record
- Preparing a Record of Survey showing the locations of all survey monuments disturbed or destroyed by construction and reset existing monuments of record
- Descriptions of all reset survey monuments

Deliverables:

The project deliverables will include:

- Post-Construction Survey (including map and narrative) recorded with the Clackamas County Surveyor's Office

1.5 As-Builts

AKS will provide a topographic survey (based on the City's approved vertical datum) of the constructed improvements to include:

- Survey elevations and location of all stormwater weirs or other channel structures
- Survey elevations and location of all storm structures
- Location of all constructed features
- One foot contours

Deliverables:

The project deliverables will include:

- As-built engineering plans in paper, Mylar (min. 3-mil), and digital (AutoCAD, latest version) formats
- As-built topographic survey



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: May 18, 2015		Subject: Resolution No. 2532 Contract Award Wilsonville Road Median Retrofit (CIP 4720) Staff Member: Eric Mende, PE, Capital Projects Manager 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 checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: Staff recommends approval of Resolution No. 2532.			
Recommended Language for Motion: I move to approve Resolution No. 2532.			
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>			
<input checked="" type="checkbox"/> Council Goals/Priorities		<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL: Action is requested to approve a construction contract for the Wilsonville Road Median Retrofit project.

EXECUTIVE SUMMARY: Based on citizen concerns with traffic speeds, Council approved a supplemental budget of \$185,000 in September 2014 for design and construction of three landscaped median islands on Wilsonville Road, from Meadows Loop north to Boeckman Road. These median islands will provide additional traffic calming on Wilsonville Road, and are designed to match in geometry and plant selection the existing medians further south. Bids were

received on May 7 2015, with the low responsive and responsible bid submitted by Weitman Excavation LLC in the amount of \$173,333. (see attachment).

The total bid price exceeds the available construction budget by approximately \$35,000. About half of this budget shortfall is due to the addition of a fiber optic conduit run that was not originally envisioned in the project scope, but was added late in the design phase in response to a request from IT Manager Holly Miller and the Wilsonville-West Linn School District (WVWLSD). The requested fiber optic conduit will become part of the long term city-wide fiber optic network serving City buildings, schools, and other public buildings. Installing the conduit now, in conjunction with the median excavation, is estimated to be approximately one-third of the cost of doing the same installation later as a stand-alone project.

WVWLSD has committed to paying for the full cost of the conduit run, but an agreement to that effect has yet to be finalized. Working with the Finance Department, additional City funding for the project has been identified and will be transferred from other budgeted, but underspent City projects, therefore a supplemental budget authorization is not requested.

EXPECTED RESULTS:

Slower traffic speeds, less traffic noise, potential increased carbon sequestration from additional trees, and a consistent and more aesthetic look.

TIMELINE:

The expected completion date for the project is July 24, 2015.

CURRENT YEAR BUDGET IMPACTS:

General Fund funding budgeted under CIP Project 4718 (Citywide Signage and Wayfinding) will not be spent this Fiscal Year and will be transferred to the median project.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 5/7/15

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 5/8/2015

Resolution approved as to form.

COMMUNITY INVOLVEMENT PROCESS:

The project manager met with the Landover HOA Board on three separate occasions.

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

Slower traffic speeds, less traffic noise, and a consistent aesthetic look.

ALTERNATIVES:

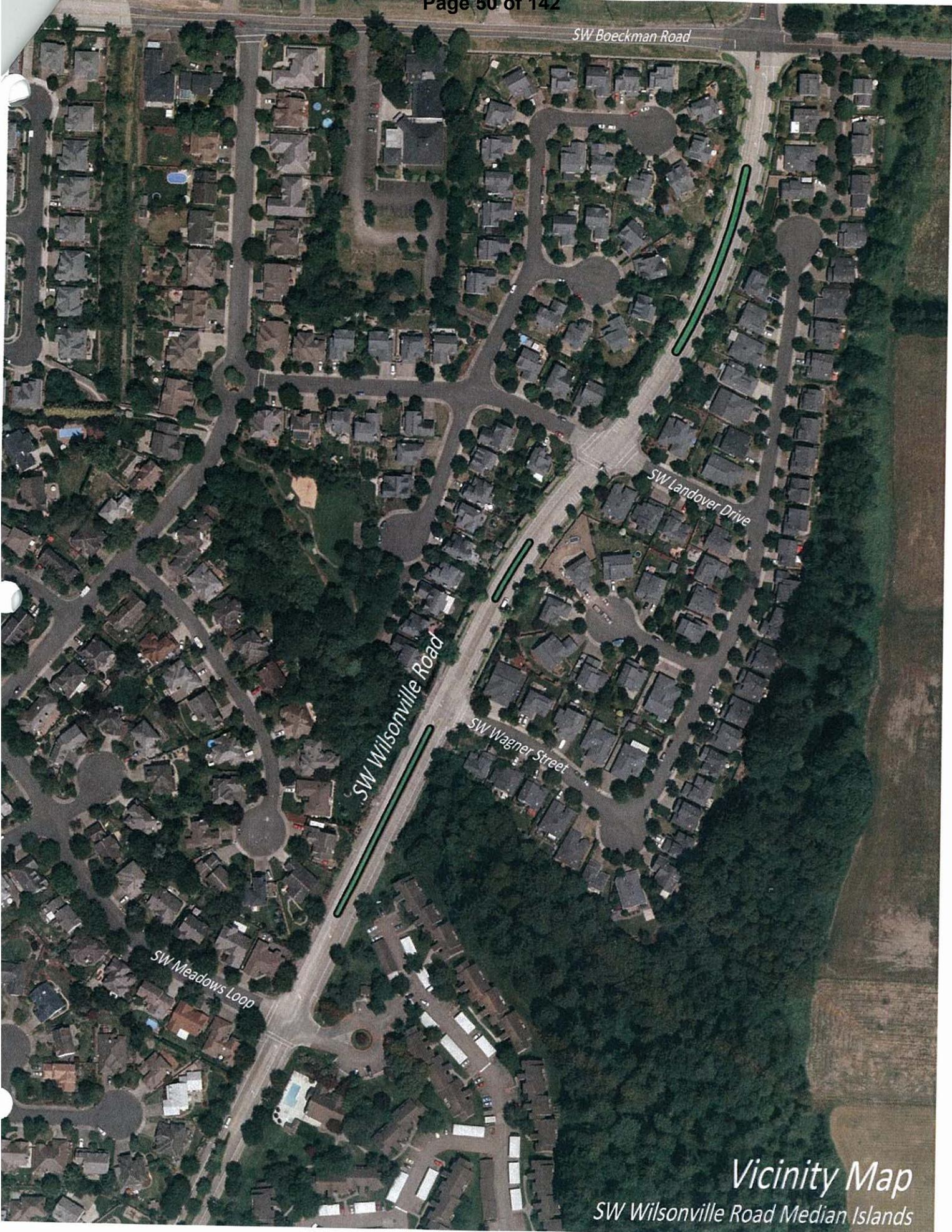
- a. Do the project with the fiber optic conduit run (selected)
- b. Do the project without the conduit run (not selected because of the very favorable economics of doing the conduit now compared to a future stand-alone project)

- c. Postpone the project because it exceeds the budget, re-budget and re-bid in FY 16.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Resolution No. 2532
- B. Bid Summary



Vicinity Map
SW Wilsonville Road Median Islands

RESOLUTION NO. 2532

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH WEITMAN EXCAVATION LLC FOR THE WILSONVILLE ROAD MEDIAN RETROFIT PROJECT (CAPITAL IMPROVEMENT PROJECT 4720).

WHEREAS, the City has planned, designed, and budgeted for the completion of Capital Improvement Project #4720, known as the Wilsonville Road Median Retrofit project (the Project); and

WHEREAS, the City solicited bids from qualified contractors for the Project that duly followed the State of Oregon Public Contracting Rules and the City of Wilsonville Municipal Code; and

WHEREAS, Weitman Excavation LLC submitted a bid for the Project on May 7, 2015 for One Hundred Seventy Three Thousand Three Hundred and Thirty Three Dollars (\$173,333), and this was subsequently evaluated as the lowest responsive and responsible bid.

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

1. The procurement process for the Project duly followed Oregon Public Contracting Rules, and Weitman Excavation LLC submitted the lowest responsive and responsible bid.
2. The City of Wilsonville City Council, acting as the Local Contract Review Board, authorizes the City Manager to enter into, on behalf of the City of Wilsonville, a construction contract with Weitman Excavation LLC for a stated value of \$173,333.
3. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a meeting thereof this 18th day of May 2015, 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

BID SUMMARY

**WILSONVILLE ROAD MEDIAN RETROFIT
 OWNER: CITY OF WILSONVILLE
 OPENING DATE: MAY 7, 2015 2:00 PM**

PREPARED BY: CITY OF WILSONVILLE

Order Opened	Bidder:	Envelope marked: (y/n)	First Tier Sub-Con. (y/n)	Bid Security (10%)		Prop. Items #11-18 (pg. I-13) (y/n)	Adden. 1-5 (pg. I-15) (y/n)	Signature (pg. I-15) (y/n)	Prop. Signed (y/n)	Bid Bond (pg. I-13) (y/n)	Bid Amount: (pg. A4)	Appar. Status:
				Amount	Type							
1	Brown Contracting						✓	✓		✓	208,463-	3
2	GSE, Inc.						✓	✓		✓	204,448-	2
3	Kerr Contractors, Inc.						✓	✓		✓	210,962-	4
4	Olivas Valdez, Inc.						✓	✓		✓	211,972-	5
5	Paul Brothers						✓	✓		✓	238,389.58	6
6	Weitman Excavation, LLC						✓	✓		✓	173,333-	1

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CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, May 4, 2015. Council President Starr called the meeting to order at 7:03 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp - excused
Council President 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
Chris Neamtzu, Planning Director
Kristin Retherford, Economic Development Manager
Susan Cole, Finance Director
Dan Pauly, Associate Planner
Cathy Rodocker, Assistant Finance Director
Jon Gail, Community Liaison Coordinator
Chief Jeff Smith, CCSD
Jason Labrie, Utilities Supervisor, Water Distribution
Angela Handran, Community Liaison Specialist

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

A. "If I Were Mayor" Award Presented to Mikala Hoffman

Ms. Handran reported Mikala Hoffman was the winner of the "If I Were Mayor" contest and presented the background on the statewide contest. Miss Hoffman's entry will be submitted into the State wide contest.

Mikala Hoffman spoke about the poster she designed which earned her the honor of winning the contest.

Council President Starr presented the award medal and a certificate to Mikala.

B. Drinking Water Week Proclamation

Mr. Labrie, Utilities Supervisor for the Public Works Department provided a history of Drinking Water Week.

Council President Starr read the proclamation into the record.

C. Receipt of Certificate of Achievement for Excellence in Financial Reporting from GFOA.

Susan Cole, Finance Director commented the City of Wilsonville has received this award for the past eighteen years. The Certificate of Achievement is due to the excellent work of staff members Cathy Rodocker, and Keith Katko, as well as others in the Finance Department.

COMMUNICATIONS

A. CCSD Annual Report for 2014 presented by Chief Jeff Smith.

Chief Smith spoke about the highlights and trends observed in law enforcement in Wilsonville during the past year. The demand for services continues to grow as the city grows. Although the calls for service increased this past year Wilsonville maintains the second lowest crime rate in the Portland Metro area. The police officers in Wilsonville conduct “self-initiated officer activity” which include foot patrols, premise checks, suspicious vehicle stops, and subject stops among other activities. These officer initiated activities are one reason the City enjoys the low crime rate. Chief Smith noted the bicycle patrol officer program will be reinstated soon with the advent of good weather.

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.

Dawson Durig, an Eagle Scout in Boy Scout Troop 194 explained the 170 veterans buried in Pleasant View Cemetery have not been recognized for their service in wars dating from the Black Hawk war in the 1800's up to the Viet Nam War. Mr. Durig described the work done to prepare the cemetery and in the production of bronze medallions which will be placed on each of the veterans graves. Republic Services donated funds to help the Troop meet their goal to pay for the bronze medallions. Frank Lonergan of Republic Services presented a check to Boy Scout Troop 194 in the amount of \$1,000 to allow the project to be completed.

Mr. Durig invited the public to attend the Memorial Day ceremony honoring the veterans at the Pleasant View Cemetery.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (Park & Recreation Advisory Board Liaison) announced WERK Day scheduled for May 9th. He noted the new playground equipment in Murase Park is in the process of being completed and should be opened in two weeks. The Councilor attended the grand opening of The World of Speed and thought it was a great addition to the City.

Councilor Fitzgerald – (Development Review Panels A & B Liaison) reported on the decisions made at the most recent meeting of DRB-Panel B. She said the ADA Transition Plan Public Open House would be held on May 7th.

Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) stated she attended a special luncheon to honor the Korean War Veterans hosted by the students of Athey Creek Middle School. The Library Board applicants will be interviewed this week by Councilor Fitzgerald and her. She attended the Positive Aurora Airport Meeting, where it was noted the construction of the air traffic control tower is almost completed, and expected to be staffed in August. Wilsonville Community Seniors will be conducting their goal setting at their next meeting. She read a letter published in the Charbonneau Gazette from a woman who received help at the Community Center and announced the Wilsonville Garden Club Spring Plant Sale set for May 9th.

Councilor Lehan– (Planning Commission and CCI Liaison) noted the meeting date of the next Planning Commission meeting and topics to be covered during the meeting. Spa Saturday at the Community Center, and Wilsonville Festival of Arts were announced. The Councilor invited the public to participate in the work days at Pleasant View Cemetery during the next two Saturdays to prepare the cemetery for the Memorial Day celebration.

CONSENT AGENDA

Mr. Kohlhoff read the title of the items on the Consent Agenda for the record.

A. Minutes of the April 6, 2015 and April 20, 2015 Council Meetings.

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

Vote: Motion carried 4-0.

PUBLIC HEARING

A. **Resolution No. 2528**
A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2014-15.

Mr. Kohlhoff read the title of Resolution No. 2528 into the record.

Council President Starr opened the public hearing at 7:56 p.m. and provided the hearing protocol.

Ms. Rodocker presented the staff report. Oregon's Local Budget Law allows the Council to amend the adopted budget for an occurrence or condition that was not known at the time the budget was adopted. A transfer resolution moves expenditures from one category to another within a specific fund and does not increase the overall budget that was approved during the annual budget process. A supplemental budget adjustment will impact the budget by increasing revenues and/or expenditures. The supplemental adjustment can also recognize expenditures that exceed 10 percent of the adopted budget expenditures or 15 percent of the funds' adopted contingency.

The budget adjustment gives the General Fund the budget authority for overnight loans to the Eastside Urban Renewal District in the amount of \$2,000,000 and the Westside Urban Renewal District in the amount of \$1,000,000. This overnight funding strategy significantly reduces the associated borrowing costs to the Districts versus the traditional overnight funding through a financial institution. Local Budget Law requires a public hearing for a budget adjustment as part of the adoption process.

Council President Starr invited public comment, hearing nothing he closed the public hearing at 7:59 p.m.

Motion: Councilor Fitzgerald moved to approve Resolution No. 2528. Councilor Stevens seconded the motion.

Vote: Motion carried 4-0.

B. Ordinance No. 768 – First Reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Facility (PF) Zone To The Village (V) Zone On Approximately 3.58 Acres Northwest Of SW Villebois Drive North Between SW Orleans Avenue And SW Costa Circle West. Comprising Tax Lot 3100 And Adjacent Right-Of-Way Of Section 15ac, T3S, R1W, Clackamas County, Oregon, RCS-Villebois Development LLC, Applicant.

Ordinance No. 768 was read into the record by title only on first reading by Mr. Kohlhoff.

Council President Starr opened the public hearing at 8:01 p.m. and stated the hearing format.

Mr. Pauly presented the staff report with aid from a PowerPoint slide show. The zone map amendment will rezone the land proposed to be developed as Neighborhood Park 4, Montague Park in the central part of Villebois as well as adjacent right-of-way. The proposed zoning is consistent with the Comprehensive Plan designation of Residential-Village. He identified the location of the proposed park, which will be a private park maintained by the home owners association (HOA), however it will have public access. Mr. Pauly described the amenities that will be included in the park. The pickle ball court will be discussed further by the DRB at their

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CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

next meeting and may be replaced with a putting green; however, the area meets the standards of the code. Mr. Pauly stated a restroom is not included in this park design since it is a private park, and facilities are available nearby. Restrooms are planned for Regional Park 5 a block away and this park will be constructed in the next 12 months. He identified a number of trees to be removed due to their poor condition.

Development Review Board Panel 'A' recommended the Council approve the Zone Map Amendment during their April 13th meeting. At the same meeting the Development Review Board continued to May 11th the Public Hearing for the development applications submitted concurrently with the Zone Map Amendment. The purpose for the continued hearing is for further testimony and discussion whether to locate a Pickleball/basketball court in the northwest corner of the park, and if not what the alternative park design should be.

Although the home was no longer there, Councilor Lehan expressed concern with losing the historic connection to the Lucias Seeley homestead, and suggested if the location of the home was known to photograph the location and trees before they were removed to create a historical reference.

Mr. Kohlhoff would ask the applicant if he would be willing to work with the City on that.

Councilor Stevens commented the parks in Villebois were brimming this past weekend; she thought the area was well planned for parks, they are beautiful, and they are a wonderful amenity. Councilors Lehan and Fitzgerald agreed with Councilor Stevens.

Regarding the amphitheater, Mr. Kohlhoff said the original master plan contained a larger amphitheater with larger restroom facilities; however it was determined there would not be enough parking and the amphitheater was reduced, and the restroom removed since another was close by.

Rudy Kadlub, 11422 SW Barber Street, Wilsonville, master planner and builder of Villebois said if information was available, he would agree to place a marker honoring the previous use of the land. He thanked Councilors for their comments about the parks, there were many to thank for the Master Plan, noting the open space is by design.

Councilor Fitzgerald asked how many people can sit in the amphitheater area. Mr. Kadlub said the area would seat 50-100 people to accommodate neighborhood events.

Council President Starr invited the public to testify, no one came forward, and he asked for a motion to close the public hearing.

Motion: Councilor Lehan moved to close the public hearing. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 4-0.

The public hearing was closed at 8:27 p.m.

Motion: Councilor Fitzgerald moved to approve Ordinance No. 768 on first reading. Councilor Stevens seconded the motion.

Vote: Motion carried 4-0.

NEW BUSINESS

A. **Resolution No. 2529**

A Resolution Of The City Of Wilsonville Adopting A New Fee Schedule For Land Use Development And Planning Review Fees, And Repealing Resolution No. 2050.

Mr. Kohlhoff read Resolution No. 2529 into the record by title only.

The staff report was prepared by Susan Cole, Finance Director. The Community Development (CD) Fund resources are falling behind the fund's requirements. Staff recommends increasing the Land Use Development and Planning Review Fees to catch up with price changes according to changes in the Consumer Price Index, from 2007 and through Fiscal Year 2015-16. Staff recommends increasing these fees in two stages: First, an 8 percent increase on July 1, 2015, followed by an additional 10 percent increase on January 15, 2016.

Following the Council Work Session on April 6, 2015 on this topic, staff reviewed various stair-step approaches to increasing these fees. The Land Use Development and Planning Review Fees are expansive and complex, many layering onto others as a project proceeds through the process, and many have a formula component based upon units, acres, and the like. The complexity of these fees hampers simple explanations to the public, and a two-step approach to increasing the fees is recommended to balance the City's need while minimizing confusion by the public, and spacing the increase to give applicants a chance to absorb the additional increases over a reasonable timeframe.

Staff obtained the City of Portland Land Use fee schedule, and compared that city's fees to Wilsonville. The comparison chart was provided to the Councilors.

Council President Starr asked Ms. Cole to explain the contingency separation.

Ms. Cole stated previous to this fiscal year, the Building Inspections program and the Community Development program were combined into one fund. However, Oregon State law does specify that building inspection and building fees need to be held separately and only used for those purposes.

The City decided it was not transparent to have the two functions together in the same fund, because the numbers were added together and it looked as if the Community Development fund had more resources to apply to the Planning function than it did. In this current year the two funds were separated. The Community Development fund contains the planning function, capital design and engineering, and urban renewal management. All the building permits and

inspections and fees associated with that is now in its own fund titled “Building Inspections fund”. The combined fund balance was about \$4.9 million. However, staff did a reconciliation and determined \$2.6 million of that combined fund belonged to the Building Inspection fund which is the amount that was transferred.

This left \$2.3 million for Community Development, which has subsequently been drawn down. The adopted budget had a drawdown of \$471,000 and the proposed budget for next fiscal year is proposing to draw that down again by \$371,000. The proposed fee increase will add about \$60,000 in revenue into the Community Development fund.

Ms. Cole said the ongoing revenues do not match the ongoing expenses. Staff has proposed an in-depth technical review of the fund in the next fiscal year to divide the fund into its various functions and to insure each function is recovering its costs accordingly. After this review Council will decide on whether there will be further changes to permit fees, possible changes in the capital improvement program overhead rates, and possible changes to the general fund subsidy to the Planning Department. She anticipated this work to be completed in seven to eight months.

Council President Star commented the City is using the CPI to get the fund back on track and then at the end of the year staff will have a better idea of what solutions will be needed.

Motion: Councilor Stevens moved to approve Resolution No. 2529. Councilor Lehan seconded the motion.

Councilor Fitzgerald stated none of the Councilors liked to raise fees, but it was clear changes were necessary.

Council President Starr added the revenues were not supporting the services the City needed to provide to the public. Although the 18 percent increase is significant, we might find ourselves in a position where another adjustment may be necessary after the consultants complete their work.

Vote: Motion carried 4-0.

B. Resolution No. 2530

A Resolution Authorizing An Intergovernmental Agreement With The Urban Renewal Agency Of The City Of Wilsonville Pertaining To Short Term Subordinate Urban Renewal Debt For Both The Year 2000 Plan And West Side Districts.

Mr. Kohlhoff read Resolution No. 2530 into the record by title only.

The staff report was prepared by Susan Cole, Finance Director. Both the Year 2000 Plan and West Side districts have a capital projects that are under construction. Short-term borrowing is necessary to complete these projects. Both districts have sufficient cash balances in their debt service funds to allow for repayment of borrowing on a short term basis – short term being defined as “over-night.”

Previously, the Urban Renewal Agency would enter into an agreement with a financial institution for these types of transactions. The City's General Fund has the capacity to loan the funds on a short term basis. The Urban Renewal Agency is now able to borrow from the City's General Fund provided both the City and Agency agree to the terms of the borrowing and it serves a public purpose. The terms of the borrowing are as follows:

- City lends to Agency \$3,000,000 at 1.5 percent (1.5%).
- The Agency repays the amount from tax increment funds on hand the day after receipt of the loan.
- Total interest to the General Fund, therefore, will be approximately \$123.
- The borrowing is subordinate to outstanding senior lien debt.

By borrowing from City funds the Agency is able to avoid loan origination fees and legal costs associated with borrowing from a financial institution, estimated to be more than \$10,000 for this type of financing. The public purpose is to fund projects authorized in the urban renewal plans for the two respective districts.

Authorizing the IGA by the respective Resolutions of the City and the Agency will provide cash resources of \$2.0 million to pay for costs associated with Canyon Creek Road between Boeckman Road and Vlahos Drive within the Year 2000 Plan district, as well as Murase Park improvements and preliminary work on the Old Town Escape project. It will also provide \$1 million to pay for costs associated with extending Barber Road west into Villebois within the West Side district, as well as park improvements within the district.

Borrowing and repayment will occur within the month of May 2015. The IGA anticipates the loan and repayment occurring on May 18 and May 19, respectively.

The form of the Resolutions and IGA were approved by the Legal Department. The City is a home rule city and as such under its Charter it has the authority to act in ways that are necessary and convenient under the laws and Constitution of the State of Oregon. The Oregon Constitution, Article XI, Section 9 limits the powers of cities to loan its credit to private corporations. The Agency is not a private corporation, but is a unit of local government as is the City. Specifically, the laws in ORS Chapter 190 provide for intergovernmental agreements between units of local governments to provide for functions or activities which they are authorized to do (building road projects are such functions or activities) and to provide for apportioning the responsibility for providing funds to pay for the expenses incurred in the performance of the functions or activities, which is what is occurring in this IGA.

Further, the only current general obligation bond outstanding for the City is for library purposes and has an outstanding principal balance of \$355,000, due to paid off by January 1, 2016. The overall debt capacity of the City is estimated to be \$104 million; hence the City is well within its overall debt capacity.

Motion: Councilor Lehan moved to approve Resolution No. 2530. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 4-0.

CITY MANAGER’S BUSINESS

Mr. Cosgrove recognized and thanked Angela Handran for her work on organizing and staging the successful Volunteer Appreciation Dinner and a Show that 240 people attended. He added department heads discussed the issue of documenting historical buildings and places and planned to have the Building Department take photographs with the Library archiving the documents.

LEGAL BUSINESS – No report was given.

ADJOURN

Council President Starr adjourned the meeting at 8:41p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Council President Scott Starr



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: May 18, 2015	Subject: Ordinance No. 769 Wilsonville Code, Chapter 3, City Property and Chapter 8, Environment Staff Member: Kerry Rappold Department: Community Development	
Action Required <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: 5/18/15 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: Staff recommends City Council adopt Ordinance 769 on first reading.		
Recommended Language for Motion: I move to approve Ordinance No. 769 on first reading.		
PROJECT / ISSUE RELATES TO: <i>Storm water Master Plan</i>		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Amendments to the Chapters 3 and 8 of the Wilsonville Municipal Code related to erosion control standards.

EXECUTIVE SUMMARY:

Revisions to Chapter 3 and 8:

The proposed revisions to Chapter 3 and Chapter 8 affect the current erosion control requirements. The requirements will be updated and moved from Chapter 3 to Chapter 8. In addition, outdated code sections related to the Public Works Standards will be deleted in Chapter 3.

Ordinance No. 482 was adopted in April 1997, which included the existing erosion control requirements. These requirements were added to Chapter 3. The proposed revisions are necessary to incorporate current best management practices and address federal and state requirements. In revising the requirements, staff determined it would be preferable to have the updated requirements in Chapter 8 because of the relationship to stormwater management.

Chapter 8 was originally developed to address policies related to Water Conservation, Sanitary Sewer Use, Industrial Pretreatment Regulations, Solid Waste, and Business Recycling. In 2014, Chapter 8 was amended to incorporate stormwater policies and implementation measures identified in the 2012 Stormwater Master Plan. In addition, the amendments to Chapter 8 provided the City the ability to enforce the National Pollution Discharge Elimination System (NPDES) Stormwater Permit requirements.

Proposed Revisions		
Code Section	Action	Reason
Chapter 3 – Section 3.294	Delete references to Public Works Standards	Outdated and no longer necessary
Chapter 3 – Section 3.294	Delete erosion control requirements	Moved to Chapter 8
Chapter 8 – Section 8.536 – 8.570	Incorporate updated erosion control requirements	More suitable location due to relationship to stormwater management

Erosion Control Inspection Fee:

The existing and proposed erosion control requirements include a reference to collecting a fee to defray the costs of plan review, enforcement, and field inspection. Currently, only a fee is charged for plan review. Staff is recommending a fee be added to address the costs of field inspections. At a future date, a fee resolution will be brought to the Council for their review. The fee will be based on recovering the costs associated with the program and take into account comparable fees charged in other jurisdictions.

EXPECTED RESULTS:

Ensuring the City’s ability to adequately enforce erosion control requirements and comply with NPDES Stormwater Permit requirements.

TIMELINE:

Not Applicable

CURRENT YEAR BUDGET IMPACTS:

There are no anticipated financial impacts for revisions to Chapter 3 and Chapter 8.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 5/7/15

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 5/8/2015

Ordinance is approved as to form.

COMMUNITY INVOLVEMENT PROCESS:

A public hearing will be conducted on the proposed revisions to Chapters 3 and 8.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY

Benefits to the community include: more effective erosion control requirements and the protection of natural resources and public infrastructure.

ALTERNATIVES:

Not Applicable.

CITY MANAGER COMMENT:

ATTACHMENTS

Not applicable

ORDINANCE NO. 769

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 3, CITY PROPERTY AND CHAPTER 8, ENVIRONMENT TO ADD UPDATED EROSION CONTROL REQUIREMENTS

WHEREAS, the City's current erosion control requirements were adopted with Ordinance No. 482 on April 21, 1997, and codified in Chapter 3 of the Wilsonville Code; and

WHEREAS, portions of Chapter 3, City Property and Chapter 8, Environment need to be revised to update erosion control requirements and comply with State and Federal regulations; and

WHEREAS, preventing erosion is a principal way to protect water resources. When vegetation is left undisturbed by development or land use activities, wind and rain erosion potentials are dramatically reduced and sediments remain on site, rather than washing into wetlands, streams or the stormwater system; and

WHEREAS, water resources that remain free of human-induced sediment loads tend to have lower temperatures, higher dissolved oxygen, lower nutrients and other pollutants, healthier plant communities, higher flows during dry periods and are better able to function during peak flows; all of which conditions are good for fish, wildlife and people; and

WHEREAS, through careful project planning, phasing, timing, construction site management and erosion controls, water resources and the resources that depend on their proper functioning can be protected as development proceeds; and

WHEREAS, the revised erosion control requirements address current best management practices and provide an effective approach to preventing and controlling erosion and sedimentation; and

WHEREAS, after providing due public notice, as required by City Code and State Law, a public hearing was held before the City Council on May 18, 2015, at which time the City Council gathered additional evidence and afforded all interested parties an opportunity to present oral and written testimony concerning the revised erosion control requirements; and

WHEREAS, the City Council has carefully considered the public record, including all recommendations and testimony, and being fully advised;

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

Section 1. The above recitals are incorporated by reference as if fully set forth herein.

Section 2. Based upon such findings, the City Council hereby adopts the amendments to Wilsonville Code, Chapter 3, City Property, and Chapter 8, Environment, as set forth in Exhibit A, attached hereto and incorporation by reference as if fully set forth herein.

Section 3. The City Recorder shall ensure these amendments conform with the City’s code format and to correct any scrivener’s errors.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on May 18, 2015, and scheduled for a second reading at a regular meeting of the Council on June 1, 2015, commencing at 7:00 P.M. at the Wilsonville City Hall.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of ____, 2015 by the following votes:

Yes: ____ No: ____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor the _____ day of ____, 2015.

TIM KNAPP, Mayor

SUMMARY OF VOTES:

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

Attachment:
Exhibit A

ORDINANCE NO. 769
EXHIBIT A
CODE SECTION AMENDMENTS

1. Wilsonville Code, Chapter 3, Section 3.294 is to be deleted in its entirety.
2. Wilsonville Code Chapter 8, add new Sections 8.536 – 8.576 as follows:

8.536 General Policy

(1) Application and Purpose. It is a City requirement to reduce the amount of sediment and other pollutants reaching public storm and surface water systems resulting from development, construction, grading, excavation, clearing, and any other activity that accelerates erosion, to the limits prescribed herein. These provisions shall apply to all land within the City.

- (a) Regulated Activities. To minimize the adverse effects of construction on the environment, Erosion Control Permits are required (unless specifically exempted from this requirement as provided herein) for the following activities:
 - 1) All activities requiring a Public Works Permit or a Grading Permit.
 - 2) Projects involving construction of public trails, bike paths and pedestrian ways, public or private streets, and underground utilities in existing public rights-of-way or in areas designated in the City's Comprehensive Plan as Significant Resource Overlay Zones.
 - 3) All construction projects, including but not limited to capital improvements, Public Works construction and utility installations.
- (b) Minimum Requirements:
 - 1) No visible or measurable dust, mud, muddy water, or rock shall exit the site, enter the public or private systems or be deposited into any water body.
 - 2) Ground-disturbing activities requiring a permit shall install erosion and sediment control (ESC) measures and have them inspected and approved by the City's inspector before any ground breaking occurs.
 - 3) During the construction period, these ESC measures shall be upgraded as needed for worst-case storm events and to ensure that sediment and sediment-laden water does not leave the site.
- (c) To meet these minimum standards, responsible parties shall:

- 1) As the first step in development, install ESC measures intended to keep soil on site and out of water bodies, storm drainage systems and the public right of way.
- 2) Remove any soil that enters the public storm system, roadway or right of way.
- 3) Protect stormwater inlets that are functioning during the course of the project by means of approved ESC measures so that sediment-laden water cannot enter the inlets without first being filtered.
- 4) Apply permanent or temporary soil stabilization to denuded development areas in conformance with the following schedule:
 - a. Between October 1 and April 30, all inactive denuded sites shall be provided with either temporary or permanent soil stabilization as soon as practicable after ground-disturbing activity occurs. The City will determine whether active construction exists.
 - b. Temporary erosion and sediment control measures to reduce dust and sediment transport shall be applied as soon as practicable before any ground-disturbing activity occurs and immediately when dusty conditions or any transport of sediment occurs.
 - c. Temporary measures shall be maintained until permanent measures are established.
- (d) Temporary and Permanent ESC Measures Required. City policy requires both temporary and permanent ESC measures for any change to improved or unimproved real property that causes, will cause, or is likely to cause, a temporary or permanent increase in the rate of soil erosion from the site.
- (e) If required by the City's authorized representative, construction activities shall be sequenced to reduce the amount and duration of soil exposure to erosion by wind, rain, runoff, and vehicle tracking. The construction schedule is an orderly listing of all major land disturbing activities together with the necessary erosion prevention and sediment control measures planned for a project. This type of schedule guides the applicant on project sequencing so that serious erosion and sedimentation problems can be avoided
- (f) Duties of the Owner/Responsible Party. The Owner's responsible party shall properly install, operate and maintain both temporary and permanent measures as provided in this section and/or in an approved plan, to protect the environment during the term of the project. The responsible party shall also remove temporary erosion controls.

Nothing in these policies shall relieve any person or organization from the obligation to comply with the regulations or permits of any federal, state, or local authority.

8.538 Erosion Prohibited

(1) Visible or measurable erosion as determined by the City's authorized representative, that enters, or is likely to enter public storm or surface water systems is hereby prohibited and is a violation of these rules. The owner of the property and the permittee, together with any person who causes or allows erosion to occur, shall be considered to be in violation of these rules.

(2) In determining measurable erosion, the City will rely on the adopted Water Quality Standard not to be exceeded for the waters of the Willamette Basin (Oregon Administrative Rule 340-41-0340), which currently sets criteria for dissolved oxygen, temperature, turbidity, pH, bacteria, and total dissolved solids.

(3) An off-site sedimentation control facility may be utilized if it has been identified and approved in writing by the City's authorized representative, written approval is obtained from the respective property owner, and a written agreement for rehabilitation of the facility by the applicant or contractor is submitted to the City. The owner of the property or the applicant under a Public Works Permit, together with any person or persons, including but not limited to the contractor or the design engineer causing such erosion, shall be held responsible for violation of the City's standards.

8.540 Erosion Control Permits

(1) Except as noted herein, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause, a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the City and paying prescribed fees. Such changes to land shall include, but are not limited to, grading, excavating, filling, working of land, or stripping of soil or vegetation from land.

(2) Any work requiring a Grading Permit, as specified in the applicable Building Code, shall require an Erosion Control Permit, unless specifically exempted from this requirement as specified in subsection 5(C), below. Where a Grading Permit is being issued for on-site work, the Grading Permit will include an Erosion Control Plan.

(3) No owner, utility company or contractor shall begin construction, grading, excavation, fill, or clearing of land without first verifying in writing that the City has issued an Erosion Control Permit covering such work, or the City has determined that no such Permit is required. No public agency or body shall undertake any public works project without first obtaining an Erosion Control Permit covering such work, or receiving a determination from the City that none is required.

(a) Construction on slopes greater than 5 percent, or on highly erodible soils, shall be

subject to limitations or conditions of approval that may limit excavation or other construction from November 1 through April 30.

- (b) Limits of work are to be specified in the Erosion Control Permit.
- (c) The Contractor shall provide a tentative construction schedule and shall notify the City authorized representative at least 24 hours before the start of excavation or construction.
- (4) No Erosion Control Permit (from the City) is required for the following:
 - (a) For work of a minor nature, provided that all of the following criteria are met:
 - 1) The land development does not require a Public Works Permit, a Grading Permit or a development permit, from the City.
 - 2) No land development activity or disturbance of land surface occurs within 100 feet of the Significant Resource Overlay Zone, as defined in the City's Comprehensive Plan.
 - 3) The slope of the site is less than 12 percent.
 - 4) The work on the site involves disturbance of less than 500 square feet of land surface.
 - 5) The excavation, fill, or combination thereof involves a total of less than 20 cubic yards of material.
 - a. Permits and approvals for land division, interior improvements to an existing structure, and other approvals for which there is no physical disturbance to the surface of the land.
 - b. Activities within the City that constitute accepted farming practices as defined in ORS 215.203, and which are permitted by City zoning.
 - c. Exception from the permit requirement does not exempt the property owner from the responsibilities outlined herein.

8.542 Erosion Control Permit Process

- (1) Applications for Erosion Control Permit. Application for a Permit shall include:
 - (a) A grading and erosion control plan that contains methods and interim facilities to be constructed or used concurrently and to be operated during construction to control erosion.

- (b) A site map showing:
 - 1) Existing and adjacent drainage including site run-on, public or private receiving water for drainage leaving the site and developed stormwater conveyance systems and facilities.
 - 2) Natural resource features to be protected on and adjacent to the site.
 - 3) Areas to remain undisturbed by construction activities.
 - 4) Sequence and locations of clearing, grubbing and grading, including stockpile locations, management and schedule of their removal.
 - 5) Locations and types of dust and erosion control facilities for each major project phase.
 - 6) Final landscaping plan, including hard surfaces, sodded or mulched areas, and areas to be seeded, including seed mix, rate, area, broadcast method and date of seeding.
- (c) The grading and erosion control plan shall be designed to meet the requirements herein and shall be prepared using either of the following methods:
 - 1) The techniques and methods contained and prescribed in the Clackamas County Water Environment Services most current version of 'Erosion Prevention and Sediment Control Planning and Design Manual (this document is hereby adopted by reference), together with the City of Wilsonville's exceptions stated herein.
 - 2) The Soil conservation Service's Universal Soil Loss Equation or other equivalent methods established by Board rule to prepare a site-specific plan outlining protection techniques to control soil erosion and sediment transport from the site to less than one ton per acre per year.
- (d) All ESC plans shall include an erosion control legend, erosion control details, both pertaining to the project, and the City of Wilsonville's Erosion and Sediment Control Notes, including the Sediment Fence Notes.
- (e) When required by the City, the Grading and Erosion Control Plan will be designed, approved, and managed by a Certified Professional in Erosion and Sediment Control (CPESE).

8.544 Maintenance

- (1) The owner/applicant shall maintain the facilities and techniques contained in the approved Erosion Control Permit so as to assure that they remain effective during the

construction or other permitted activity. If the facilities and techniques approved in an Erosion Control Permit are not effective or sufficient as determined through site inspection the permittee shall submit a revised plan within three (3) working days of written notification by the City. Upon approval of the revised plan by the City, the permittee shall immediately implement the additional facilities and techniques of the revised plan. Where erosion is occurring, the owner/applicant shall correct control measures immediately. The City will re-inspect for compliance.

8.546 Inspection

(1) Initial and final ESC inspections are required, and ground breaking may not occur until initial inspection has been approved. Tree protection shall be installed, inspected, and approved before any ESC measures are placed. An erosion and sediment control inspection shall not occur until tree inspection and approval has occurred.

8.548 Prevention and Cleanup of Tracks, Spills and Deposits

(1) No person shall drag, drop, track, or otherwise place or deposit, or permit to be deposited, mud, dirt, rock or other such debris upon a public street or into any part of public or private storm or surface water systems.

(2) Any such deposit of material shall be immediately removed using hand labor or mechanical means.

(3) No material shall be washed or flushed into any part of storm or surface water systems without sediment control measures installed, including cleanup, to the satisfaction of the City.

8.550 Fees for Permit

(1) The City shall collect a fee to defray the costs of review of plans, administration, enforcement, and field inspection to carry out the rules contained herein.

8.552 Exceptions to Erosion Control Techniques and Methods

(1) The erosion control techniques and methods in the Clackamas County Water Environment Services' most current version of "Erosion Prevention and Sediment Control Planning and Design Manual" shall be used, with the following exceptions:

- (a) Gravel or rock construction entrances (two to three inch crushed aggregate) with geotextile fabric shall be required for each construction entrance. An entrance is required for each vehicle access point on each project and entrances shall be maintained for the duration of the project. Additional measures such as a wheel wash may be required to ensure that all paved areas are kept clean for the duration of the project. The owner/applicant is responsible for design and performance of the construction entrance. Under no circumstance shall vehicles or equipment

enter a property adjacent to a stream, water course, wetland or storm or surface water facility such that it would not be possible to avoid contaminating or depositing mud, dirt, or debris into the water or wetland.

- (b) The use of straw bales as silt barriers is prohibited.
- (c) Silt barriers are not required on a site under the following circumstances:
 - 1) Where a Community Erosion Control Plan is in effect.
 - 2) Where there are no concentrated flows and the slope being protected has a grade of less than 2 percent.
 - 3) Where flows are collected by means of temporary or permanent grading or other techniques, such that the flows are routed to an approved settling pond, filtering system, or silt barrier.
 - 4) Where there are no concentrated flows, slopes are less than 10 percent, and where the runoff passes through a grassed area that is either owned by the applicant, or approved for such use in writing by the owner of the grassed area. The grassed area shall be at least equal in dimensions to the area being protected.
 - 5) Where the surface is protected by appropriate ground cover or matting.

(2) **Neighborhood Erosion Control Plan.** Any individual or group may submit a plan to control erosion from multiple lots. This shall be referred to as a “Neighborhood Erosion Control Plan.” In such cases, the group of lots will be evaluated as if they were one lot.

- (a) If an individual lot in a Neighborhood Erosion Control Plan changes ownership, the new owners may either join the Neighborhood Erosion Control Plan (with the approval of the other “neighborhood” owner or owners), or will need to submit their own erosion control plan if erosion potential still exists on the parcel.
- (b) If a lot changes ownership and the new owner does not join the Neighborhood Erosion Control Plan, the Plan shall be revised to provide for the exclusion.

(3) **Protection Measure Removal.** The erosion control facilities and techniques shall remain in place and be maintained in good condition until all disturbed soil areas are permanently stabilized by installation and establishment of landscaping, grass, mulching, or otherwise covered and protected from erosion. Straw or plastic sheeting are to only be used as temporary measures during construction and are prohibited for use as ground cover for final inspection. A final erosion control inspection shall be required prior to any change in ownership of the subject property.

- (4) **Plastic Sheeting.** Plastic sheeting may be used to protect small, highly erodible

areas, or temporary stockpiles of material. If used, the path of concentrated flow from the plastic shall be protected from eroding.

(5) Ground Cover Establishment. On sites where vegetation and ground cover have been removed from more than one (1) acre of land, ground cover shall be re-established by seeding and mulching on or before September 1 with the ground cover established by October 15. As an alternative to seeding and mulching, or if ground cover is not established by October 15, the open areas shall be protected through the winter with straw mulch, erosion blankets, or other similar method. Ivy shall not be used as a ground cover for erosion control purposes.

8.554 1200-C and 1200-CN Permits (Construction Stormwater Discharge Permit)

(1) If the site requires a 1200-C permit from the Oregon Department of Environmental Quality (DEQ), an approved copy of the 1200-C Permit shall be submitted to the City before any clearing or grading will be allowed to proceed. Construction activities including clearing, grading, excavation, and stockpiling that will disturb five (5) or more acres and that may discharge to surface waters or conveyance systems leading to surface waters of the state, require a DEQ 1200-C permit. The 1200-C permits are obtained directly from DEQ, and require a public notice period.

(2) A DEQ 1200-CN permit is required for construction activities that disturb between one (1) acre and five (5) acres as part of a common plan of development or sale if the larger common plan of development or sale will ultimately disturb one acre or more and which may discharge to surface waters or conveyance systems leading to surface waters of the state.

8.556 Activities in Wetlands

(1) Both the U.S. Army Corps of Engineers and the Oregon Department of State Lands have permit procedures for construction activities in wetlands that are within the jurisdiction of those agencies. Applicants for an Erosion Control Permit shall be required to demonstrate their compliance with all applicable requirements of those agencies, including any required mitigation.

(2) The construction of underground utilities in wetland areas shall require the use of impermeable barriers, designed and installed in such a manner as to avoid draining the wetlands.

8.558 Work in Flood-Prone Areas

(1) Work in flood-prone areas shall be subject to the requirements of Section 4.172 of the Wilsonville Code and to all applicable Federal Emergency Management Agency flood insurance standards.

8.560 Geotechnical Investigation

(1) Work on slopes exceeding 12 percent that is not exempt from the Erosion Control Permit requirements included herein shall require a written report from a civil engineer with

geotechnical expertise. That report shall verify that the potential hazards of construction in the area have been considered and that adequate measures will be included in design and construction to assure that risks to life, property and the environment will be avoided or mitigated.

(2) Work on slopes greater than 12 percent shall utilize planning and designs that reduce the potential for erosion in the following ways:

- (a) Limit the extent of disturbance of soils.
- (b) Minimize removal of trees and other vegetative cover, meeting all, or exceeding, requirements of the City's Tree Preservation and Protection code (Section 4.600 of the Wilsonville Code).

Provide landscaping plans that include slope stabilization and re-vegetation.

8.564 Maintaining Water Quality

- (1) Construction within the banks of a stream shall be kept to a minimum.
 - (a) In-stream operations and schedule shall be in conformance with the Oregon Department of Fish and Wildlife's (ODF&W) in-water work windows and as approved in writing by the City's authorized representative.
 - (b) Comply with the regulatory requirements of ODF&W, Oregon Department of State Lands, US Fish and Wildlife Service, U.S. Army Corps of Engineers and any other state and federal agencies having jurisdiction.

(2) Construction materials and common construction site pollutants shall be controlled, including: demolition wastes, equipment fluids, concrete waste and slurry, sealants, additives, curatives and rinse water; treated wood, wood preservatives and resins; metal debris; solvents and degreasers; paints, paint thinners and paint rinse water; fertilizers, pesticides and herbicides; batteries, fluorescent lights, PCBs, asbestos, lead and contaminated soils. Pollutants such as fuels, lubricants, bitumens, raw sewage, and other harmful materials shall not be discharged into or near rivers, streams, impoundments, drainage systems or onto soil.

(3) All sediment-laden water from construction operations shall be routed through stilling basins, filtered or otherwise treated to reduce the sediment load.

(4) Refer to the City's Public Works Standards for design criteria for water quality facilities and their maintenance and operations.

8.566 Fish and Wildlife Habitat

- (1) Construction shall be done in a manner to minimize the adverse effects on

wildlife and fishery resources.

(2) Site Preparation

- (a) Native materials shall be conserved for site restoration; for example native soils shall be re-used to fill soil-wrapped lifts.
- (b) If possible, native materials shall be left where they are found and the disturbance area shall be minimized to the maximum extent practicable.
- (c) Materials that are moved, damaged, or destroyed shall be replaced with the functional equivalent during site restoration.
- (d) Any large wood, native vegetation, weed-free topsoil, and native channel material displaced by construction shall be stockpiled for use during site restoration.

(3) Emergency Measures

- (a) In the event of a major unexpected event (spills, fire, flood, landslide, failure of construction measures or equipment) an assigned project representative will be on site or available by phone at all times.
- (b) Work causing or affected by the event shall cease until the assigned representative provides clearance to proceed. The representative shall contact the appropriate permit representatives (e.g., City, ODF&W, DEQ, Oregon Department of State Lands) as appropriate.

(4) The requirements of local, state, and federal agencies charged with wildlife and fish protection shall be adhered to by the entire construction work force by implementing a plan to communicate Erosion Control Permit and other relevant requirements to all workers.

8.568 Existing Vegetation

(1) As far as is practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to vegetation intended to be protected. Trees shall not be used as anchors for stabilizing construction equipment.

(2) Where existing vegetation has been removed, or the original land contours disturbed, the site shall be re-vegetated, and the vegetation established, as soon as practicable. Ivy shall not be used as a ground cover for erosion control purposes.

(3) Work in areas with one or more trees having a diameter of six or more inches at a height of 4 1/2 feet shall be subject to the applicable standards and requirements of Section 4.600 of the Wilsonville Code.

8.570 Contaminated Soils

(1) In the event the construction process reveals soils contaminated with hazardous materials or chemicals, the Contractor shall:

- (a) Stop work immediately.
- (b) Immediately notify the City's authorized representative, the design engineer, the Oregon Department of Environmental Quality and an emergency response team of the situation upon the discovery of contaminated soils.
- (c) Ensure no contaminated material is hauled from the site.
- (d) Remove his/her work force from the immediate area of the contamination.
- (e) Leave all machinery and equipment on the site.
- (f) Secure the area from access by the public until such a time as a mitigation team has relieved them of that responsibility.

8.572 Underground Utilities (exposed areas) and Construction Access Roads

(1) Utilities that are otherwise located underground, but which are visible where they cross swales, channels, or other intermittent low spots, shall be considered to be underground utilities, as the term is used in this ordinance.

(2) Placement of underground utilities shall not result in dewatering of wetlands.

(3) Ground disturbances created by stream crossings of underground utilities shall be seeded and or planted to appropriate vegetation.

8.574 Severability

(1) If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

8.576 Stormwater - Violation

ORDINANCE NO. 768

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE PUBLIC FOREST (PF) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 3.58 ACRES NORTHWEST OF SW VILLEBOIS DRIVE NORTH BETWEEN SW ORLEANS AVENUE AND SW COSTA CIRCLE WEST. COMPRISING TAX LOT 3100 AND ADJACENT RIGHT-OF-WAY OF SECTION 15AC, T3S, R1W, CLACKAMAS COUNTY, OREGON, RCS-VILLEBOIS DEVELOPMENT LLC, APPLICANT.

RECITALS

WHEREAS, RCS-Villebois Development LLC has made a development application requesting, among other things, a Zone Map Amendment for the Property to develop a private park consistent with the Villebois Village Master Plan; and

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

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on April 13, 2015;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment and associated development applications on April 13, 2015, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 302 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB15-0001), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on May 4, 2015, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

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

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB15-0001, attached hereto as Attachment 1, from the Public Facility (PF) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on May 4, 2014, and scheduled for the second and final reading on May 18, 2015, commencing at 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 4th day of May, 2015, by the following votes:

Yes:___ No:___

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ___ day of ___, 2015.

Tim Knapp, MAYOR

SUMMARY OF VOTES:

Mayor Knapp
Councilor President Starr
Councilor Stevens
Councilor Fitzgerald
Councilor Lehan

Attachments:

- Attachment 1: Zoning Order DB15-0001.
- Attachment A: Legal Description and Sketch Depicting Land/Territory to be Rezoned
- Attachment 2: Zone Map Amendment Findings,
- Attachment 3: DRB Panel A Resolution No. 302 recommending approval of the Zone Map Amendment

ORDINANCE NO. 768 – ATTACHMENT 1

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

In the Matter of the Application of)	
RCS-Villebois Development LLC)	
for a Rezoning of Land and Amendment)	ZONING ORDER DB15-0001
of the City of Wilsonville)	
Zoning Map Incorporated in Section 4.102)	
of the Wilsonville Code.)	

The above-entitled matter is before the Council to consider the application of DB15-0001, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

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

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

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 3.58 acres northwest of SW Villebois Drive North between SW Orleans Avenue and SW Costa Circle West. Comprising tax lot 3100 and adjacent right-of-way of Section 15AC, T3S, R1W, Clackamas County, Oregon, as more particularly shown and described in Attachment A, is hereby rezoned to Village (V), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: May ____, 2015.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, MMC, City Recorder

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



October 3, 2014

LEGAL DESCRIPTION

Job No. 398-054

A parcel of land being Lot 79, plat of "Villebois Village Center No. 3", Clackamas County Plat Records, and public Right-of-Way, situated in the Northwest and Northeast Quarters of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the most northerly corner of said Lot 79;

thence along the northerly plat boundary of said plat, North 31°30'05" East, a distance of 26.36 feet to a point on the centerline of SW Costa Circle West;

thence along said centerline, South 49°03'27" East, a distance of 319.46 feet to a point of curvature;

thence continuing along said centerline, along a 746.00 foot radius tangential curve to the right, arc length of 79.46 feet, central angle of 06°06'11", chord distance of 79.42 feet, and chord bearing of South 46°00'21" East to a point of tangency;

thence continuing along said centerline and its extension, South 42°57'16" East, a distance of 78.58 feet to a point on the southeasterly plat line of said plat;

thence along said southeasterly plat line, South 45°34'29" West, a distance of 80.51 feet to an angle point;

thence continuing along said southeasterly plat line, South 63°29'14" West, a distance of 61.38 feet to an angle point;

thence continuing along said southeasterly plat line and its extension, South 72°02'29" West, a distance of 219.06 feet to a point on the centerline of SW Orleans Avenue;

thence along said centerline for the following 7 courses:

North 32°57'14" West, a distance of 6.39 feet to a point of curvature,

along a 188.00 foot radius tangential curve to the left, arc length of 35.00 feet, central angle of 10°39'55", chord distance of 34.94 feet, and chord bearing of North 38°17'12" West to a point of tangency,

North 43°37'09" West, a distance of 194.08 feet to a point of curvature,

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Ord. No. 768 Attachment 1,
Attachment A

along a 185.00 foot radius tangential curve to the left, arc length of 31.96 feet, central angle of 09°53'51", chord distance of 31.92 feet, and chord bearing of North 48°34'05" West to a point of reverse curvature,

along a 185.00 foot radius reverse curve to the right, arc length of 31.96 feet, central angle of 09°53'51", chord distance of 31.92 feet, and chord bearing of North 48°34'05" West to a point of tangency,

North 43°37'09" West, a distance of 161.26 feet to a point of curvature,

along a 100.00 foot radius tangential curve to the right, arc length of 12.20 feet, central angle of 06°59'22", chord distance of 12.19 feet, and chord bearing of North 40°07'28" West,

thence leaving said centerline, North 45°36'51" East, a distance of 151.05 feet to an angle point on the northerly line of said Lot 79;

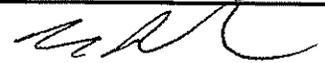
thence along said northerly line, South 47°50'26" East, a distance of 127.82 feet to an angle point;

thence continuing along said northerly line, North 41°14'03" East, a distance of 118.86 feet to the POINT OF BEGINNING.

Containing 3.58 acres, more or less.

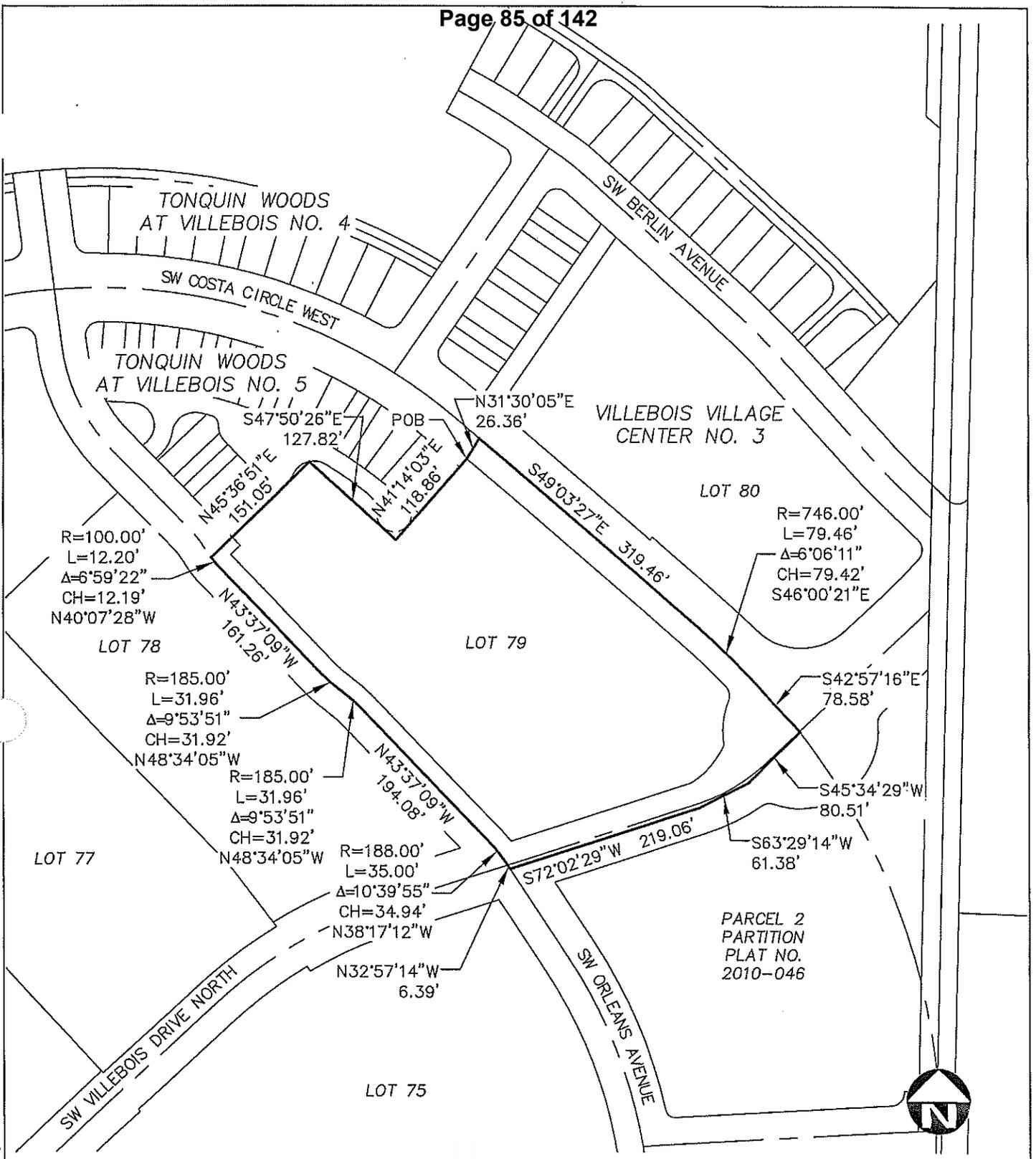
Basis of bearings per plat of "Villebois Village Center No. 3", Clackamas County Plat Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2015



Ord. No. 768 Attachment 1, Attachment A

DRAWN BY: CLL DATE: 10/3/14
 REVIEWED BY: TCJ DATE: 10/3/14
 PROJECT NO.: 398-054
 SCALE: 1"=150'
 PAGE 3 OF 3



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

N:\proj\398-C Drawings\06 Survey\Legalis\398054.Montague Park.Zone Change.dwg - SHEET: Legal Desc Oct. 22 PM ct

Ord. No. 768 Attachment 2
STAFF REPORT
WILSONVILLE PLANNING DIVISION

*Villebois Neighborhood Park 4, Montague Park
 Zone Map Amendment*

CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING

HEARING DATE	May 4, 2015
DATE OF REPORT:	April 15, 2015

APPLICATION NO.: DB15-0001 Zone Map Amendment

REQUEST/SUMMARY: The City Council is being asked to review a Quasi-judicial Zone Map Amendment for a planned neighborhood park and adjacent right-of-way.

LOCATION: Approximately 3.58 acres northwest of SW Villebois Drive North between SW Orleans Avenue and SW Costa Circle West. The properties are specifically known as Tax Lot 3100 Section 15AC, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and adjacent right-of-way, as depicted on the map below.

OWNER/APPLICANT: RCS – Villebois Development LLC

APPLICANT’S

REPRESENTATIVE: Stacy Connery – Pacific Community Design

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

ZONE MAP CLASSIFICATION: PF (Public Facility)

STAFF REVIEWER: Daniel Pauly AICP, Associate Planner

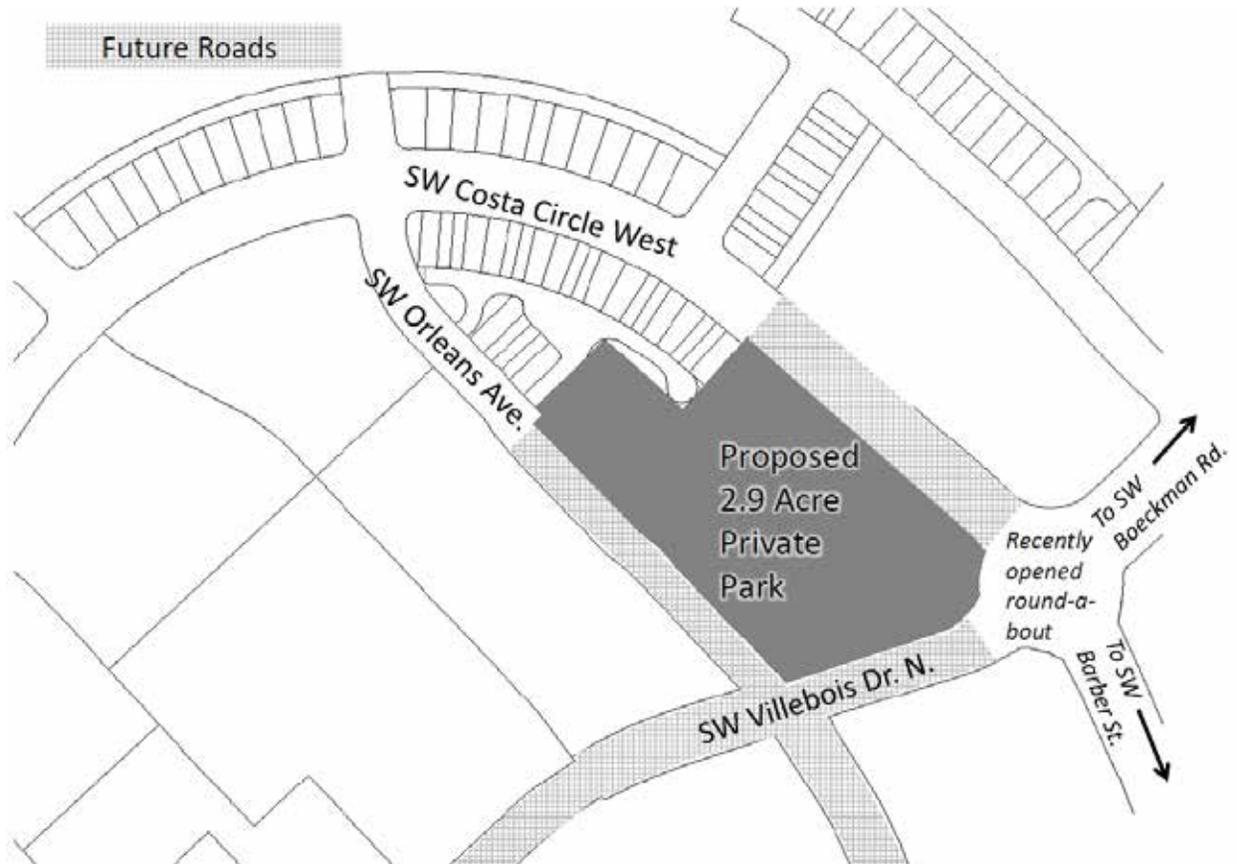
DRB RECOMMENDATION: Approve the requested Zone Map Amendment.

APPLICABLE REVIEW CRITERIA

DEVELOPMENT CODE	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of City Council
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
OTHER CITY PLANNING	

DOCUMENTS	
Comprehensive Plan	
Villebois Village Master Plan	
SAP Central Approval Documents	
REGIONAL AND STATE PLANNING DOCUMENTS	
Statewide Planning Goals	

Vicinity Map



BACKGROUND/SUMMARY:

Zone Map Amendment (DB14-0010)

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

CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the application and facts regarding the request and recommends the City Council recommend approval of the zone map amendment (DB15-0001).

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on January 22, 2015. On February 6, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete. On February 25, 2015, the Applicant submitted new materials. On March 2, 2015 the application was deemed complete. The City must render a final decision for the request, including any appeals, by June 30, 2015
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
Northeast:	PF (Public Facility)	Vacant residential
East	V (Village)	Costa Circle/Villebois Drive Round-a-bout, vacant residential
Southeast:	V (Village)	Vacant residential
Southwest:	PF (Public Facility)	Vacant residential
Northwest:	V (Village)	Residential (Row Houses)

3. Prior land use actions include:

Legislative:

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

Quasi Judicial:

- SAP Central Approvals
- DB07-0023 Preliminary Development Plan- Phase 2 Central (PDP-2C)
- DB07-0025 Subdivision Tentative Plat (PDP-2C)
- AR08-0003 Subdivision Final Plat (PDP-2C)

- DB08-0063 Final Development Plan for Phase 2 (Carvalho Carriage Homes & Open Space Tract 'R')
- DB09-0024 Tentative Condominium Plat (Carvalho Carriage Homes)
- DB09-0026 Front Yard Variance (The Trafalgar Flats)
- DB09-0027 Final Development Plan (Seville Row Houses and The Trafalgar Flats)
- DB09-0028 PDP Density Refinement and Phasing Modification

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

CONCLUSIONARY FINDINGS:

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

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criteria: 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: These criteria are 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: A signed application form has been submitted signed by an authorized representative of the property owner RCS-Villebois Development LLC.

Subsection 4.010 (.02) Pre-Application Conference

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Explanation of Finding: A pre-application conference was held on October 2, 2014 in accordance with this subsection. See City Case File PA14-0014.

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. The application can thus move forward.

Subsection 4.035 (.04) A. General Site Development Permit Submission Requirements

Review Criteria: “An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.” Listed 1. through 6. j.

Finding: These criteria are satisfied.

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

Section 4.110 Zoning-Generally

Review Criteria: “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

Finding: These criteria are satisfied.

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

CONCLUSIONARY FINDINGS: DB15-0001 ZONE MAP AMENDMENT

Comprehensive Plan

Compact Urban Development-Implementation Measures

Implementation Measure 4.1.6.a

1. **Review Criteria:** “Development in the “Residential-Village” Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the “Village” Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable.”

Finding: These criteria are satisfied.

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

Implementation Measure 4.1.6.b.

2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.

Finding: These criteria are not applicable

Details of Finding: The zone map amendment will allow for park development implementing the procedures as outlined by the Villebois Village Master Plan, as previously approved.

Implementation Measure 4.1.6.c.

3. **Review Criterion:** “The “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation.”

Finding: This criterion is satisfied.

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

Implementation Measure 4.1.6.d.

4. **Review Criterion:** “The “Village” Zone District shall allow a wide range of uses that befit and support an “urban village,” including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses.”

Finding: This criterion is satisfied.

Details of Finding: The area covered by the proposed zone change is proposed for a park as shown in the Villebois Village Master Plan.

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

5. **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.

Details of Finding: The applicant is applied for a zone change concurrently with other land use applications for the park development as required by this section. Concurrent applications, while separated in the hearing process, are contingent on approval of the zone map amendment ensuring their approval doesn’t take affect prior to the zone change.

Subsection 4.110 (.01) Base Zones

6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

Finding: This criterion is satisfied.

Details of Finding: The requested zoning designation of Village “V” is among the base zones identified in this subsection.

Subsection 4.125 (.01) Village Zone Purpose

7. **Review Criteria:** “The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois

Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.”

Finding: These criteria are satisfied.

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

Subsection 4.125 (.02) Village Zone Permitted Uses

8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The proposed park use is consistent with the Village Zone designation and Villebois Village Master Plan.

Subsection 4.125 (.18) B. 2. Zone Change Concurrent with PDP Approval

9. **Review Criterion:** “... Application for a zone change shall be made concurrently with an application for PDP approval...”

Finding: This criterion is satisfied.

Details of Finding: A zone map amendment was submitted concurrently with a request for PDP approval. However, staff understands this language to mean a PDP approval cannot be brought forward without the appropriate zoning in place but does not preclude a zone change consistent with the comprehensive plan prior to PDP approval, such as during SAP approval or earlier. This understanding is informed by the language in Section 4.029, seeing Finding 5 above, which states zoning must occur prior to a planned development. As the PDP is equivalent to a Stage II Final Plan in the Village Zone the same rationale would apply as for a Stage II Final Plan elsewhere in the City where the zoning at minimum must occur concurrently with the Stage II approval, but may occur prior. This allowed the action of the DRB to move forward with the recommendation to approval of the Zone Map Amendment to City Council while continuing their hearing on the PDP and other associated development applications.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

10. **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.

Details 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.

11. **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.

Details of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings A1 through 4 substantially comply with applicable Comprehensive Plan text.

Subsection 4.197 (.02) C. Zone Change: Specific Findings Regarding Residential Designated Lands

12. **Review Criteria:** “In the event that the subject property, or any portion thereof, is designated as “Residential” on the City’s Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville’s Comprehensive Plan text;”

Finding: These criteria are satisfied.

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

Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency

13. **Review Criteria:** “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: These criteria are satisfied.

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

Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas

14. **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.

Details of Finding: The subject property does not involve land in the SROZ or contain any inventoried hazards identified by this subsection.

Subsection 4.197 (.02) F. Zone Change: Development within 2 Years

15. **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.

Details of Finding: The with concurrently submitted development applications the applicant has shown they reasonably expect to commence development within two (2) years of the approval of the zone change. However, in the scenario where the applicant or their successors due not commence development within two (2) years allow related land use approvals to expire, the zone change shall remain in effect.

Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval

16. **Review Criteria:** “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: These criteria are satisfied.

Details of Finding: Nothing about the zone change would prevent development on the subject properties from complying with applicable development standards.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 302**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A ZONE MAP AMENDMENT FROM PUBLIC FACILITY (PF) TO VILLAGE (V) FOR A 2.9 ACRE PRIVATE NEIGHBORHOOD PARK WITH PUBLIC ACCESS. THE SUBJECT SITE IS LOCATED ON TAX LOT 3100 OF SECTION 15AC, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. – REPRESENTATIVE FOR RUDY KADLUB, RCS – VILLEBOIS DEVELOPMENT – APPLICANT/OWNER.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated April 6, 2015, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on April 13, 2015, 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 amended staff report dated April 6, 2015 related to DB15-0001, attached hereto as Exhibit A1, with findings and recommendations contained therein recommending approval of the Zone Map Amendment to City Council:

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 13th day of April, 2015 and filed with the Planning Administrative Assistant on April 14, 2015. 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)*.



Mary Fierros Bower Chair, Panel A
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant

CITY OF WILSONVILLE

Monthly Report

COMMUNITY DEVELOPMENT DEPARTMENT



APRIL 2015



Economic Development Division

Broadband Conference: Staff attended a Broadband Summit in Austin, Texas in April to learn about the economic importance of broadband in our communities, the future of community broadband, the economic case for broadband, and using broadband to drive economic development.

Business Outreach: Outreach efforts included work with Portland Millwork and Xerox, on business recruitment efforts and a site visit with Greater Portland Inc. to Flir and to RevMedx. Contact was also made with a number of businesses involved in freight and shipping to invite them to participate in developing transportation performance measures for the City.

Coffee Creek: Staff met with an industrial developer interested in Coffee Creek who will be tracking the urban renewal feasibility study project.

Kinsman Road Project: An appraiser has been selected to start appraisal work for acquisitions for Kinsman Road between Barber and Boeckman.

Building Department

Single Family Dwelling Permits YTD: 142
Villebois—132; Others—10

Major Projects Under Review:

- Pole Barn at Murase Park

Temporary or Certificates of Occupancy Issued:

- Microsoft/PPI



TE Connectivity

Engineering Division, Capital Projects

ADA Title II Transition Plan (4183/9115): The draft of the Transition Plan is complete. A public open house was held at City Hall on Thursday, May 7th, 6-8 pm. For more information visit the project web page at www.ci.wilsonville.or.us/ADA.

Barber Street Extension (4116): Girder sets were completed on March 27th. Construction remains on schedule for an October completion.

Charbonneau High Priority Utility Repair (2500/7500): An advertisement requesting proposals for engineering design of the high priority spot repair projects identified in the Charbonneau Consolidated Improvement Plan has been released.

Downtown Water Line Replacement (1121): We received bids on April 14th with construction to begin on April 28th. Scheduled completion date is June 12th. The project will replace an aging 2" water main with a new 8" water main.

Kinsman Road (4004): Property acquisition work continues. BPA is reviewing the land use agreement application and the project plans.

Landover Medians (4720): Bids were due on May 7th, with an expected contract to Council on May 18th. Weitman Excavation was awarded the project. Completion is expected in mid-July.

Park Place Storm Water Improvements (7052): Construction began on April 6th. Pacific Excavation Inc. was the General Contractor. The Project is now completed and final payment was made the first week of May.

Passive Permissive Signals (4118): The Parkway Ave/Town Center Loop signal is being updated to include flashing yellow arrows. The vehicle detection, which was past end-of-life and had become non-responsive, will also be updated by the contractor.

Street Maintenance (4014): A fix for the Parkway cul-de-sac driveway is being designed by staff.

Tooze Road: 110th to Graham's Ferry (4146): Reviewed plans with neighboring property owners, discussing potential impacts to individual property.

Water Treatment Plant Master Plan (1122): The second of eight workshops was held, focusing emerging contaminants of concern for future treatment process selection. The Master Plan will take approximately 1 year to complete.

Willamette River Storm Outfalls (7053): AKS Engineering & Forestry has been chosen as the consulting firm to design repairs to three storm outfalls experiencing erosion issues in the Rivergreen and Morey's Landing neighborhoods. Construction of these repairs is anticipated to begin in 2016 and continue through 2018. ESA will design emergency repairs to be implemented this summer at two of the outfalls.

Engineering Division, Private Development

Fox Center Townhomes: The developer has hired a new contractor, and work has resumed on this project at Willamette Way East and Wilsonville Road.

Renaissance Homes: An additional 3-lot subdivision on Canyon Creek Road South is pending a pre-construction meeting. Construction is expected to start in May.

Engineering Division, Private Development, cont'd

Villebois Carvalho and Seville Row Homes: Pipeline and roadway construction is completed for these 25 single family residential lots located off of Barber Street and Villebois Drive South.

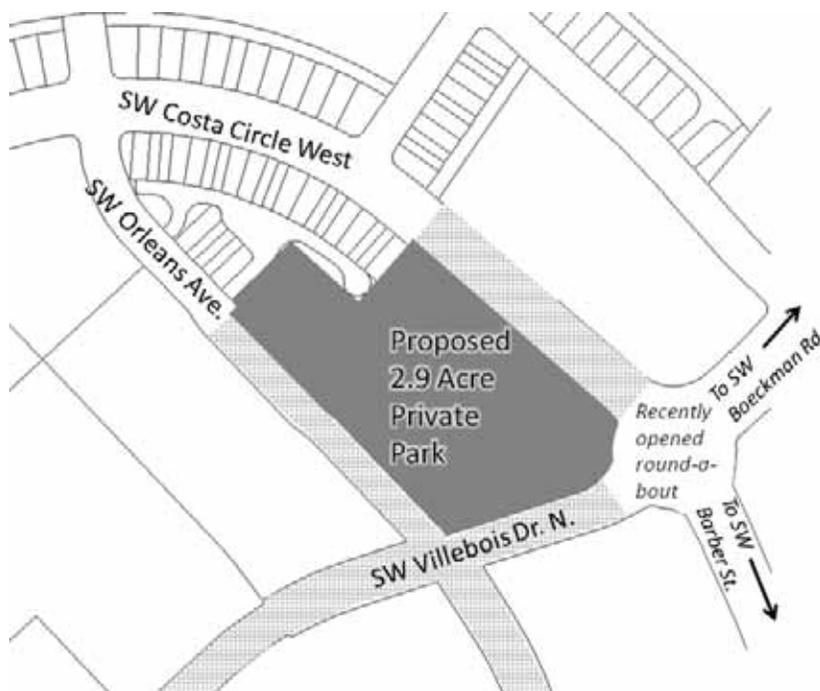
Villebois Grande Pointe: A Public Works Permit has been issued to Polygon NW to begin construction of Phase 1 of the Grande Pointe subdivision. This 56-lot subdivision is located on the former LEC site. Work will also include reconstruction of Grahams Ferry Road adjacent to the subdivision. This work on Grahams Ferry Road is not expected to occur until late summer or fall.

Villebois Tonquin Meadows 2: Plans have been submitted for review of this 21-lot subdivision located south of the newly constructed roundabout at Villebois Drive and Costa Circle.

Villebois Tonquin Woods 6 & 7 and Calais: As part of the Tonquin Woods 7 and Villebois Calais developments, Polygon NW will be reconstructing Grahams Ferry Road between Barber Street and Tooze Road. Road construction work is now scheduled to begin on May 11. This work will require daytime closure of Grahams Ferry Road between 8:30 AM and 4:30 PM, Mon-Fri. A detour route sign will be posted through Villebois. Local access for residents living on this stretch of road will be maintained at all times. The roadway is expected to reopen in mid-June. Bike lanes, street lighting and a sidewalk on the east side are included in the construction. Message signboards are in place, Villebois residents have been notified, and information has been placed on the City's construction website.

Wilsonville Greens: A 12-unit complex on Wilsonville Road, near Brown Road, is under plan review and is waiting for plan approval.

Planning Division, Current



DRB Panel 'A': APPROVED RESOLUTION NO. 302: Approved development plans for 2.9 acre private neighborhood park with public access (Montague Park). The park is located northwest of SW Villebois Drive North between SW Orleans Avenue and SW Costa Circle West. The proposed Zone Map Amendment requires review by the City Council. RCS-Villebois Development, LLC, Applicant. Staff: Daniel Pauly. Case Files DB15-0001 through DB15-0005.

Planning Division, Current, cont'd



DRB Panel 'B': APPROVED RESOLUTION NO. 303. Approved development plans for a 7,075 sq. ft. auto service building addition to the Wilsonville Audi automobile sales and service facility. REBCO for Wilsonville Audi, Applicant. Staff: Blaise Edmonds. Case Files DB15-0009 and DB15-0010.

Planning Division, Long Range

Basalt Creek Concept Plan: The Basalt Creek Concept Plan will establish a vision and jurisdictional boundary for the 847 acres between the cities of Wilsonville and Tualatin. In April, the project team completed the alternate sanitary sewer analysis and updated cost estimates based on the results of the geotechnical exploratory borings. Staff presented the findings at a City Council work session on April 6th, and the Council recommended an alternative to use in the land use scenario analysis. The Tualatin City Council is scheduled to discuss the same topics in early May. The project team will then prepare an updated land use alternative for a joint Wilsonville and Tualatin City Council meeting scheduled for June 17th. Citizens will be asked to share ideas about the land use alternatives at an Open House planned for July..

For more information, visit the project web page at www.basaltcreek.com

Frog Pond Area Plan: The Frog Pond Area Plan will establish the vision for the 500-acre Frog Pond area and define expectations for the type of community it will be in the future. The project team finalized concept plan recommendations and illustrations for the April 2nd Public Open House and on-line open house that ran from April 2nd to April 12th. Staff is compiling citizen input received through the open house, including 178 surveys completed in the on-line open house and finalizing recommendations for policy consideration by the Planning Commission and City Council in the coming months.

For more information, visit the project web page at www.ci.wilsonville.or.us/frogpond.

Recreation Snap-Shot



32 individuals took advantage of 48 appraisal appointments during 'Antique Appraisal Day' to learn the value and history of their item.



Volunteers and staff took the opportunity to celebrate Earth day by planting flowers and grasses in the containers in front of the Community Center and on the back patio.



The Community Garden season is in full swing. All 114 garden plots have been sold.



Basketball Open Gym for 3rd-8th graders kicked off at WHS and is averaging 18 kids per session.



Registration for Spring and Summer programs began on April 13th.



Mary Vanderwielen has been a long-time volunteer for the Community Center. She can often be found serving up lunch for the senior nutrition program, or answering the phones at the volunteer desk. One of Mary's favorite pastimes is cheering on her home team, the Green Bay Packers. When Community Center staff found out Mary's brother and sister in law, also big Packer fans, were coming in from Wisconsin and would be enjoying lunch at the Center, they moved into action. Kerry Rappold, Tod Blankenship and Robb Rollins joined in on the fun, sharing Packers and Bears memories with Mary's family.



Parks Maintenance Update



Removed Murase Plaza playground and installed new structures



Reinstalled ADA swing and Geodome at Murase Plaza playground that were saved from original playground



Resurfaced tennis courts and painted pickleball lines at Memorial Park



Replaced wood on the ADA picnic table at Murase Plaza



Pressure washed River Shelter and Forest Shelter in Memorial Park



Installed and placed Xerox plaque at Fat Albert - Community Holiday Tree

Upcoming Programs/Events

WERK Day - Saturday, May 9th, 8:00am - 1:00pm, Meet at the Wilsonville Community Center.

"Mothers Day Brunch" - Monday, May 11th, 12:00pm, Wilsonville Community Center. Meal Donation.

Spa Saturday - Saturday, May 16th, 10:30am - 1:30pm, Wilsonville Community Center. No charge.

New Murase Plaza Playground Scheduled to Open - Friday, May 29th

Public Works

April 2015

Bulky Waste Day

Facilities & Roads

Facilities and Roads worked together with Republic Services, Wilsonville Community Sharing and Metro to help the citizens of Wilsonville dispose of their bulky waste. This year there were 159 vehicles that brought 21.04 tons of material into Republic Services. That is the most, by far, that Wilsonville has brought in. Last year was a little over 17 tons.



Municipal Flagging Course

Roads

Public Works hosted a Work Zone safety class on April 10. There were 30 participants from Wilsonville and other agencies. The Oregon Technology Transfer Center teaches the class at no cost to local agencies. This is a four hour class that covers the basics of temporary traffic control. At the completion of the class attendees are awarded a Flagging Certificate and CEUs that are good for three years.



UTILITIES

Water Distribution

The water crew continues to complete numerous locate tickets (233 in April) and perform normal operations and maintenance tasks throughout the city. The crew just completed their annual maintenance programs for large meter vaults and terminal blow-off assemblies.

Shawn Powlison and Chris Reece (left) pour new concrete surrounds for water main valves near the Community Garden. Concrete surrounds ensure that water main valves do not become lost or damaged in non-paved areas. Chris Reece (right) installs a water meter on Berlin Avenue. The crew is on track to install close to 50 new water meters in Villebois this month.



UTILITIES

Sewer and Storm Water

The sewer collections crew continues to make good progress cleaning sewer mains in Charbonneau. Vactor Operators Mark Folz and Paul Havens clean sewer mains along Arbor Lake Drive and Old Farm Road.





May 2015

Director's Report

Three different topics this month...

First, we held our first Planning Task Force meeting in April, to begin work on an update of the City's Transit Master Plan. The meeting was well attended (although we would still welcome a few more to the table). We heard from Task Force members with the following characteristics:

Two people who commute from Wilsonville to Salem for work – and who would like to see more service on the 1X route between the two cities;

One person who commutes from Portland to Wilsonville – and who would like to see more convenient service on the 2X route between Downtown Portland and here;

One person from a local industry who reported that his company is now offering their employees transit fares as a pre-tax benefit;

Several people who rely on SMART's dial-a-ride service; and

Two people who rely on transit because they no longer have cars since moving to Wilsonville.

Second, I just returned after a week of meetings and lobbying in Washington, DC. Anywhere from 15% to 25% of SMART's annual budget typically comes from federal grants. Funding for a large share of major street and bridge projects in Wilsonville also comes from federal funds. The current federal transportation funding bill is due to expire at the end of May, with no clear signs of what will become of it. Since the early 1980s, there have typically been multi-year bills that included funding for transit (especially for transit capital investments, including buses). In the last few years, however, the inability of Congress to reach agreement on much of anything has led to a series of short-term "continuing resolutions" for transportation funding, each of which is typically renewed only when the last one is about to expire. The result is uncertainty.

Continued...



May 2015

We were reminded that U.S. funding for transportation infrastructure is only a fraction of the investment being made by China, India, and much of Europe. “Investment” is the right word. Other countries are choosing to invest in their futures where America is not.

Finally, on a more positive note, we are about to enter the series of annual spring and summer events where SMART does a lot of outreach (and our employees have a lot of fun). These include three fun SMART things to check out at the Wilsonville Arts Festival – Saturday, May 30, 2015:

SMART Trolley Art tours (to see local art sculptures around town) leaving from the Town Center Park bus stop on the hour between 11am and 4 pm;

Free bicycle tune-ups at the SMART booth from 11 am to 2 pm – first come, first served; and

For those who always wanted to try an electric bike, swing by the SMART booth between 11 am and 3 pm and let the electrons move you along.

For more details on the SMART calendar of events, visit www.ridesmart.com/calendar

Stephan Lashbrook
(503) 570-1576
lashbrook@ridesmart.com

Think Smart. Ride SMART.

National Walk @ Lunch Day was April 29, 2015.

Thanks for joining Walk SMART!



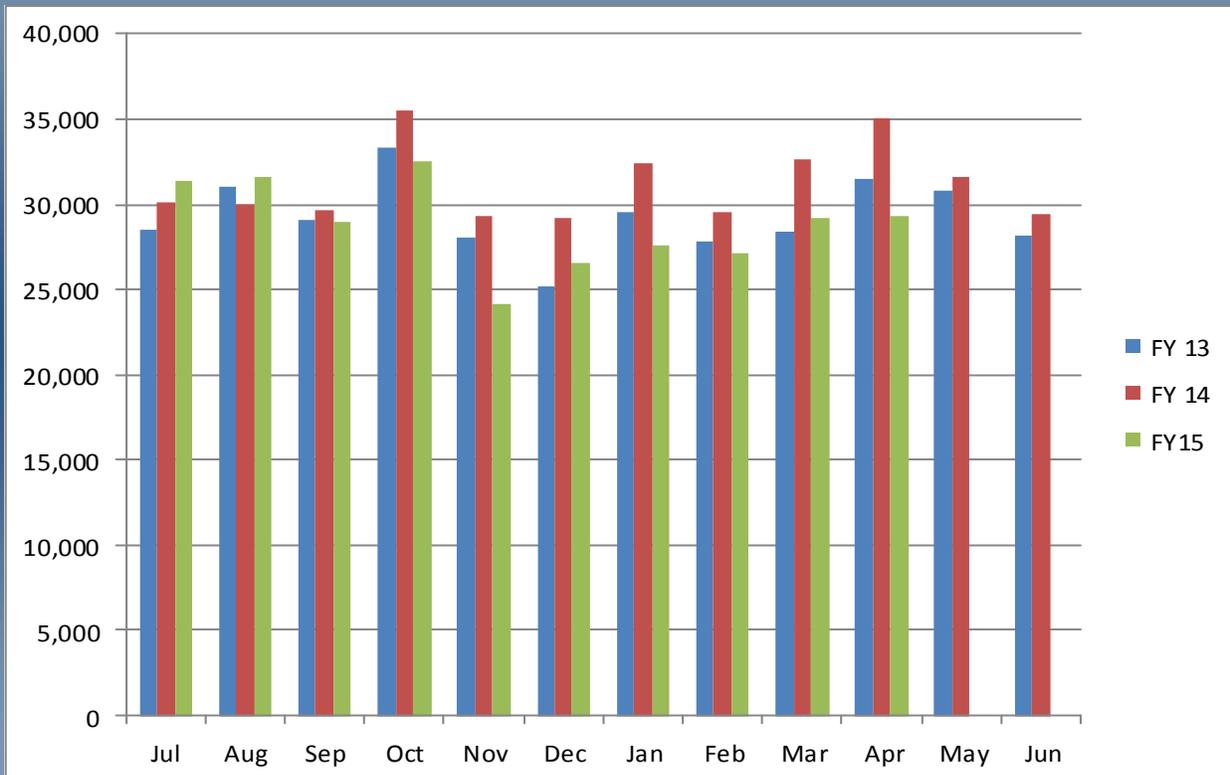
April Operations Report

Ridership continues to ever so slowly increase each month since last November. Viewing April as a typical month, ridership category breakdown for each route is as follows:

	General	Youth	E&D	Total
1X Salem	4,082	85	300	4,467
2X Barbur	5,253	531	526	6,310
3 Canby	1,062	43	82	1,187
4 Crosstown	7,232	3,721	628	11,581
5 95th Ave	1,391	17	88	1,496
6 Argyle Sq	2,122	69	5	2,196
7 Villebois	332	6	0	338
8X Bvrtn	102	1	10	113
9X Portland	64	0	0	64
DAR	93	*	1,503	1,596
Total	21,733	4473	3142	29,348

* On DAR (Dial-a-Ride), General/Youth riders are not separated. Part of the 93 in the General category includes youths.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 13	28,511	31,067	29,066	33,326	28,027	25,199	29,525	27,812	28,356	31,492	30,776	28,217	351,374
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
FY15	31,421	31,650	28,971	32,568	24,192	26,510	27,535	27,122	29,155	29,348			288,472



**MAY IS
BIKE
MONTH**



Whether you bike to work or school; ride to save money or time; pump those pedals to preserve your health or the environment; or simply to explore your community, National Bike Month is an opportunity to celebrate the unique power of the bicycle and the many reasons we ride.

For local and regional bicycling information, visit:

www.RideSmart.com/BikeSmart

National Bike to Work
Week 2015 will be held
on May 11-15.

More at BikeLeague.org

Did You Know?

Since 2000, American Community Survey data shows a **62% increase** in bicycle commuting.

According to a [report](#) from the Census Bureau released last spring, bicycle commuting is the fastest growing commuting mode in the last decade.

BikeLeague.org

Contact Us

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Mr. Kohlhoff indicated the Center was a planned development with 20% commercial 80% industrial zoning split, and they have leased all of the commercial space. Staff looked at different interpretations of the Code and met with the business to see if the business would come under other uses. Planning Staff found an alternate location for the business; however, the business owner was not receptive.

Councilor Stevens questioned re-writing the Zoning Code for one business, while Councilor Fitzgerald was concerned with how a zoning code change would affect other properties.

Mr. Cosgrove indicated staff could come back to Council with a report on what can be done; however nothing would help this particular business due to the length of time to change the code.

Councilor Goddard asked for a quick update on Boeckman Bridge construction. Mr. Adams indicated the project was ahead of schedule and the road would reopen mid-November. The extra gravel would be stored at the transit station to be used as a base for the extension of Barber Street which would be constructed the summer of 2014. The Councilor complimented staff for the road maintenance work recently completed.

Tonquin Quarry

Chris Neamtzu distributed a proposed letter to be submitted to Clackamas County expressing the City's concerns to a recent land use application for the Tonquin Quarry. He provided a history of the previous land use application submitted in 2010 to Clackamas County for the Tonquin Quarry. The draft letter focuses on the impact the development will have on the streets in Wilsonville, and not in opposition of the application. Staff is concerned with the traffic impacts by large gravel trucks using local Wilsonville streets traveling to I-5, safety, potential of lowering LOS-D, and felt the impact study should be extended farther than 1500 feet. Staff was asking for a consensus to submit the letter to be included in the county record. Council agreed with submitting the letter.

TIF Zone

Kristin Retherford identified the changes to the TIF Zone reports, and stated an additional site may be added in the future if there is interest expressed. Councilors had no questions and were comfortable with the project as presented.

Apache Sculpture

Stan Sherer presented three alternate locations for the recently purchased horse sculpture titled "Apache". The Councilors agreed with relocating the art piece to the round grassy area closer to the intersection of Courtside and Park Place. Councilor Stevens asked about revitalizing the public art program. Mr. Sherer said he could initiate a discussion about that program in the future.

B. Mayor's Trip to Kitakata, Japan

Bev Schalk and Cathy Rice joined the Mayor in sharing their memories of the activities they experienced during their recent trip to Wilsonville's Sister City Kitakata, Japan, to celebrate the 25th anniversary of the Sister City Program. Both Ms. Schalk and Ms. Rice felt the program was a valuable experience for their families and it brought a healthy curiosity of the world and allowed them to share Wilsonville with the world. The student exchange program is important in Japan and is supported by the local business communities. In late October sixteen Kitakata students will be arriving in Wilsonville to stay with host families and experience Wilsonville.

Mayor Knapp thought this program should be more strongly supported by the community, and was an opportunity for teaching students about the broader market and world. The Mayor presented a commemorative medallion to Bev Schalk, Cathy Rice and the City Councilors. Gifts from the Mayor and councilors of Kitakata were presented to Council.

Mayor Knapp declared a recess and reconvened the meeting.

C. Upcoming meetings were announced.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

Mayor Knapp advised those in the audience if they wanted to speak about the application submitted to Clackamas County for the **Tonquin Quarry** they may do so; however, this was not an item on the Council agenda. Staff explained the City did not have a part in making the decision, and encouraged the citizens to attend the County Planning Commission meeting as well as the County Commission meeting to register their concerns.

The following individuals spoke of their concerns regarding the application submitted to Clackamas County by the Tonquin Quarry owners to create a "mining overlay zone".

Justin Dodge, 13391 SW Morgan Rd., Sherwood, OR
Lee Patrick, 12535 SW Morgan Rd., Sherwood, OR
Jos Jacobs, 13365 SW Morgan Rd., Sherwood, OR
Gary R. Dimbat, 13481 SW Morgan Rd., Sherwood, OR
Tristan Hartfield, 13323 SW Morgan Rd., Sherwood, OR
Tim Baggs, 25250 SW Meadowbrook Ln., Sherwood, OR

Concerns included:

- Safety for the users of the Tonquin Trail with blasting and heavy truck traffic nearby
- The effect truck traffic will have on the condition of Day Road, and the responsibility for maintenance costs falling to the local cities

Page 111 of 142
CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

- The length of time mining operations last, and the amount of time to remediate the
- Lack of oversight and inspections for mining operations; no one to register complaints or concerns with
- Hidden costs in the increased amount of time it takes to access the freeway when following gravel trucks along Day Road to I-5 interchange at Elligsen Road
- Mining overlay and quarry reserve extending 1500 feet from the mining operation
- Noise, vibrations and traffic
- Mud slick streets as a result of the mining dust during the rainy season
- Pointed out although the City Council was charged with protecting Wilsonville residents, any decisions may have an adverse impact on neighbors

Mr. Kohlhoff explained Clackamas County has jurisdiction and authority to make the decision. Did raise with metro the issue of common sense of a trail near the blasting sites and safety issues in 2010; also concerned with metro's letter to the county and what they said, which implied we didn't have those concerns.

Council asked staff to proceed with getting a letter on file with the County so the City had standing in the future. The asked staff if there were additional issues that have been raised that should be cited to insure the City had standing.

Mr. Cosgrove did not think there were issues; they are legitimate issues that different regulating bodies will have to address as part of the application process. The City has limited its comment and concerns to the issues that affect Wilsonville.

Councilor Fitzgerald thanked the speakers for sharing their views.

Councilor Starr advised the speakers to address the County who will be making the decision.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – Park & Recreation Advisory Board, Chamber/City Leadership liaison had no report to make.

Councilor Goddard – Library Board, Chamber Board, and Clackamas County Business Alliance liaison reported circulation for e-books and other Library materials is up, the summer reading program had reached record numbers, and the Library Foundation was beginning their strategic planning process. Hilly Alexander will continue as chair and Reggie Gains as vice chair of the Library Board. A tour of the Blue Heron mill site in Oregon City has been scheduled by the Clackamas County Business Alliance for the next two weeks.

Councilor Fitzgerald – Planning Commission; Committee for Citizen Involvement; and Library Board liaison announced the Planning Commission plans to conduct a work session on the housing needs analysis report and policy decisions at their next meeting. The Tourism Task Force is being assembled and meeting dates set.

*See
Plan 9/15/13
Tonquin Quarry*



29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone 503-682-0411
Fax 503-682-1015
TDD 503-682-0843
Web www.ci.wilsonville.or.us

August 16, 2010

Sandy Ingalls
Planning Division
Clackamas County
150 Beaver Creek Road
Oregon City, OR 97045

RE: Comment on Poole Quarry Land-Use Application, File #Z0326-10-C

Dear Ms. Ingalls:

The City of Wilsonville offers the following comments on the Poole Quarry Land-Use Application, File #Z0326-10-C.

The City's concerns are primarily focused on the natural resource values of the Tonquin Geologic corridor and the off-site surface transportation impacts that could result from the proposed quarry operation. The lack of detail in the applicant's Transportation Impact Analysis relative to Wilsonville City streets is of particular concern to the City, and raises concurrency questions about the timeliness of the application. The City also has some general questions and concerns about the application, stated at the end of this letter.

1. Natural Resource Values

On page 22 of their submittal, the applicants have stated that "The Property is not located in a designated wildlife sensitive area." On page 34, the applicants have referred to the County's map of "Scenic and Distinctive Resource Areas" in support of the assertion that the application complies with the requirements of Section 1002.02 of the County's ordinance:

"All developments shall be planned, designed, constructed, and maintained with maximum regard to significant natural terrain features and topography, such as hillside areas, floodplains, and other significant land forms."

The City disagrees with the applicants. Attached is a copy of Metro's 2007 map labeled "Natural Landscape Features Inventory." The State of Oregon felt so strongly about the importance of that inventory that it was specifically referenced in the "Factors" established for designating Rural Reserves {OAR 660-027-0060(3)}:

"When identifying and selecting lands for designation as Rural Reserves intended to protect important natural landscape features, a county must consider those areas identified in Metro's 2007 Natural Landscape Features Inventory."

Please note that the Tonquin Geologic Corridor, including the subject property, is included in that inventory (please see attached map).

Another document prepared by Metro entitled "Tonquin Geologic Area Goals and Objectives" includes the following description of the area:

"This area has a unique landscape with extensive evidence of the Bretz Floods (or Missoula Floods) that scoured the Columbia River Gorge and extended into the Willamette Valley multiple times between approximately 13,000 and 15,000 years ago. Receding floodwaters from these events left behind unique geologic formations such as kolk ponds and channels, basalt hummocks and knolls, which are still present throughout the area today. This landscape contains considerable and diverse plant, fish and wildlife habitat. Coffee Lake Creek originates in the Tualatin-Sherwood area and flows south through Wilsonville to the Willamette River. The wetland habitat along the creek supports many important species of migratory and residential wildlife and wetland plants."

The applicants state that the CCZDO 1002.02 requirement that development be constructed and maintained with maximum regard to significant natural terrain features and topography is met because the County has not designated any significant natural terrain features or topographical elements on the property as shown on County maps of Scenic and Distinctive Resource Areas. This misconstrues the criteria. The Code language does not require that the area be mapped by the County. By its terms, the criteria includes significant natural terrain features and topography "such as hillside areas, floodplains, and other significant land forms" -- areas that may not be mapped as Goal 5 resources -- but are nevertheless generally regarded as significant. Metro and the City of Wilsonville regard the Tonquin Geologic Corridor, of which the subject property is a part, as a significant natural terrain feature. As such, the applicants have failed to demonstrate how the mining of this site will be achieved "with maximum regard" to this significant natural area.

2. Volume, Type and Destination of Traffic

The Transportation Impact Analysis states the following:

"The proposed Poole Quarry site is expected to generate approximately 450 daily trips (225 inbound and 225 outbound). Of these, approximately 390 trips will be made by trucks (195 inbound trucks and 195 outbound trucks)."

"It is estimated that 80 percent of the trips will travel east on Tonquin Road (towards I-5) and the remaining 20 percent will travel west (towards OR 99W)." Page 6.

Thus the traffic study concludes that 80% of 450 daily trips, or 360 daily trips (312 of which are projected to be trucks), will use area streets to reach I-5. These include Wilsonville's Day Road, which connects Graham Ferry Road with Boones Ferry Road to access the North Wilsonville I-5 interchange, Exit #286.

Day Road is already in severely degraded condition, principally due to existing aggregate operations running trucks from Tonquin-area quarries to the North Wilsonville I-5 interchange. Day Road is reaching such a degraded condition that the City Engineer is considering implementing reduced-weight requirements for traffic on that street. Please note that the City

has, thus far, been unsuccessful in attempts to secure funding to rebuild Day Road. A copy of Wilsonville City Council Resolution 2194 is attached addressing this issue.

The proposed Poole Quarry is located in unincorporated Clackamas County, and therefore unless other arrangements are made, will not contribute in any meaningful fashion to rebuilding City streets, including Day Road.

Therefore, the City respectfully submits that the application fails to comply with the County's concurrency standard for new development (as stated in Section 1022.07 of the County Ordinance). Moreover, the traffic analysis is flawed in that it does not even address the potential impacts of additional heavy truck traffic on a failing City street (Day Road). It would be premature for the County to allow the applicants to begin hauling aggregate on this street until the street has been brought up to heavy truck standards.

The applicants have stated (page 23 of application submittal) that "*potential adverse impacts of the Quarry are minimal, and Applicant will fully mitigate the few impacts that are anticipated.*" The first statement is clearly not accurate. If the commitment contained in the second statement is genuine, the applicants should be required to help pay for reconstructing Day Road before any trucks are allowed to use that route from the proposed quarry.

The applicants limit their analysis of the concurrency requirement and adequacy-of-the-transportation-system criteria to SW Morgan Road and SW Tonquin Road. As noted above, the mining operation has significant impacts on the capacity of Day Road, an essential transportation route that will be heavily used by applicant's trucks. The mere fact that a potential load limitation on Day Road by the City Engineer could affect proposed truck traffic belies the inadequacies of the applicant's analysis. Where, as here, an adjacent jurisdiction (city) articulates an impact directly caused by proposed land use activities in the other jurisdiction (county), Statewide Planning Goal 2 requires that those impacts be considered and accommodated as much as possible by the permitting jurisdiction. Short of a condition that mitigates the effect of applicant's added traffic on city roadways, the applicant fails to demonstrate compliance with the concurrency and transportation criteria.

3. Traffic Safety: No Truck-Trailer Rigs

The Transportation Impact Analysis states that:

"The proposed site-access on the north side of SW Tonquin Road should be limited to single unit trucks only (no truck-trailer combination vehicles) due to the intersection sight distance limitations." Page 8 (emphasis added)

For both safety and traffic congestion reasons, the City strongly supports this recommendation. However, when City staff spoke with the applicant's representative on August 2, 2010 the representative was not aware of this condition recommended by the applicant's own consultant.

Therefore, the City respectfully requests that the recommendation cited above be made a condition of the applicant's conditional use permit, if the permit is allowed to go forward.

4. Traffic Safety: Deficient Transportation Facilities

The Transportation Impact Analysis shows that “existing transportation facilities and roadways in the study” area have no sidewalks, bicycle lanes, on-street parking or paved shoulders.

The proposed Poole Quarry would be an aggregate operation that is, in effect, an industrial use in a rural residential zone. The above-cited conditions of Tonquin Road, the primary route accessing the proposed Poole Quarry, would appear potentially dangerous and deficient to safely accommodate both heavy-duty aggregate trucks with nearby residents. The City understands that nearby residents have expressed concerns over safety issues. The City takes issue with the applicant’s statement on page 23 of their submittal that “*primary uses allowed on surrounding properties include rural residential*” and that “*these uses are, by their very nature, compatible with the Quarry.*”

5. Additional Points

Stormwater:

- A. The application materials did not appear to include a drainage map indicating the direction of flow and contributing area for on-site drainage basins, and the identification of receiving waters for each basin. The “Westlake Storm Report” says both that “*no point discharge locations are proposed*” and that there are “*natural outlet points.*” It would seem that one statement or the other is in error.
- B. Pursuant to Section 5 of the County’s SWMACC Rules and Regulations, a “*downstream analysis shall demonstrate adequate conveyance capacity where the project site contributes less than 15% of the upstream drainage area OR a minimum of 1,500 feet downstream of the project, whichever is greater.*” The application materials did not appear to provide documentation of the downstream analysis.

Wetlands:

- A. Based on the applicant’s Wetland Buffer Assessment Report, they are proposing full impact to on-site wetlands. The application provides no information on what consideration was given to either avoiding or minimizing impacts to these wetlands.

Thank you for providing the City with this opportunity to comment.

Sincerely,

Stephan A. Lashbrook, AICP LEED AP
Assistant Community Development Director

City of Wilsonville Public Comment to Clackamas County
on Poole Quarry Land-Use Application, File #Z0326-10-C

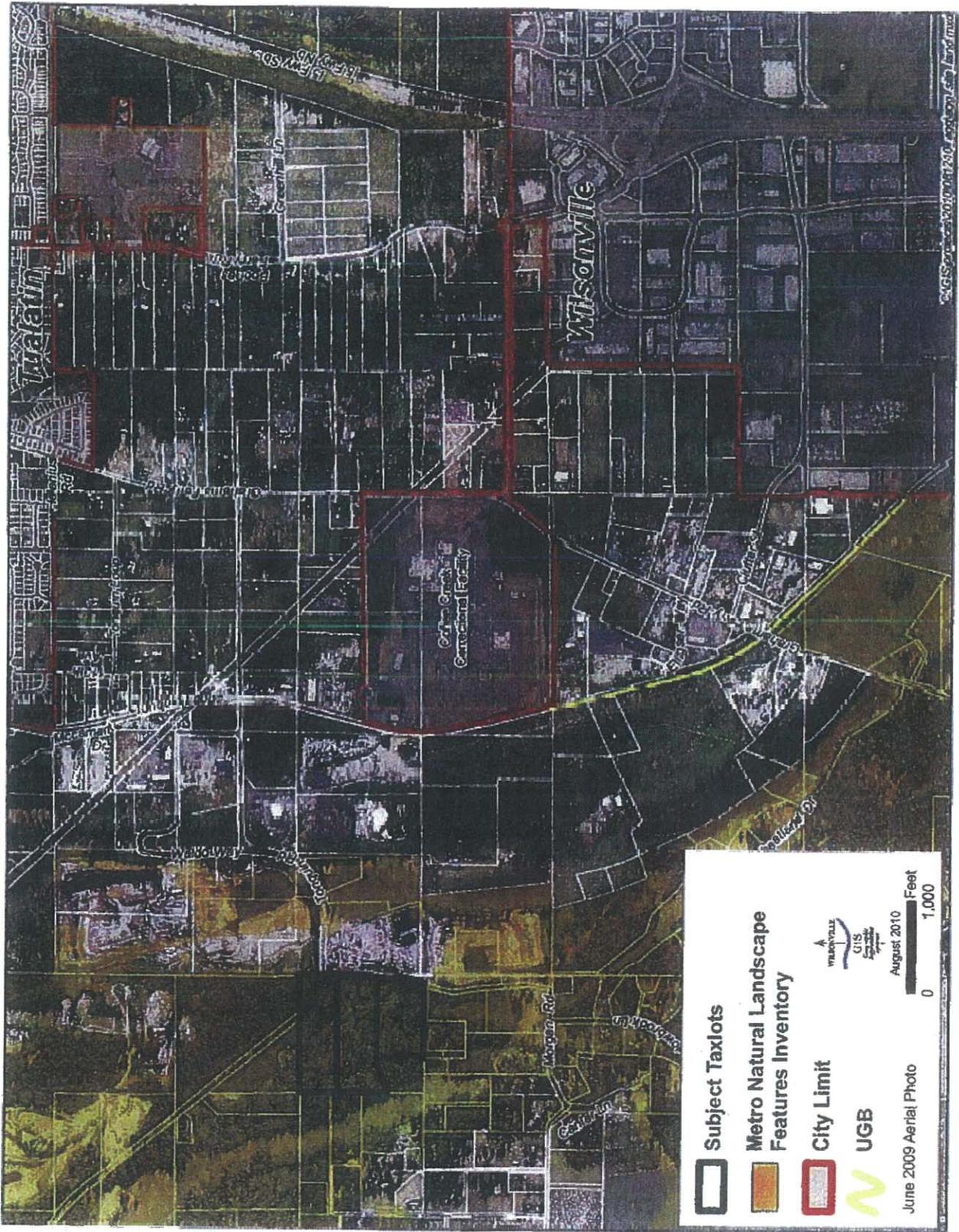
Page 5
8/16/2010

Attachments:

1. Map – subject property relative to Metro’s 2007 Natural Landscape Features Inventory;
2. Map – Wilsonville – Tualatin – Sherwood Region, Metro Natural Resource Map; and
3. City Council Resolution 2194 (July, 2009)

Copies:

1. Wilsonville Mayor Knapp and City Council;
2. Arlene Loble, City Manager
3. Michael Bowers, Community Development Director; and
4. Matt Wellner, Applicant



RESOLUTION NO. 2194

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE SUBMITTAL OF THE DAY STREET (AKA DAY ROAD) RECONSTRUCTION PROJECT FOR INCLUSION IN THE METRO REGIONAL TRANSPORTATION PLAN (RTP) AND THE WASHINGTON COUNTY TRANSPORTATION DEVELOPMENT TAX (TDT) LIST OF ELIGIBLE PROJECTS AND AUTHORIZING THE CITY OF WILSONVILLE TO APPLY FOR FUNDS.

WHEREAS, Day Street located in Washington County between Grahams Ferry Road and Boones Ferry Road, was first re-constructed in 2001, concurrent with the siting and construction of the Coffee Creek Correctional Facility; and

WHEREAS, Day Street is a principal arterial connecting regionally significant industrial lands between the Cities of Wilsonville, Tualatin and Sherwood which were added to the Urban Growth Boundary in 2002; and

WHEREAS, the necessary further reconstruction of Day Street is not currently listed in the approved Regional Transportation Plan; and

WHEREAS, Day Street was not re-constructed in 2001 to a structural thickness required to handle the heavy volume of truck traffic which has led to damage on Day Street; and

WHEREAS, freight traffic is expected to more than double on Day Street as additional industrial lands are developed on lands designated in 2002 for Urban Growth Boundary (UGB) expansion; and

WHEREAS, if Day Street is not reconstructed and further deterioration occurs the City Engineer, at his discretion is authorized to impose Gross Vehicle Weight limits to preclude hazardous driving conditions; ; and

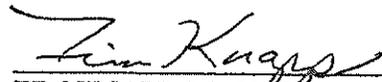
WHEREAS, if vehicle weight limits are enforced on Day Street, larger freight trips need to be diverted to other facilities in Tualatin, Sherwood and Wilsonville causing congestion bottlenecks elsewhere and inefficiencies for local industries; and

WHEREAS, the RTP Project Description Summary, marked as Exhibit A, attached hereto and incorporated by reference herein, provides the description of the Day Street Reconstruction Project and cost estimate for submission to Metro and Washington County; and

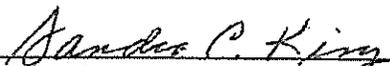
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Manager is authorized to submit to Metro the Day Street Reconstruction Project, as referenced and described in the attached Exhibit A, as an addition to the Regional Transportation Plan presently being updated by the Portland Metro Region.
2. The City Manager is authorized to submit the aforementioned described Day Street Reconstruction Project to the Washington County Transportation Coordinating Committee (WCCC) for inclusion in the list of TDT eligible projects for Wilsonville.
3. This Resolution shall take effect upon its adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 6TH day of July 2009 and filed with the Wilsonville City recorder this date.


TIM KNAPP, MAYOR

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp - Yes

Councilor Kirk - Excused

Councilor Hurst - Yes

Councilor Ripple - Yes

Councilor Núñez - Excused

RTP Project Description Summary

Project: Reconstruct Day Street between Coffee Creek Correctional Facility at Grahams Ferry Road and Boones Ferry Road near the Elligsen/I-5 Interchange.

Estimated Cost: \$3,200,000 (City match \$320,000)

Description: Day Street was constructed to 3 lanes wide in 2001 when the Coffee Creek Correctional Facility was constructed. This arterial connection was not built to accommodate the high volume of freight it is now carrying from unincorporated Washington County and industrial areas in the adjacent cities of Sherwood and Tualatin. This project increases the structural thickness of Day Street from 14 inches of aggregate and asphalt surface to a minimum 22 inches of asphalt and sub-base or 18-inches using a concrete alternative. Day Street is nearing the need to place gross vehicle weight limits on the road due to freight traffic damage on this arterial which is adjacent to expanding industrial lands designated in the 2002 Metro UGB expansion.

Anticipated fund and budget year: FY2011/12 Washington County TDT \$960,000 MTIP \$1,920,000

Rec'd
9/5/13 Det.

September 3, 2013

Mr. Richard McIntire
Clackamas County DTD
Land Use and Zoning
150 Beavercreek Road
Oregon City, OR 97045

RE: Tonquin Quarry – Z0287-13-CP, Z0288-13-Z, Z0289-13-MAR

Dear Mr. McIntire:

This letter is written on behalf of the City of Wilsonville to express the City's concerns relating to the proposed development request made by Tonquin Holdings, LLC for approval of the Tonquin Quarry. We understand that a hearing is scheduled for September 16, 2013 to consider this application and ask that this letter be made a part of that record.

This matter first came before the County in 2010 as a Conditional Use application. At that time, the City received numerous inquiries of concern from its citizens, primarily expressing environmental, traffic and safety concerns. The City submitted testimony reflecting these concerns at the Conditional Use hearing. We understand that the conditional use application was approved but highly conditioned and that the applicant appealed the hearing officer's decision to LUBA. LUBA subsequently remanded the matter back to the County but now the applicant has abandoned the conditional use application altogether and has instead elected to pursue an alternative method of approval, directly to the Clackamas County Board, based on Statewide Planning Goal 5.

OAR 660-023-0180(5)(a) states that "the local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities.... And shall be limited to 1,500 feet from the boundaries of the mining area, *except where factual information indicates significant potential conflicts beyond this distance*" (Emphasis added). The City requests that the County define the impact area for this proposal to include the portions of Day Road and Graham's Ferry Road that comprise the chief route for quarry trucks to access I-5. The application limited the analysis of impacts to a much smaller geographic area, and as a result the analysis is insufficient to address potential impacts and mitigation measures.

Truck traffic is almost always an issue with aggregate mining, especially where the mine is located some distance from the nearest highway and must therefore travel on local roads not built to accommodate heavy truck traffic. In the case at hand, truck traffic generated must travel some distance on local roads before reaching Interstate 5. Thus, chief areas of concern for the City include traffic, safety and infrastructure impact. The rule addresses truck traffic issues at

0180(4)(b)(B), by allowing consideration of impacts as follows: "...Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site *unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan.*". (Emphasis added.) Conflicts shall be determined based on clear and objective standards regarding sight distance, road capacity, cross section elements, horizontal and vertical alignments, and similar items in the transportation plan and implementing ordinances.

The area where this quarry is proposed to be located is an area already involved in active mining and already generating significant truck traffic. The area also has significant surrounding and potentially conflicting agricultural and residential uses. The City of Wilsonville has serious concerns about adding more heavy truck traffic onto roads that serve a variety of users and were not built to accommodate such a level of truck use as follows:

- The proposed quarry is located roughly equidistant from the Cities of Sherwood, Tualatin, and Wilsonville. However, the route through Wilsonville is the closest connection to I-5, and is the route most frequently taken by the neighboring quarries. The route sees vehicles taking Tonquin Road east to Graham's Ferry Road (the closest local jurisdiction arterial), to Day Road and Boones Ferry Road.
- The applicant's Traffic Impact Study correctly concludes that these roads should operate within acceptable performance standards in 2035 but has only taken into account a very limited portion of that road. However, all of Graham's Ferry Road is classified as a Major Arterial for 2035 purposes, but, unfortunately only the west half of the street is built as a 3-lane cross-section. The eastern half of the road is still a rural road cross-section. Day Road is the next Major Arterial, with 3000 feet presently constructed as a 3 lane cross-section. Constructed in 2001, Day Road has a pavement condition index (PCI) of 53 despite several repairs over the last decade.¹ The road was constructed with an 8-inch section of asphalt. Washington County recently prepared preliminary roadway design for improving part of Day Road, and a 10" section of concrete is required to handle the current loads.² Additional axel loads on the roadway will certainly increase its rapid decline. Yet the quarry application does not propose to add or contribute to any improvements to add life or capacity to any of these road segments.
- City engineers also believe the geometry of the existing intersection of Tonquin Road and Graham's Ferry Road is deficient in terms of safety, and the City is concerned that increasing quarry-based truck traffic will increase safety risks. Specifically, significant sight distance limitations exist on Graham's Ferry Road, which has a speed limit of 45 miles per hour. Neither Graham's Ferry Road nor Tonquin Road have left turn lanes, and the combination of limited sight distance and the wide turning radius required by trucks using the area cause frequent conflicts.

¹ City of Wilsonville "Pavement Management Program Budget Options Report", April 2013, by Capital Asset & Pavement Services, Inc.

² Existing pavement depth comes from City as-built drawings, and the 10" pavement section design was calculated by GeoDesign, Inc in a memo dated January 15, 2013.

- Additionally, the roads do not include shoulders or pedestrian facilities.

Based on the foregoing, the City believes that the applicant has not provided sufficient traffic and safety analysis and would request that the County require further study of the roads and intersections described above to determine the project's impact on capacity, safety and infrastructure deterioration. The City's intent in this request is not to oppose the application, but to ensure that the impacts of the development are identified and properly mitigated through conditions.

In considering this application the County Commissioners must consider conflicts with other Goal 5 resources within the impact area that are shown on the list of significant resources. In this case, such other Goal 5 resources which must be considered include 1) fish and wildlife areas and habitats; 2) stream flow and water levels for fish, wildlife, pollution abatement, recreation, aesthetics and agriculture; and significant natural areas that are historically, ecologically or scientifically unique. When more than one Goal 5 resource is impacted there must be a balancing and determination based on evidence in the record as to which may prevail as well as mitigation measures that can be implemented. The City therefore respectfully requests that the County Commission give careful consideration to all of the important information already submitted concerning these other Goal 5 resources under the previous record. In that application serious concerns, which the City shares, were already raised and well documented. We understand those issues may be further and better addressed by others, including the Department of Environmental Quality, the Oregon Water Resources Department, neighboring property owners and the Tualatin River National Wildlife Refuge, which shares a border and some stream/wetland areas with this property.

Thank you for the opportunity to comment on the proposed Tonquin Quarry Application.

Sincerely,

Nancy Kraushaar
City of Wilsonville Community Development Director and City Engineer

cc Wilsonville City Council and Mayor
Bryan Cosgrove, City Manager

REC'D 9/5/13 from SPARKLE ANDERSON
AKK

The Far West CPO meeting was called to order at the Wilsonville Public Library at 6 PM Wednesday, August 28, by President Sparkle Fuller Anderson. She reviewed the following items, about which there were no comments from those in attendance:

Z 0397-13 Howard Aaronson, 268 Forest Cove Rd.

Review for a dock without approval.

Z 0343-13 Allen Smith, 24825 Mountain Rd, West Linn

Two year time extension on 3 lot partition to Measure 49 #133322

Z0343-13-TE Dennis Oldenstadt

Same as above

Sparkle read following applications, Z0287-13-CP, Z0288-13-Z, Z0289-13-MAR, from Tri-County Investments, LLC, requesting 35 acres as a Goal 5 resource, with overlay zoning to extend 1,500 feet beyond the property in a southwesterly direction.

There was no representative for the applicant in attendance. A representative from the proposed overlay properties, Jos Jacobs, spoke on behalf of the neighbors affected by this proposal. Many attendees voiced concerns about negative impacts to the livability of their property, destruction of their property values, loss of well water, and nearby wetlands impacts. Sparkle said the Planning Commission will consider this application at their September 16 meeting, and the County Commissioners will consider it at their October 16 meeting.

After considerable discussion, CPO Vice President John Messner called for a vote to support or oppose the application. ~~His motion was seconded and approved. Attendees opposed the application by a vote of 38 oppose to 0 approve.~~



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August 16, 2010

Sandy Ingalls
Planning Division
Clackamas County
150 Beaver Creek Rd.
Oregon City, OR 97045

RE: Comment on Poole Quarry Land-Use Application, File #Z0326-10-C

Dear Ms. Ingalls:

The City of Wilsonville offers the following comments on the Poole Quarry Land-Use Application, File #Z0326-10-C.

The City's concerns are primarily focused on the natural resource values of the Tonquin Geologic corridor and the off-site surface transportation impacts that could result from the proposed quarry operation. The lack of detail in the applicant's Transportation Impact Analysis relative to Wilsonville City streets is of particular concern to the City, and raises concurrency questions about the timeliness of the application. The City also has some general questions and concerns about the application, stated at the end of this letter.

1. Natural Resource Values

On page 22 of their submittal, the applicants have stated that "The Property is not located in a designated wildlife sensitive area." On page 34, the applicants have referred to the County's map of "Scenic and Distinctive Resource Areas" in support of the assertion that the application complies with the requirements of Section 1002.02 of the County's ordinance:

"All developments shall be planned, designed, constructed, and maintained with maximum regard to significant natural terrain features and topography, such as hillside areas, floodplains, and other significant land forms."

The City disagrees with the applicants. Attached is a copy of Metro's 2007 map labeled "Natural Landscape Features Inventory." The State of Oregon felt so strongly about the importance of that inventory that it was specifically referenced in the "Factors" established for designating Rural Reserves {OAR 660-027-0060(3)}:

"When identifying and selecting lands for designation as Rural Reserves intended to protect important natural landscape features, a county must consider those areas identified in Metro's 2007 Natural Landscape Features Inventory."

Please note that the Tonquin Geologic Corridor, including the subject property, is included in that inventory (please see attached map).

Another document prepared by Metro entitled "Tonquin Geologic Area Goals and Objectives" includes the following description of the area:

“This area has a unique landscape with extensive evidence of the Bretz Floods (or Missoula Floods) that scoured the Columbia River Gorge and extended into the Willamette Valley multiple times between approximately 13,000 and 15,000 years ago. Receding floodwaters from these events left behind unique geologic formations such as kolk ponds and channels, basalt hummocks and knolls, which are still present throughout the area today. This landscape contains considerable and diverse plant, fish and wildlife habitat. Coffee Lake Creek originates in the Tualatin-Sherwood area and flows south through Wilsonville to the Willamette River. The wetland habitat along the creek supports many important species of migratory and residential wildlife and wetland plants.”

The applicants state that the CCZDO 1002.02 requirement that development be constructed and maintained with maximum regard to significant natural terrain features and topography is met because the County has not designated any significant natural terrain features or topographical elements on the property as shown on County maps of Scenic and Distinctive Resource Areas. This misconstrues the criteria. The Code language does not require that the area be mapped by the County. By its terms, the criteria includes significant natural terrain features and topography “such as hillside areas, floodplains, and other significant land forms” -- areas that may not be mapped as Goal 5 resources -- but are nevertheless generally regarded as significant. Metro and the City of Wilsonville regard the Tonquin Geologic Corridor, of which the subject property is a part, as a significant natural terrain feature. As such, the applicants have failed to demonstrate how the mining of this site will be achieved “with maximum regard” to this significant natural area.

2. Volume, Type and Destination of Traffic

The Transportation Impact Analysis states the following:

“the proposed Poole Quarry site is expected to generate approximately 450 daily trips (225 inbound and 225 outbound). Of these, approximately 390 trips will be made by trucks (195 inbound trucks and 195 outbound trucks).”

“It is estimated that 80 percent of the trips will travel east on Tonquin Road (towards I-5) and the remaining 20 percent will travel west (towards OR 99W).” Page 6.

Thus the traffic study concludes that 80% of 450 daily trips, or 360 daily trips (312 of which are projected to be trucks), will use area streets to reach I-5. These include Wilsonville’s Day Road, which connects Graham Ferry Road with Boones Ferry Road to access the North Wilsonville I-5 interchange, Exit #286.

Day Road is already in severely degraded condition, principally due to existing aggregate operations running trucks from Tonquin-area quarries to the North Wilsonville I-5 interchange. Day Road is reaching such a degraded condition that the City Engineer is considering implementing reduced-weight requirements for traffic on that street. Please note that the City

has, thus far, been unsuccessful in attempts to secure funding to rebuild Day Road. A copy of Wilsonville City Council Resolution 2194 is attached addressing this issue.

The proposed Poole Quarry is located in unincorporated Clackamas County, and therefore unless other arrangements are made, will not contribute in any meaningful fashion to rebuilding City streets, including Day Road.

Therefore, the City respectfully submits that the application fails to comply with the County's concurrency standard for new development (as stated in Section 1022.07 of the County Ordinance). Moreover, the traffic analysis is flawed in that it does not even address the potential impacts of additional heavy truck traffic on a failing City street (Day Road). It would be premature for the County to allow the applicants to begin hauling aggregate on this street until the street has been brought up to heavy truck standards.

The applicants have stated (page 23 of application submittal) that "*potential adverse impacts of the Quarry are minimal, and Applicant will fully mitigate the few impacts that are anticipated.*" The first statement is clearly not accurate. If the commitment contained in the second statement is genuine, the applicants should be required to help pay for reconstructing Day Road before any trucks are allowed to use that route from the proposed quarry.

The applicants limit their analysis of the concurrency requirement and adequacy-of-the-transportation-system criteria to SW Morgan Road and SW Tonquin Road. As noted above, the mining operation has significant impacts on the capacity of Day Road, an essential transportation route that will be heavily used by applicant's trucks. The mere fact that a potential load limitation on Day Road by the City Engineer could affect proposed truck traffic belies the inadequacies of the applicant's analysis. Where, as here, an adjacent jurisdiction (city) articulates an impact directly caused by proposed land use activities in the other jurisdiction (county), Statewide Planning Goal 2 requires that those impacts be considered and accommodated as much as possible by the permitting jurisdiction. Short of a condition that mitigates the effect of applicant's added traffic on city roadways, the applicant fails to demonstrate compliance with the concurrency and transportation criteria.

3. Traffic Safety: No Truck-Trailer Rigs

The Transportation Impact Analysis states that:

"The proposed site-access on the north side of SW Tonquin Road should be limited to single unit trucks only (no truck-trailer combination vehicles) due to the intersection sight distance limitations." Page 8 (emphasis added)

For both safety and traffic congestion reasons, the City strongly supports this recommendation. However, when City staff spoke with the applicant's representative on August 2, the representative was not aware of this condition recommended by the applicant's own consultant.

Therefore, the City respectfully requests that the recommendation cited above be made a condition of the applicant's conditional use permit, if the permit is allowed to go forward.

4. Traffic Safety: Deficient Transportation Facilities

The Transportation Impact Analysis shows that "existing transportation facilities and roadways in the study" area have no sidewalks, bicycle lanes, on-street parking or paved shoulders.

The proposed Poole Quarry would be an aggregate operation that is, in effect, an industrial use in a rural residential zone. The above-cited conditions of Tonquin Road, the primary route accessing the proposed Poole Quarry, would appear potentially dangerous and deficient to safely accommodate both heavy-duty aggregate trucks with nearby residents. The City understands that nearby residents have expressed concerns over safety issues. The City takes issue with the applicant's statement on page 23 of their submittal that "*primary uses allowed on surrounding properties include rural residential*" and that "*these uses are, by their very nature, compatible with the Quarry.*"

5. Additional points

Stormwater:

- A. The application materials did not appear to include a drainage map indicating the direction of flow and contributing area for on-site drainage basins, and the identification of receiving waters for each basin. The "Westlake Storm Report" says both that "*no point discharge locations are proposed*" and that there are "*natural outlet points.*" It would seem that one statement or the other is in error.
- B. Pursuant to Section 5 of the County's SWMACC Rules and Regulations, a "*downstream analysis shall demonstrate adequate conveyance capacity where the project site contributes less than 15% of the upstream drainage area OR a minimum of 1,500 feet downstream of the project, whichever is greater.*" The application materials did not appear to provide documentation of the downstream analysis.

Wetlands:

- A. Based on the applicant's Wetland Buffer Assessment Report, they are proposing full impact to on-site wetlands. The application provides no information on what consideration was given to either avoiding or minimizing impacts to these wetlands.

Thank you for providing the City with this opportunity to comment.

Sincerely,

Stephan A. Lashbrook, AICP LEED AP
Assistant Community Development Director

Attachments:

1. Map – subject property relative to Metro’s 2007 Natural Landscape Features Inventory;
2. Map – Wilsonville – Tualatin – Sherwood Region, Metro Natural Resource Map; and
3. City Council Resolution 2194 (July, 2009)

Copies:

1. Wilsonville Mayor Knapp and City Council;
2. Arlene Loble, City Manager
3. Michael Bowers, Community Development Director; and
4. Matt Wellner, Applicant

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CITY COUNCIL MEETING MINUTES

Mark Ottenad explained the improvements were financed by American Reinvestment and Recovery Act (ARRA) funds the City received which in turn produced about 54 FTE jobs during the construction period.

B. Traffic Impacts, Construction Schedule and Fred Meyer Construction

Steve Adams, Deputy City Engineer, provided Councilors with an update on the roadway construction / improvement projects on Wilsonville and Boones Ferry roads.

The Boones Ferry Road project is almost complete but there is some striping and traffic signals to install which should be done this month. The Fred Meyer project conditions of approval specifically address traffic concerns from the overlap of projects. Conditions of approval require Fred Meyer construction employees to arrive at work before 7 a.m. and leave before 4 p.m. so they do not impact the peak travel hours. Construction and delivery trucks may arrive on site between 9 a.m. and 3 p.m., earlier or later arrival times must be approved by the City Engineer. Construction will also take place on Saturday with a starting time of 7 a.m. but work is to take place only on the north side of the project so the Bailey Street apartments are not affected by the early construction noise; after 9 a.m. they may move further south.

Mayor Knapp commented the neighborhood is concerned about the additional construction vehicle traffic conflicting with pedestrians and the area needed to be monitored.

C. 2010 U.S. Census Bureau Recognition

Dan Knoll, Public Affairs Coordinator stated he had shared the letter of recognition and award Wilsonville received for participation in the 2010 Census with the staff members who helped the Census team by updating addresses and maps.

Mayor Knapp read the thank you letter from Ralph Lee, U.S. Census Bureau into the record.

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.

Dana Anderson, 24004 SW Morgan Lane, Sherwood, expressed concern about the proposed rock quarry to be mined at the intersection of Tonquin and Morgan roads. He represented 1,000 Friends of Rock Creek whose purpose is to gather and evaluate information and application criteria which will be submitted to Clackamas County. The quarry is located in the Tonquin geologic area which is included in the rural reserves designation. Metro has prioritized the project area as a tier one acquisition priority. The property shares its northern border with the Tualatin River National Wildlife Refuge. There are several wetlands that would be affected by the mining operations that extend into the Refuge. Significant concerns include water treatment; and disposal, nearby drinking water wells, heavy truck traffic, and roads with limited line of site distance. Mr. Anderson asked the Council to consider the information and weigh in with

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CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Clackamas County on the application. The deadline for public comment is August 16th with the public hearing scheduled for September 2nd.

Mayor Knapp clarified this is an application before Clackamas County who is the jurisdictional body; however, the concern was that impacts from the proposal may spill over to the Wilsonville area.

Ms. Loble added the application would be before the Clackamas County Hearings Officer, not before the Board of County Commissioners.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Kirk (*DRB Panel A and Chamber of Commerce Liaison*) reported the August meeting of DRB-Panel A had been cancelled with the next meeting scheduled for September 13th. He stated Congressman Schrader will attend the Chamber of Commerce meeting after the dedication of the SMART Clock Tower/Break Room. The next Rotary Concerts were announced.

Councilor Núñez (*Library Board and Planning Commission Liaison*) made known the next meeting dates for the Planning Commission and Library Board. She extended an invitation to attend the Neighborhood BBQ scheduled for Boones Ferry Park in Old Town.

Councilor Hurst (*DRB Panel B and Library Board Liaison*) announced Regional Gaines had been appointed to the Library Board. He pointed out the Library has many volunteers who donated 12,512 hours over the last year which equaled six full time employees. The Councilor reminded the public about Wilsonville Celebration Days.

Councilor Goddard (*Parks & Recreation Advisory Board and Wilsonville Seniors Liaison*) identified the next meeting dates for the Park and Advisory Board as well as the Wilsonville Seniors. He talked about the purpose of National Night Out and noted the neighborhoods where block parties were being held. The Councilor reminded the community the next Movies in the Park will be showing "Where the Wild Things Are".

CONSENT AGENDA

A. Resolution No. 2249

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

B. Resolution No. 2248

A Resolution Of The City Of Wilsonville Approving A Development Agreement Between The City Of Wilsonville And Pacific NW Properties And Authorizing The City Manager To Execute The Agreement On Behalf Of The City For The Development Of A Portion Of Kinsman Road South.

August 8, 2010

City Council Work Session

Track 8 - Aggregate Mining Discussion

Ms. Loble – We may have in attendance at the council meeting tonight people living in the area adjacent to a development request aggregate extraction quarry. This would be under citizen input if the neighbors choose to come they will be asking the council support their position in opposition to this.

Mark Ottenad – we were contacted last week and then consequently by also the Metropolitan Land group which is the property owner/developer of the proposed aggregate site. The site is located, there are some various maps showing the parcels. It is in the Tonquin geologic area which the city council endorsed as a rural reserve during the metro open urban/rural reserves process. Its also located in or adjacent to the Tualatin national wildlife refuge and the proposed expansion area by congress. The aggregate is a conditional use permit application before Clackamas county that will be heard on September 2nd for this 35 acre site. It does raise a number of questions regarding surface transportation impacts; aggregate trucks are very heavy and damage roads. Right not Day Road in north Wilsonville is having some problems due to the aggregate traffic. It may be appropriate to suggest some conditions around repair and maintenance of roads there could be various land use impacts as we noted to the Tualatin National Wildlife Refuge and the rural reserve, and also storm water runoff. The area is located near the crest of the rock creek and coffee creek watersheds so we have some questions regarding stormwater runoff.

The application is about two reams thick so we are going to take a little bit of time to digest it to see if there are issues, if there are we would bring them to you on August 16 for your review and consideration.

Ms. Loble – as I understand the land use process, unlike what Wilsonville does with citizen boards; this application will go directly to a hearings officer in Clackamas County and the board of county commissioners plays no roll in this decision. They don't weigh in on the land use implications of something that would be occurring in the county. Instead if it is approved and appealed it would go directly to LUBA.

Goddard – correct me if I'm wrong, but it would seem the hearings officer would be deciding whether this is going to be a type two application or type three application, and if it is one or the other we'll have more or less opportunity to participate in the process. So have they already determined what type

Mr. Kohlhoff – it's a conditional use application under their rules of engagement. As opposed to a direct permitted use.

Goddard – for conditional use permits if it's a type three then there is a more expansive public involvement process?

Ms. Loble – just before the hearings officer.

Mr. Kohlhoff – Yes, but just before the hearings officer. The application itself contains proposed conditions for approval. We just haven't had a chance from the staff perspective to really take a look at the various aspects that we might have concerns over to make any recommendations to the council as to what you might want to recommend as conditions or whatever position you might want to take on it. I think you're going to get some information tonight from the neighboring folks; at least that's what we've been told. I've been contacted by the applicants attorney, they don't plan to make any statements – just will be there to listen and see what happens. There are issues about blasting and when they can blast, and how they meet the dogame rules and that sort of thing, that's all part of their application. We took a quick perusal through it and the applicant has had a number of experts testify about things. I think one of the things we noted is there is a recommendation from their expert traffic, that they not have double trucks, that they only have single hauling trucks for safety reasons as they come out of the area.

Ms. Loble – just a heads up for tonight.

Mayor – does the proposal suggest they use Day Road as a primary access.

Mr. Kohlhoff – I don't know all their transportation issues because we really haven't had a chance to look at it.

Mayor – I guess we need to look at that because Day Road is already significantly damaged by the heavy truck use and we're looking at a significant cost out of our pockets to rebuild Day Road in the foreseeable future and this would contribute to accentuating or accelerating that exposure so we need to understand.

Goddard – it would be important how we can get that

Mr. Kohlhoff – yeah, and there's issues about exactions Dolan requirements and those things too.

Mayor – staff's going to be looking at it much more details, so we may need to listen this evening. Okay, thank you Mark. I think we're ready for executive session.

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City Of Wilsonville
Public Works Department

STANDARD OPERATING PROCEDURES

TITLE Fertilizer, Herbicide and Pesticide Application and IPM Plan SOP		
Original Issue 11/17/11	Revision Date:	Page 1

Prepared By Floyd Peoples	Approved By:
----------------------------------	---------------------

Purpose/Scope:

The purpose and scope of this document is to guide the user in the correct, safe and approved methods of fertilizer, herbicide and pesticide applications on City Property and in City Rights of Way. Following this SOP the applicator will be in compliance with all rules and regulations governing the proper application of these materials. These application methods are part of a larger (IPM) Integrated Pest Management Plan and City of Wilsonville (BMP) Best Management Practices.

Procedure:

a. Plan

Use manual or mechanical methods for weed, /pest control and vegetation removal whenever possible. When chemicals are required, use the least toxic method to control plant pests or for weed and vegetation control. Pheromone-based traps and or sticky paper are often more effective than chemicals and are protective of the environment. Beneficial organisms should be promoted and protected wherever/whenever possible. When Chemicals are used use the most biodegradable product that will accomplish the desired goal. Always follow the manufacturer recommendations for mixing, application and disposal.

Fertilizers, herbicides or pesticides are mixed at designated locations as determined by Best Management Practices (BMP):

All containers primary and secondary must have complete labels

Always mix only enough fertilizer, herbicide or pesticide product for the immediate job.

If possible use rinse water from cleaning of containers and application equipment as a dilution for the next batch.

b. Application

- Time the applications of fertilizes, herbicides or pesticides to coincide with the manufacturers recommendation for best results.(Example; Do not apply during heavy rainfall or when heavy rainfall is expected and do not apply immediately before an irrigation cycle).
- Choose an appropriate method of application such that application does not exceed the problem area.

- If possible spot spray rather than broadcast spray.
- Do not spray into or near bodies of water, creeks, rivers or ditches whether used for seasonal drainage or not unless approved on the label of the product being applied. Provide sufficient buffer zones when using products where these cautions are documented on the product label. Determine the correct buffer zone on a case by case basis.
- If and when possible use granular material rather than liquid material application for all pesticides and fertilizers because of lower application losses.
- Always follow all federal and state regulations concerning use, storage or disposal of fertilizers, herbicides or pesticides.
- Always follow all manufacturers' recommendations for cleaning up and handling of fertilizers, herbicides and pesticides.
- Sweep pavements or sidewalks where fertilizers or other solid chemicals have fallen, sweep them back onto grassy or landscape areas. Clean up any spills or leaks of fertilizers, herbicides or pesticides promptly. (Refer to pesticide storage SOP for spill cleanup procedure).
- Dispose of excess or leftover chemicals and empty expired fertilizers herbicides and pesticides containers according to instructions on the label. Preferably on the target pest or vegetative area.
- If possible use triple rinsate from empty containers and/or rinsate from sprayer cleaning as dilution for the next batch.
- Never pour triple rinsate onto ground or into any drainage system
- Dispose of excess, expired or waste fertilizers herbicides or pesticides properly. Try to use them on target areas. If not dispose of the remaining product as hazardous waste.
- Pesticide application must always be done under the supervision of a certified and licensed pesticide applicator.
- All employees who are exposed too or handle or apply pesticides or herbicides shall be trained in the most recent Material Safety Data Sheets (MSDS).
- Records of pesticide application activities are kept at Public Works.
- Always follow all federal and state regulations governing use, storage and disposal of fertilizers, herbicides or pesticides and training of pesticide applicators. ("Read the Label")

Success Measurements:

Success is measured by all pesticide applicators passing the pesticide applicators course for certification with the State of Oregon Agricultural Department.

Success is measured by all employees following the City of Wilsonville (BMP) Best Management Practices and understanding how to find information through the MSDS system.

**City of Wilsonville
Parks Maintenance
Standard Operations Guide**

Section I *Pages 2-13*

Standard Operating Procedures:

A general overview of the maintenance practices and expectations employed throughout City of Wilsonville Parks and associated properties.

Section II *Pages 14-18*

How to Guide:

Guidelines for jobs commonly performed by the Parks Maintenance Staff.

Section III *Pages 19-34*

Position Descriptions:

Typical functions and employment standards for the Parks Supervisor, Lead Park Maintenance worker, Park Maintenance worker, and Seasonal Park Maintenance worker.

Section IV *Page 35*

Safety Waiver:

A brief overview of what is expected of the staff and supervisors regarding safety while on the job.

Section V

Graffiti Policy: *Pages 36-37*

The “Get Tough on Graffiti” City of Wilsonville graffiti removal policy.

Appendix I

Park Maintenance Schedule:

A daily schedule of Park maintenance operations during peak season which typically runs from Memorial through Labor Days.

Appendix II

Guidelines for Risk Assessment Codes (RACs)

The RAC describes the relative risk of injury, illness or premature death that could result from exposure to a hazard.

**City of Wilsonville
Parks Maintenance Standard Operating Procedures**

Our standard operating procedures (SOPs) are driven by the Wilsonville Parks and Recreation Department's mission dedicated to creating community through people, parks, and programs. The SOPs are intended to provide the reader with a general overview of maintenance practices and expectations employed throughout the parks and associated green and open spaces.

Maintenance practices are typically evolving due to various factors including but not limited to; unusual weather, advances in knowledge and/or equipment, special events, changing budgets, special projects, or renovation work. The standard operating procedures are designed to be implemented within the currently allocated budget.

Furthermore, SOPs provide Wilsonville residents and guests with the safest and best conditions possible on a consistent basis while also clarifying expectations for all Parks Maintenance staff. By training our staff and developing an evolving SOP manual we are striving to elevate our services, enhance our features, and provide an enriched experience.

Integrated Pest Management or "Intelligent Plant Management" (IPM)

The goal of our IPM program is to use cultural practices to allow the turfgrass, trees, and landscape plants to thrive to their genetic potential. We continuously scout to ensure any pests are below predetermined damaging threshold levels. When pest damage or populations exceed thresholds, we adjust our cultural practices to provide the best environment for the turfgrass and other plants to thrive.

Typically as a last resort, we treat with pesticides at recommended label rates in the areas where problems have or will potentially occur. However unfortunate, some surfaces or known pests do require preventative treatment and are handled accordingly. A very strong turfgrass plant is quite resilient if managed appropriately. However; even the slightest of damage to some fine turf areas is often unacceptable due to potential economic losses and safety concerns.

Ultimately the objective of our IPM program is simply to create the most optimum environment with minimal inputs all while minimizing disruption. In addition, we strive to ensure all cultural practices performed are done so in such a manner to minimize surface disruption and protect surfaces from unnecessary removal of stored energy within the turfgrass plant.

Surfaces are vented or "aerated" as needed to facilitate air movement and alleviate compaction using various tine types and sizes. We routinely top-dress all athletic field turf surfaces to smooth and firm the surface and to dilute organic matter as it is produced. Ideally we strive to incorporate a quantity of sand equivalent to the growth habit and subsequent organic matter production of the plants throughout the growing season.

Also a very integral component to our IPM program is quality and quantity of cut. We strictly adhere to a 1/3rd rule. The objective of this rule is to minimize clipping yield to no more than 1/3rd of above ground leaf tissue. The majority of the older less photosynthetically viable cells are located in the upper 1/3rd of the leaf tip. The turfgrass plant is genetically programmed to thrive when this area is consistently removed. If more than 1/3rd of the tissue is removed the turfgrass plant loses the more active and important juvenile cells. These cells are critical for carbohydrate production and plant survival.

Routinely removing 1/3rd or less of the plant tissue at every mowing ensures optimum cellular availability for root growth along with water and nutrient uptake. All mowing operations should be able to be performed within reason at any given time without leaving a mess of clippings.

With the exception of surfaces near water features, all clippings are routinely returned to the surface. Through returning clippings when mowing, roughly one pound of nitrogen per 1,000 square feet is returned to the soil, ultimately becoming available to the turfgrass plant again.

While adhering to the 1/3rd rule is important, just as critical is quality of cut. All mower blades are sharpened and replaced frequently. A precision, scalpel like cut also ensures minimized energy at the plant's expense for recuperation from mowing activities. Minimizing leaf tip shredding ensures less energy is needed to repair less surface area. This is more energy for the plant, as well as reduced vertical yield. Less repair area at the leaf tip leads to less forced vertical growth. The combination of all of the above minimizes yield and creates a stronger, denser stand of resilient turfgrass plants.

Park Landscaping

The landscaping within our parks is a very high priority. It is the first and last impression a customer will have when visiting our property, including the landscaping surrounding restrooms. All parks are to be scoured daily for trash. Landscape plants are planted to ensure maximum color and texture is maintained at all times and may periodically be cut back and/or removed.

Pedestrian Turf Areas

The goal for our pedestrian turf areas is to be uniform in height, to be dense, and to have a healthy color. During the growing season we mow these areas one to two times per week and typically do not collect clippings. When growth slows, we mow these areas as needed. We use out-front rotary mowers and smaller trim mowers to mow the open, relatively flat areas and slopes.

Native/Rough Areas

There are numerous tall grass and native areas strategically located throughout the parks. These areas are meant to add to the desired functionality and aesthetics of the parks. In addition, these sensitive areas provide habitat for numerous wildlife. These areas are maintained as low or no maintenance areas.

The tall grass areas are mowed annually to inhibit weedy and woody material from encroaching and to comply with Oregon state law. The native woody areas throughout the parks are to be kept free of invasive underbrush species. Additionally all trees should be free of climbing ivy. Because these areas are defined as "sensitive areas" and indeed are "low input" locations; the recuperative potential of these areas is extremely slow and therefore off limits to all vehicular traffic.

Irrigation

The goal of our irrigation program is simply to apply irrigation only when the plant requires it thus providing turfgrass, trees, and landscape plants enough water to thrive to their genetic potential. Providing a dry, firm, fast, and enjoyable playing surface for our guests is of the utmost priority. Drier areas should be supplemented to prevent plant loss, and irrigation run times adjusted accordingly. However it is much easier to apply additional irrigation versus trying to remove it. It is our goal to conserve this resource to the best of our abilities while still providing an enjoyable surface. We may use wetting agents to prevent and assist in the recovery of hydrophobic soil and enhance playability.

Irrigation sources are monitored closely through routine water analysis. Irrigation inputs are based on scientific and real time data, current and impending weather patterns, field observations, and actual soil and plant water loss. Routine irrigation programs are executed through highly sophisticated software and a central computer. These programs are the back bone of our irrigation inputs and are monitored and adjusted throughout the day and ultimately set nightly prior to system-wide operation. In addition we may also perform and execute hand watering to sensitive areas. Much of our hand watering is intended to make up for inefficient coverage of overhead irrigation.

Fertilization

The goal of our fertilization program is to provide only the necessary nutrients and amendments for the turfgrass, trees, and landscape plants to survive under the extreme pressures of traffic, drought, and temperature stresses. Our fertility program is intended to provide all plants with the adequate resources to enable them to thrive to their genetic potential.

We use soil, tissue, and water testing, current and impending weather patterns, site observations as well as experience, local knowledge, and expert opinions to adjust our fertilizer program as needed. The objective of our fertility program is simple: use as little as possible while still providing adequate nutrients for the plants to provide an optimum environment.

Much like the addition of unnecessary irrigation inputs, unnecessary fertility inputs can be costly. It is far easier to apply additional fertility inputs instead of dealing with the ramifications of too much yield and/or succulent plants. We maintain our surfaces to withstand the rigors of traffic and recuperation. This is performed through periodic, small amounts, of necessary nutrients to optimize turfgrass growth at selective periods throughout the growing season. Anything more is simply wasteful and creates an inferior plant and undesirable surface.

Athletic Fields

Our athletic fields play a very large role in our Park customer satisfaction. From casual everyday use to league play, our fields receive a tremendous amount of use and must be kept in the best of conditions to ensure safety and user satisfaction.

- Turf must be mowed to a minimum height of 2” during the scheduled season.
- Mowed sites must be free of any clumps of grass/clippings.
- During the winter/spring months the turf may be kept longer due to saturated soil conditions and limited accessibility.
- Regardless of the time of year, the 1/3rd mowing rule must be adhered to at all times.
- Irrigation heads must be level and to grade.
- Irrigation coverage must provide even distribution of water (not too wet or too dry).
- Ruts or holes must be filled or repaired as soon as possible.
- Ruts must be leveled and brought back to existing grade with loam and then over-seeded.
- All grass fields are top-dressed and over-seeded on a routine basis.
- Athletic field fencing must be secure to posts and rails with no loose ties and weed free at the base of the fence.
- Athletic field fencing must have perimeter vegetation cut back at least two feet.
- Bases, pitching plates, and home plates must be securely installed, flush with the ground with no screws sticking out to eliminate safety hazards.
- All dirt playing surfaces must be level, free of any rocks, holes, debris, weeds, and grass.
- Any dirt playing surfaces with washed out areas must be filled in and leveled.
- All benches must be secured to framework and free of graffiti.
- All bleachers must be on a weed free pad, free of graffiti, and secured to framework.
- All bleachers more than 3-tier high must have rails securely installed on a hard surface.

- 4) Ensure all turn signals, hazards, tail lights, and brake lights are in working order prior to loading and transport.
- 5) Check tires when unit is loaded.
- 6) If you did not load and/or hook up the trailer be sure to verify all of the above if you are the driver.

Mechanized Infield Raking

- 1) Always wear eye and ear protection when operating this piece of equipment.
- 2) Infields are raked 3-5 days a week during the peak months.
- 3) Always rake infields smoothly and carefully.
- 4) All debris, weeds, grass, and rocks must be removed from the infields prior to raking.
- 5) When raking with a mechanized rake, utilize the “spinning” technique and maintain a safe, slow speed. This consists of beginning the initial “circles” in the smallest part of the infield continuing out until all sand has been cultivated.
- 6) The spinning technique allows the infield to be cultivated twice during raking and an opportunity for the dirt to be; both brought up to and pulled away, from the edge of the turf.
- 7) Always level and rake out tire tracks when exiting the infield and use the leaf rake to dissipate any dirt tracked onto the turf or at the entry and exit point of the infield.
- 8) Fill wash outs and bare spots where needed and report areas needing additional “Play Ball”
- 9) Be aware of any leaks that may occur. If this happens, drive immediately to the nearest cart path, shut the machine off, and contact a supervisor or equipment technician
- 10) Clean and fuel the machine as directed by a supervisor after use.

Sprayers and Rotary Spreaders

- 1) A person possessing a valid Oregon Pesticide Applicator License must perform all spraying operations performed using a mechanized unit.
- 2) Backpack or hand pump spraying may be performed by employees who do not possess a valid Oregon Pesticide Applicator License if the product is not a Restricted Use Pesticide (RUP).
- 3) Before mixing or applying any pesticide, the label must be read and thoroughly understood. Always follow the label, it is the law.
- 4) Personal Protective Equipment (PPE), including spray suits, rubber gloves, and masks, are provided for your safety. Always follow the label as to what PPE must be used when mixing and loading and/or applying.
- 5) Calibrate and test sprayers with water before adding pesticides or fertilizers. Check hoses, nozzles, clamps, screens, filters, PSI, gas, oil, and grease before use.
- 6) Never allow the fill hose to become submerged in the spray tank. This may cause “back-siphoning”.
- 7) When finished spraying or spreading, if you have product remaining, ask your supervisor where to apply it or how to store it.
- 8) Clean the sprayer or spreader inside and out as directed by a supervisor after use.

Utility and Large Tractors

- 1) Always wear eye and ear protection when operating this equipment.
- 2) Beware of your surroundings; one minor “mistake” could lead to serious injury or death.
- 3) Use glow plugs where applicable prior to starting a cold machine.
- 4) Check oil levels prior to operating.
- 5) Become familiar with the controls and console before operating.
- 6) Be prepared for exhaust cleanout to occur when tractor approaches operating temperature.
- 7) When maneuvering with a load ensure the attachment(s) are as close to the ground as possible.
- 8) When using a power take off (PTO) driven implement ensure the tractor is at the lowest possible RPM prior to engaging the unit.