

AMENDED AGENDA

**WILSONVILLE CITY COUNCIL MEETING
JANUARY 5, 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-elect 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

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|------------------|--|-----------|
| 5:00 P.M. | EXECUTIVE SESSION | [15 min.] |
| A. | Pursuant to ORS 192.660(2)(f) Exempt Public Records
ORS 192.660(2)(
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. | IGA with Clackamas County (Kohlhoff) | [10 min.] |
| B. | Substantial Amendment to West Side Urban Renewal Plan
(Retherford) | [10 min.] |
| C. | Stormwater Utility Fee (Kraushaar) | [10 min.] |
| D. | Council Appointments to External Intergovernmental
Bodies (Ottenad) | [10 min.] |
| E. | City's State Legislative Agenda (Ottenad) | [10 min.] |
| 6:50 P.M. | ADJOURN | |
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CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, January 5, 2015 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on December 22, 2014. 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. SWEARING IN CEREMONY

A. **Oath of Office**

The Honorable Judge Gleeson will administer the Oath of Office to newly elected Councilor Scott Starr and Councilor Charlotte Lehan.

B. Comments from Mayor Knapp

C. Comments from Council Members

7:30 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.

7:35 P.M. MAYOR'S BUSINESS

A. Elect Council President

B. **Appointments to Boards and Commissions**

C. Restore Oregon

D. Upcoming Meetings

7:50 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.

8:00 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 – (*Planning Commission; CCI; Wilsonville Seniors Liaison*)

D. Councilor Lehan

8:15 P.M. CONSENT AGENDA

A. Minutes of the November 17, December 1, and December 15, 2014 Council Meetings. (staff – King)

8:20 P.M. PUBLIC HEARING

A. **Resolution No. 2505**

A Resolution Authorizing A Supplemental Budget Transfer For Fiscal Year 2014-15.
(staff – Rodocker)

B. **Resolution No. 2506**

A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2014-15.
(staff – Rodocker)

C. **Resolution No. 2507**

A Resolution Setting Stormwater Utility Rates For The City Of Wilsonville And Amending Resolution No. 2353. (staff – Kraushaar)

8:45 P.M. CONTINUING BUSINESS

A. **Ordinance No. 765** – 2nd Reading

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 3, Section 3.560, By Providing For A Governmental Exemption From The Established Privilege Tax For Use Of

City Right-Of-Ways And Allowing Alternative Consideration In Lieu Of The Tax. (staff – Kohlhoff)

B. Ordinance No. 763 – 2nd Reading

An Ordinance Of The City Of Wilsonville Annexing Approximately 9.8 Acres At 11650 SW Tooze Road And A Small Triangular, Approximately 6315 Square Foot, Property Across SW Grahams Ferry Road From 28333 SW Grahams Ferry Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lots 1100, 1101, And 1503 (Formerly 1591) Of Section 15 T3S-R1W, Clackamas County, Oregon, City Of Wilsonville, Applicant. (staff – Pauly)

C. Ordinance No. 764 – 2nd Reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone To The Village (V) Zone On Approximately 9.8 Acres At 11650 SW Tooze Road And A Small Triangular Approximately 6315 Square Foot Property Across SW Grahams Ferry Road From 28333 SW Grahams Ferry Road. Comprising Tax Lots 1100, 1101, And 1503 (Formerly 1591) Of Section 15, T3S, R1W, Clackamas County, Oregon, City Of Wilsonville, Applicant. (staff – Pauly)

8:55 P.M. NEW BUSINESS

A. US EPA Green Power Communities Proclamation – Green Power Challenge for the Wilsonville Community (staff – Ottenad)

B. Resolution No. 2508

A Resolution Of The City Of Wilsonville Authorizing An Intergovernmental Agreement Between The City Of Wilsonville And Clackamas County For Sharing Data Network Resources. (staff – Kohlhoff)

C. Resolution No. 2509

A Resolution Adopting Bridge Memorandum Of Understanding. (staff – Kohlhoff)

9:20 P.M. CITY MANAGER'S BUSINESS

A. Quarterly Goals Update

9:25 P.M. LEGAL BUSINESS

9:30 P.M. ADJOURN

An Urban Renewal Agency Meeting will immediately follow.

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated. 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

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CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2014-15

January

DATE	DAY	TIME	MEETING	LOCATION
1/1	Thursday	City offices Closed New Year's Day		
1/5	Monday	7 p.m.	City Council Meeting	Council Chambers
1/12	Monday	6:30 p.m.	DRB Panel A	Council Chambers
1/14	Wednesday	1-3 p.m.	Wilsonville Community Seniors Advisory Board	Community Center
1/14	Wednesday	6 p.m.	Planning Commission	Council Chambers
1/19	Monday	MLK Holiday – City Offices Closed		
1/22	Thursday	7 p.m.	City Council Meeting	Council Chambers
1/26	Monday	6:30 p.m.	DRB Panel B	Council Chambers
1/28	Wednesday	6:30 p.m.	Library Board	Library

January 10, Council Goal Setting 9 AM
Willamette River Water Treatment Plant Conference Room

January 15, 6 PM – 9 PM Willamette River Room
Wilsonville Leadership Academy

January 22, 5 PM Joint meeting with Planning Commission
Frog Pond Area Plan

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, November 17, 2014. Mayor Knapp called the meeting to order at 7:13 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Sandra King, City Recorder
Martin Brown, Building Official
Chris Neamtzu, Planning Director
Mark Ottenad, Community and Government Affairs Director
Jon Gail, Community Relations Coordinator
Kristin Retherford, Economic Development Manager
Nancy Kraushaar, Community Development Director
Kerry Rappold, Natural Resources Manager

Motion to approve the order of the agenda.

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

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

Mayor Knapp reported on the meetings he attended on behalf of the City the past two weeks including the Clackamas County Coordinator Meeting, the Ad Hoc Mayors Committee and Greater Portland Inc. The Mayor noted the upcoming Council meeting dates and the results of the November 4, 2014 General Election where Councilor Starr was re-elected to a second 4 year term, and former Wilsonville Mayor and Clackamas County Commissioner Charlotte Lehan elected to City Council.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

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CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

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.

George Crace, 28430 SW Willow Creek Drive, spoke on behalf of Dennis Burk the athletic director of the Wilsonville High School by reading a Mr. Burk's email into the record. Mr. Burk's email expressed support for development of an athletic sports facility. His email has been made a part of the record.

Mr. Crace stated people are using the high school fields and Horizon Christian sports fields nightly. He thought the fields at Horizon Christian could be rented out 7 days a week and noted people recognized Wilsonville as a place to find club sports and sports activities.

Donna Crace, Executive Director of the Total Development Center, at Horizon Christian School, provided a written statement that has been made part of the record. Mrs Crace outlined the revenue, future plans for their sports fields, and the fees charged to rent the fields. Their desire is to build an athletic facility.

Fred Robinson, 10877 Glenbrook Court, would like to see more tournaments in Wilsonville, and advocated for a sports complex in the city.

Mayor Knapp stated the City is headed towards the formation of a tourism development committee that will function as an advisory board to the Council. Part of their role will be to consider priorities that the Tourism Task Force established and make recommendations to the Council. The athletic field project is one of a pair of major alternatives the tourism committee may recommend and a feasibility study would be a practical step but the tourism committee would need to make those recommendations to Council. Staff indicated the formal adoption of bylaws, and recruitment of committee members will be done after the holidays. It is anticipated the committee will consist of 9-11 members from the tourism and lodging industry. The sports complex idea may be one of the recommendations made to Council.

Councilor Starr added there was also the need for a community/aquatic center in the City – but they were discussing two different venues. The Aquatic Facility Task Force will be making their recommendation to Council December 15th. Should the Council put the community center/aquatic center to a vote that measure would come before the electors in November 2015. The Tourism Task Force's study did show an outdoor sport facility was one of the main opportunities listed.

Alan Kirk spoke to the adoption of the Urban Renewal Strategic Plan, and provided copies of his comments which are included in the record. Mr. Kirk was in support of sunseting the Year 2000 plan, and was opposed to the adoption of Resolution No. 2498.

Mayor Knapp moved from the dais to the audience to speak under Citizen Input and passed the gavel to Council President Starr.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Mr. Knapp spoke in support of the revised Urban Renewal Strategic Plan. The revised Plan now includes the Old Town Escape project which will provide alternative traffic routes for the community.

The Mayor returned to the dais.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (*Park & Recreation Advisory Board Liaison*) reported the Parks and Recreation Board reviewed recommendations to use Clackamas County Tourism Lodging Taxes for tourism events in the City. The Board provided a grant to a men's fast pitch softball tournament to be held during Boones Ferry Days, however the balance of the funds were not distributed. Councilor Starr wanted to insure the unused funds would remain in Wilsonville, and suggested reopening the grant process.

Mr. Cosgrove will bring back that information at the next meeting.

Councilor Starr invited the public to attend the community tree lighting on December 4th the second annual Reindeer Romp, and the Holiday Fun Fest set for the Community Center on December 17th. He stated the Parks and Recreation Department was holding a toy drive and new unwrapped toys could be dropped off at the Parks and Recreation Department offices.

Councilor Goddard – (*Library Board Liaison*) had no report to make.

Councilor Fitzgerald – (*Development Review Panels A & B Liaison*) reported DRB Panel A approved the annexation of a parcel at the south east corner of Grahams Ferry and Tooze roads, and noted the upcoming meetings scheduled for December.

Councilor Stevens – (*Planning Commission; CCI; Wilsonville Seniors Liaison*) announced the Committee for Citizen Involvement held an open house on the wastewater master plan. The Planning Commission will be holding a public hearing on the topic in December.

CONSENT AGENDA

Mr. Kohlhoff read the titles of the Consent Agenda items into the record.

A. **Resolution No. 2497**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Purchase 4.45 Acre-Credits From The Mud Slough Mitigation Bank LLC For The Kinsman Road Extension Project (CIP #4004).

B. Minutes of the October 20, 2014 Council Meetings.

Motion: Councilor Fitzgerald moved to adopt the consent Agenda. Councilor Stevens seconded the motion.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Vote: Motion carried 5-0.

PUBLIC HEARING

Mr. Kohlhoff read the titles of Ordinances No. 754, 755, 756, 757, and 758 into the record for first reading. He advised the public hearing for the five ordinances may be taken en banc; however, the vote on each ordinance must be separate.

Mayor Knapp opened the public hearing on Ordinance No. 754, 755, 756, 757, and 758 at 8:08 p.m. and read the hearing format.

Martin Brown, Building Official, presented the staff report. On October 1, 2014 the State Building Codes Division, through administrative rule, adopted the 2014 editions of the State Structural, Mechanical, Plumbing and Residential Codes. The proposed Ordinances will amend Chapter 9 of the Wilsonville City Code to reflect the current re-adopted editions of the State Specialty Codes. The fee schedules listed in the proposed ordinances are unchanged from current fee schedules and no increase is proposed.

The 2014 edition of the State Fire Code is also being re-adopted by Ordinance that amends Chapter 9 of the City Code to reflect the current edition of the Tualatin Valley Fire and Rescue Fire Prevention Ordinance.

The five ordinances amend Chapter 9 of the City of Wilsonville City Code and result in the adoption of the 2014 editions of the Structural, Mechanical, Plumbing, Residential and fire Codes. Pursuant to OAR 918-460-0010 and OAR 918-440-0010, the State Building Codes Division adopts the most recent editions of the State Specialty Codes. This re-adoption process normally occurs on a three year code-change cycle. The Tualatin Valley Fire and Rescue Board of Directors adopt the State Fire Code which is adopted through the Office of the State Fire Marshal. All proposed editions of the State Codes are the 2014 edition.

Assistant Fire Marshall Steller added the Fire Code re-adoption cycle has been changed from a three year cycle to a six year cycle. Because of the extraordinary number of false alarms received by TVF&R the alarm companies have implemented a 90 second rule which will verify the alarm is not a false alarm due to burnt popcorn or a system malfunction. The alarm company will call the site to determine if it is a false alarm; if no one can be reached within 90 seconds, TVF&R will dispatch equipment.

Mayor Knapp closed the public on the five ordinances at 8:20 p.m.

A. Ordinance No. 754 1st reading

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.000 Of The Wilsonville Code (Structural Specialty Code); And Repealing Ordinance No. 683.

Motion: Councilor Goddard moved to adopt Ordinance No. 754 on first reading. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

B. Ordinance No. 755 1st reading

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.100 Of The Wilsonville Code (Mechanical Specialty Code); And Repealing Ordinance No. 684.

Motion: Councilor Goddard moved to adopt Ordinance No. 755 on first reading. Councilor Stevens seconded the motion.

Vote: Motion carried 5-0.

C. Ordinance No. 756 1st reading

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.200 Of The Wilsonville Code (Plumbing Specialty Code); And Repealing Ordinance No. 697.

Motion: Councilor Goddard moved to adopt Ordinance No. 756 on first reading. Councilor Stevens seconded the motion.

Vote: Motion carried 5-0.

D. Ordinance No. 757 1st reading

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.400 Of The Wilsonville Code (Oregon Residential Specialty Code); And Repealing Ordinance No. 696.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Motion: Councilor Goddard moved to adopt Ordinance No. 757 on first reading. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

E. **Ordinance No. 758** 1st reading
An Ordinance Of The City Of Wilsonville Repealing Ordinance No. 685 And Amending Chapter 9, Section 9.300 Of The Wilsonville Code, Designated As “Fire Prevention Code”.

Motion: Councilor Goddard moved to adopt Ordinance No. 758 on first reading. Councilor Stevens seconded the motion.

Vote: Motion carried 5-0.

F. **Ordinance No. 759** 1st reading
An Ordinance Of City Of Wilsonville Declaring And Authorizing The Vacation Of A Portion Of Vlahos Drive Right Of Way As Part Of The Canyon Creek Road South To Town Center Loop East Project (CIP #4184).

Mr. Kohlhoff read the title of Ordinance No 759 into the record on first reading.

Mayor Knapp opened the public hearing at 8:24 p.m.

Kristin Retherford presented the staff report. The Canyon Creek Road extension project is under construction and will provide another north – south minor arterial on the east side of Wilsonville. As part of this project a portion of Vlahos Drive is being aligned to improve the intersection with the newly extended portion of Canyon Creek Road. The former Vlahos alignment will be abandoned and demolished. The former alignment is no longer needed as public right of way. Winfield Village will receive the vacated portion of Vlahos drive.

Mayor Knapp invited public testimony, hearing none he closed the hearing at 8:29 p.m.

Motion: Councilor Fitzgerald moved to adopt Ordinance No. 759 on first reading. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

G. **Ordinance No. 760** 1st Reading
An Ordinance Amending Ordinance No. 747 To Include Stormwater Management-Related Definitions In The City Of Wilsonville 2014 Public Works Standards.

Mr. Kohlhoff read the title of Ordinance No. 760 into the record for first reading.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Mayor Knapp read the hearing protocol and opened the public hearing on Ordinance No. 760 at 8:30 p.m.

Mr. Rappold presented the staff report. Ordinance No. 760, if adopted, will amend Ordinance No. 747 to include stormwater management related definitions in the City of Wilsonville 2014 Public Works Standards (Standards). The Standards provide design requirements, material specifications, construction procedures, testing standards, and acceptance and maintenance requirements for construction of public infrastructure, including roadways, pathways, and stormwater, sanitary, and water systems. The Standards are a technical civil engineering document used to convey the City's required design and construction information to developers, design engineers, and contractors.

These Standards ensure that the publicly maintained infrastructure is designed and constructed to current industry practices necessary to provide robust and reliable service to Wilsonville residents, protecting the general health, welfare, and safety of the public while minimizing maintenance costs and legal liability.

The current Standards were recently adopted by the City Council. Periodic updates to the Standards are needed to reflect changes in industry practice, regulatory requirements, Federal and State laws, technological advances, and City Master Plans and Policy amendments.

The document is comprised of six sections:

Section 1 – General Construction Requirements and Administrative Provisions

Section 2 – Transportation Design and Construction Standards

Section 3 – Stormwater and Surface Water Design and Construction Standards with Appendices A and B (Section 3 to be bound separately)

Section 4 – Sanitary Sewer Design and Construction Standards

Section 5 – Water System Design and Construction Standards

The proposed definitions address terminology found in Section 3 of the Public Works Standards. The definitions include, but are not limited to: BMP Sizing Tool, Design Storm, Impervious Area, LID, Pollutant, Source Control, and Waters of the State.

The Public Works Standards, including the proposed stormwater management definitions, ensure the City's public infrastructure is designed and constructed in accordance with current industry practice, regulatory requirements, State and Federal laws, and City policies. These standards are necessary to provide robust and reliable service to Wilsonville residents and businesses and to protect the general health welfare, and safety of the public while minimizing maintenance costs and legal liability.

Councilor Stevens verified the definitions were new additions.

Mayor Knapp closed the public hearing at 8:31 p.m.

Motion: Councilor Fitzgerald moved to adopt Ordinance No. 760 on first reading. Councilor Stevens seconded the motion.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Vote: Motion carried 5-0.

H. **Ordinance No. 761** 1st Reading
An Ordinance Amending Wilsonville Code Section 4.022(.03)A. Appeal And Call-Up Procedures.

Mr. Kohlhoff read the title of Ordinance No. 761 into the record for first reading.

Mayor Knapp read the hearing protocol and opened the public hearing on Ordinance No. 761 at 8:32 p.m.

Chris Neamtzu, Planning Director, presented the staff report. The City Council has requested that staff clarify and nominally extend the duration of time allowed to call up any final action taken by the Development Review Board (“DRB”) for review by the full City Council. Staff recommends a revision to Wilsonville Code Section 4.022 (.03), Appeal and Call-up Procedures.

Over the summer, due to a holiday, a DRB hearing was moved from its normal Monday date to Thursday. As a result of that rare date change, the City Council had less time than normal to consider whether to call up a DRB decision. This situation caused Council members some concern. Staff was asked to look at the feasibility of giving the City Council more time to call up a DRB decision while still keeping the City process timely for the applicant and other impacted parties.

Under our existing Code, the applicant or any impacted party of a DRB decision has 14 calendar days from the date of the posting of the notice of the decision to appeal the decision to the City Council. The time frame for the City Council to call up the decision on its own, however, is measured from the shorter duration of the date the DRB actually made the decision, as opposed to the date notice of the decision was posted.

Staff recommends that the Code be amended to give the City Council the same 14 calendar days from the date of the posting of the notice of decision, as opposed to the date the decision was actually rendered, to call it up. This gives the City Council more time to consider a call-up, while still keeping the application on track to allow a timely final decision be made within the statutory 120-day time period,

This change will make the time frame equal to that afforded to applicants and other impacted parties for appeal. With this change, if there is any delay in the posting of the notice, such delay cannot impact the time frame the City Council has to consider and call-up a DRB decision. It will remain incumbent on staff to post the notice of the decision, from which the call-up time period will be measured, as soon as reasonably possible.

The proposed changes will give City Council more time during which to determine whether a matter should be called up while still keeping the current time lines for applicant’s or other impacted parties’ appeal rights as already codified under the current Code language.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Because staff determined that this is a minor code revision requested by the City Council the amendments came to Council without a Planning Commission recommendation.

The proposed code amendment will align DRB dates for appeal and call-up which will result in improved vetting of land use decisions.

Councilors asked to receive the DRB notices of decision electronically, and if necessary they can access the background from the City's website. Staff spoke about the rare instances where this type of situation would occur, and that it was unlikely to happen unless a Council meeting was cancelled. In that case, a special meeting could be scheduled. Should Councilors have questions about a DRB decision they may call staff for clarification.

Councilor Fitzgerald noted the entire DRB packet is posted online and easy to access. She suggested exploring Councilors role as the liaison to both the Planning Commission and Development Review Boards since she had been advised not to sit through those meetings due to the quasi-judicial process and the possibility of being disqualified if the matter came before Council.

Mr. Kohlhoff stated the liaison can advise the DRB on what the Council has been doing. If a Councilor sits through a DRB hearing and the matter comes before Council the liaison will need to disclose that they had attended the hearing. If, however, a Councilor engages or participates in the hearing, then they would become an advocate, which may result in the Councilor having to recuse themselves.

Mayor Knapp invited testimony, hearing none, he closed the public hearing at 8:59 p.m.

Motion: Councilor Starr moved to adopt Ordinance No. 761 on first reading. Councilor Goddard seconded the motion.

Vote: Motion carried 5-0.

CONTINUING BUSINESS

- A. **Ordinance No. 750** –2nd Reading
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 5, Vehicles And Traffic, Section 5.210, Prohibited Parking Or Standing.

Mr. Kohlhoff read the title of Ordinance No. 750 into the record on second reading.

Motion: Councilor Stevens moved to adopt Ordinance No. 750 on second reading. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 5-0.
Councilor Starr - Yes
Councilor Goddard - Yes

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

- B. **Ordinance No. 751** – 2nd Reading
An Ordinance Of The City Of Wilsonville Adding Section “10.550 Civil Exclusion” To Chapter 10 Of The Wilsonville City Code.

Mr. Kohlhoff read the title of Ordinance No. 751 into the record on second reading.

Motion: Councilor Stevens moved to adopt Ordinance No. 751 on second reading.
Councilor Fitzgerald seconded the motion.

Vote: Motion carried 5-0.
Councilor Starr - Yes
Councilor Goddard - Yes
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

- C. **Ordinance No. 752** – 2nd Reading - continued to the 12/1/14 Council meeting.
An Ordinance Of The City Of Wilsonville Adding Section 3.022 Water Safety Regulations To The Wilsonville City Code.

Mr. Kohlhoff read the title of Ordinance No. 752 into the record on second reading.

Motion: Councilor Fitzgerald moved to continue Ordinance No. 752 to the December 1, 2014 Council meeting. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

NEW BUSINESS

- A. **Resolution No. 2498**
A Resolution Of The City Of Wilsonville Adopting The Urban Renewal Strategic Plan As Recommended By The Urban Renewal Task Force And Urban Renewal Agency Board.

Mr. Kohlhoff read the title of Resolution No. 2498 into the record.

Due to owning property in Old Town area and to avoid any perceived conflict of interest, Mayor Knapp stepped down from the dais and requested Council President Starr chair this portion of the meeting.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Ms. Retherford presented the staff report. The Urban Renewal Strategic Plan dated October 27, 2014, was prepared following four meetings of the Urban Renewal Task Force, a series of stakeholder interviews, a public open house, and outreach and input from other taxing districts. On November 3, 2014, the Urban Renewal Agency Board passed URA Resolution No. 250 recommending City Council adoption of this strategic plan.

The Urban Renewal Strategic Plan makes the following recommendations regarding the future use of urban renewal in Wilsonville.

West Side Plan:

- Amend the West Side Plan to increase maximum indebtedness from \$40 million to \$49.4 million to allow funding of the critical infrastructure projects that the city is contractually obligated to fund.
- Formal concurrence of overlapping taxing districts is not required for this amendment, and should not be sought. However Agency staff should confer with the overlapping taxing districts and discuss their concerns.
- Following precedent from previous plan amendment processes, do not seek an advisory vote of the public.
- Do not add any new projects to the project list; doing so would increase the life of the district and require a larger increase in maximum indebtedness.
- Do not fund the Old Town Escape project with West Side Plan TIF dollars. Transfer the Old Town Escape project from the West Side Plan to the Year 2000 Plan through amendment.

Year 2000 Plan:

- Close down the area in a phased approach that limits negative compression impacts on the West Linn – Wilsonville School District
- As revised on September 23, 2014, move the Old Town Escape project from the West Side Plan to the Year 2000 Plan and fund up to \$7 million of this project using Year 2000 Plan urban renewal, with the exact amount of funding to be determined by a development agreement.
- As revised on September 23, 2014, reduce the amount of funding allocated to Old Town Streets and Streetscapes by \$2 million.
- As revised on September 23, 2014, re-allocate \$275,600 for Livability Projects to Town Center Concept Planning. Use Urban Renewal Program Income as a funding source to contribute to Town Center redevelopment activities.

Coffee Creek Industrial Area:

- Pursue feasibility analysis and planning for a new urban renewal area to fund critical infrastructure in Coffee Creek.
- Remove land from the Year 2000 and/or West Side plans as necessary to free up sufficient acreage for the proposed Coffee Creek urban renewal area.
- Following precedent, as this is a new urban renewal area formation process, pursue citywide advisory vote during plan adoption.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

- Pursue formal concurrence of overlapping taxing districts during plan adoption.
- The use of TIF should be limited to development-supportive infrastructure projects

Frog Pond Area:

- Do not pursue feasibility analysis and planning for a new urban renewal area for Frog Pond at this time. Re-evaluate after the master planning effort is completed.

TIF Zones:

- Because the TIF Zones were recently created, they were not considered by the Urban Renewal Task Force.

Adoption of the Urban Renewal Strategic Plan will allow staff to begin activities necessary to implement these recommendations and provide staff with guidance in managing future urban renewal activities in the City. It will expedite completion of projects in the West Side URA by increasing maximum indebtedness and will chart a course for closure of the Year 2000 URA Plan. It will also set the framework for staff to pursue developing a new URA in the Coffee Creek Industrial Area to spur economic development.

This plan represents a strategic approach for the use of tax increment financing going forward. The recommendations in the plan are the result of a robust and deliberative citizen-led process. The Urban Renewal Task Force was comprised of Wilsonville business and community leaders as well as representatives from affected taxing bodies such as Tualatin Valley Fire and Rescue and West-Linn/Wilsonville School District. The adoption of this plan will set the stage for next steps in the Coffee Creek Industrial area, as well as inform the operations of the City's two existing Urban Renewal Districts.

Councilor Goddard clarified with the exception of the Old Town Escape project, there is sufficient debt already approved for the URA to cover those projects that are contractually committed. The Councilor wanted to know why the URA and City would agree to contractually obligate itself for projects there is no funding for.

Ms. Retherford indicated the maximum indebtedness would need to be increased by \$9 Million to cover the outstanding projects that are contractually obligated. At the time the West Side Urban Renewal plan was established it was created with a maximum indebtedness of \$40 million. The cost estimates in place that led to the formulation of that level of maximum indebtedness included a number of projects; some of those projects were constructed at a cost greater than the original estimates. No additional projects were added to the project list, it had to do with cost estimates versus actual construction costs. Some of the outstanding projects have been removed from the project list, and other funding sources will be used to fund those projects. The Barber project is on the project list and is under construction; there are \$1 million in parks projects outstanding, Brown Road improvements and sprinkler reimbursements.

The Task Force looked at the Year 2000 Urban Renewal area and the outstanding projects. The Year 2000 Plan has been in place since 1992, with the majority of the projects completed. The remaining projects include Old Town Streets and Street Scape Projects, Livability Projects, Landover medians, and the Canyon Creek Road extension (which is completed).

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Considering the timing for the Year 2000 Plan closure, and timing the completion of the outstanding projects, the data shows the district could be closed around 2018 and fund the remaining projects. However, closure of this district now could create compression impacts for the West Linn-Wilsonville School District. Compression impacts have to do with changes in real market value and how urban renewal is structured in terms of taxes compared to general government taxes. If the Year 2000 Plan was closed now, there is a compression effect that will negatively impact the School District local option levy in the amount of \$1.4 million. The negative impact to the School District will continue until real market value grows. The Task Force recommended completing the projects on the Year 2000 Plan project list and to time the closure for 2018-19 while keeping the compression issues in mind and working with the School District to mitigate those issues.

Mr. Cosgrove noted in his testimony Mr. Kirk asked why the matter was not put to a vote; however, the Task Force felt one would not put contractual obligations to a vote.

Ms. Retherford stated the Task Force reconvened to address two issues resulting from new information and Council input, the funding for the Old Town Escape and using Urban Renewal funding for concept planning of the Town Center area.

Councilor Goddard queried whether the Task Force had all of the information available to them to make their recommendations during their initial meetings. Or did staff ask the Task Force to reconsider issues after discussions during Council work sessions.

Ms. Retherford indicated that was accurate, but staff did receive additional information after the last meeting in January through the spring from a property owner in the area who was interested in developing their property earlier than previously believed. This new information was shared with the Task Force.

Mr. Cosgrove added the Task Force understood when they first convened that Council may not accept all of the recommendations fully, or adjust recommendations, and that it was ultimately the Council's decision on the Strategic Plan.

Ms. Retherford stated new information was also received regarding the traffic congestion that occurred over the summer. In addition there was new direction tied to a desire to fund concept planning for the Town Center area. When the Task Force reconvened, staff prepared alternative scenarios for consideration. Based on the scenarios the Task Force decided to:

- Move the Old Town Escape from the West Side Urban Renewal Area to the Year 2000 Plan via a boundary adjustment and to fund up to \$7 million of the \$9 million cost estimate from the Year 2000 Plan. Two million dollars of the \$7 million would be offset by reducing the Urban Renewal contribution to the Old Town Street and Streetscapes project to \$1 million because the neighborhood has not reached a consensus or have a desire for the project. Therefore, the improvements would be focused on Boones Ferry Road.
- The second change is to take \$270,000 allocated to livability projects and reallocate these funds to Town Center concept planning.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

The Task Force preferred the funding for the Old Town Escape focus first on preliminary engineering, while construction should be by a developer through a development agreement rather than URA funding the entire project.

Creation of a new Urban Renewal district was also considered by the Task Force. To create a new urban renewal district in the Coffee Creek Industrial area would involve removing acreage from the existing urban renewal areas and timing the creation of a new urban renewal area to annexation to add acreage to the City, and either closing or reducing acreage in the Year 2000 Plan area. The Task Force thought urban renewal in the Coffee Creek area should focus on infrastructure projects that would increase the assessed value and not on amenity or park projects.

Task Force members were uncertain about the use of urban renewal dollars in the Frog Pond area and would review the matter after the master planning of the Frog Pond area was concluded.

Council President Starr invited questions from the Council.

Councilor Fitzgerald wanted to know when the Year 2000 Plan URA would be closed. Ms. Retherford stated if the Old Town Escape was moved to the Year 2000 Plan it would add an additional year to the Plan, which would close around 2019-20.

Mr. Cosgrove added that assumed the School District was not harmed in that time frame as well.

Councilor Goddard asked when the original closure date of the Year 2000 Plan was and how many times the closure date had been extended.

Ms. Retherford was not aware of a planned closure date, but closure has always been tied to completion of the projects on the list.

Mr. Cosgrove noted the maximum indebtedness has been extended.

Mr. Kohlhoff clarified the dates were projections and estimates at the time based on projects and how much funding would come in. Funding from the Plan was leveled to \$4 million per year, reducing the acreage, and adding value land back into the tax rolls.

Councilor Goddard asked what other alternatives had been explored for keeping the School District whole. Mr. Cosgrove responded the general fund, or a better economy.

Councilor Stevens confirmed if the Old Town Escape was moved to the Year 2000 Plan that would add 18 months to the Plan. Both of the recommendations speak to the reasons for the urban renewal districts to install infrastructure, and create transportation links, enhance livability and ensure a more functional city. She thought it was important to keep in mind the reasons for the urban renewal districts and the long term benefits.

Staff described the increase in value of properties within the two urban renewal areas due to the investment of the public infrastructure particularly on the west side.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Council President Starr declared a recess at 9:50 p.m. and reconvened the meeting at 9:58 p.m.

Motion: Councilor Stevens moved to adopt Resolution No. 2498. Councilor Fitzgerald seconded the motion.

Councilor Goddard indicated he was not inclined to support the motion as stated, but would support a motion if it was modified to remove the Old Town Escape project as originally proposed. The Councilor was of the opinion the developers should fund the road project since their development was a reason for the traffic congestion.

Councilor Stevens sensed people from outside of Wilsonville were traveling to town to shop at that location, as well as traveling on Wilsonville Road to the I-5 freeway. She thought providing additional roadway connections would increase the livability of the community.

Council President Starr saw the Barber Street and Kinsman Road extensions and the Old Town escape as a way to alleviate some of the traffic issues on Wilsonville Road. He noted Villebois was not built out yet and these road improvements will need to be implemented to protect the livability and connectivity in town.

Vote: Motion carried 3-1-1.
Councilor Goddard voted "No".
Mayor Knapp recused himself and did not vote.

CITY MANAGER'S BUSINESS

Mr. Cosgrove wished the Council and public a Happy Thanksgiving.

LEGAL BUSINESS – No report was made.

ADJOURN

Council President Starr adjourned the Council meeting at 10:07 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor

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, December 1, 2014. Mayor Knapp called the meeting to order at 7:13 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Sandra King, City Recorder
Nancy Kraushaar, Community Development Director
Zach Weigle, Engineer
Jon Gail, Community Relations Coordinator
Kristin Retherford, Economic Development Manager
Stan Sherer, Parks and Recreation Director
Stephan Lashbrook, SMART Director
Angela Handran, Community Liaison Specialist

Motion to approve the order of the agenda.

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

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

A. Greater Portland 2020 Introduction

After showing a video about the Greater Portland 2020 Initiative Mayor Knapp explained this was an opportunity to unite public, nonprofit and business leaders in the development and of a regional economic strategy that will allow the Portland metro region to compete in the global economy.

Kristin Retherford added the initiative will take elements from the economic development organizations in the region to create an overarching vision for the region. The process will identify commonalities and gaps in the many programs to improve a coordination and guidance for the organizations driving economic development.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Mayor Knapp indicated the city of Austin, Texas is an example of a successful program. That city initiated a successful five year, economic development initiative aimed at fostering job-creating investment in Central Texas and exceed expectations and goals.

COMMUNICATIONS

A. Wilsonville Leadership Academy Update

Ms. Handran and Mr. Gail provided an update on the application process and the selection of the participants for the first Wilsonville Leadership Academy. The City received 42 applications to participate in the Leadership Academy by the Oct 31st deadline for the 30 available seats. They attributed the good response to advertising on social media, the Spokesman, Boones Ferry Messenger, and the City's website.

Councilor Goddard commended the City Manager and staff for moving this program forward and suggested starting a similar program for youth in the community. Mr. Cosgrove indicated the communication strategic plan contains such a program.

B. Xerox Community Involvement Program (XCIP)

Stan Sherer introduced representatives of the Xerox Community Involvement Program, who donated \$2,000 towards the recent purchase, transportation and planting of the Colorado Blue Spruce outside of the Parks and Recreation Department.

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.

Lonnie Gieber, spoke about how the prospects for low income families have not improved with the rising economy and the difficulties these families are having due to increased apartment rental rates. He noted the resources received by non-profit service organizations that provide assistance are harder to come by. Mr. Gieber suggested the City assist with convening a summit of all stake holders to identify and address chronic conditions seen in Wilsonville, and to discuss how to combine resources to meet the needs of low income families in an efficient manner.

Simon Springall, conveyed his support for the French Prairie Bridge IGA and noted two and a half years ago an online petition collected 700 signatures – of which 50% were Wilsonville residents - in support of accepting the federal grant funding and moving forward with the feasibility study.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (*Park & Recreation Advisory Board Liaison*) invited the public to participate in the Holiday tree lighting set for December 4th at the Parks and Recreation Building in Town Center Park and announced the dates of the Frog Pond Area Planning Tech Advisory meeting as well as the Memorial Park open house. He asked that a sample real estate property tax bill be published in the *Boones Ferry Messenger* with descriptions on what each of the line items is for. Councilor Starr suggested publishing some of the comments from the City-wide survey in the *Messenger* with an explanation about what and/or why the Council/City could or could not do what was questioned or stated.

Councilor Goddard – (*Library Board Liaison*) announced activities scheduled at the Library, including the Vic Atiyeh discussion; Story Time; book club; and Wilsonville Garden Club swag sale. The Councilor noted the next meeting date of the Library Board, then invited the community to take part in the second annual Reindeer Romp.

Councilor Fitzgerald – (*Development Review Panels A & B Liaison*) reported DRB Panel-A heard and approved a proposal from Southern Wine And Spirits to expand and build another warehouse. She announced the next meeting dates for the DRB panels and the Holiday Light Drive coordinated by SMART.

Councilor Stevens – (*Planning Commission; CCI; Wilsonville Seniors Liaison*) stated at their next meeting the Planning Commission would be conducting a public hearing on the Wastewater Collection System Master Plan and also talk about the Basalt Creek and Frog Pond concept plans. A volunteer opportunity with the Meals on Wheels Program has opened up and interested persons can contact Evie Proctor at the Community Center.

CONSENT AGENDA

Mr. Kohlhoff read the titles of the Consent Agenda items for the record.

A. **Resolution No. 2500**

A Resolution Adopting The Canvass Of Votes Of The November 4, 2014 General Election.

B. Minutes of the November 3, 2014 Council Meetings.

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

Vote: Motion carried 5-0.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

PUBLIC HEARING

A. **Ordinance No. 763** - 1st reading

An Ordinance Of The City Of Wilsonville Annexing Approximately 9.8 Acres At 11650 SW Tooze Road And A Small Triangular, Approximately 6315 Square Foot, Property Across SW Grahams Ferry Road From 28333 SW Grahams Ferry Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lots 1100, 1101, And 1503 (Formerly 1591) Of Section 15 T3S-R1W, Clackamas County, Oregon, City Of Wilsonville, Applicant.

B. **Ordinance No. 764** – 1st reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone To The Village (V) Zone On Approximately 9.8 Acres At 11650 SW Tooze Road And A Small Triangular Approximately 6315 Square Foot Property Across SW Grahams Ferry Road From 28333 SW Grahams Ferry Road. Comprising Tax Lots 1100, 1101, And 1503 (Formerly 1591) Of Section 15, T3S, R1W, Clackamas County, Oregon, City Of Wilsonville, Applicant.

Mr. Kohlhoff read the titles of Ordinance No. 763 and 764 into the record noting the public hearing could address both ordinances; however, the vote on each ordinance should be separate.

Mayor Knapp opened the public hearing for both Ordinance No. 763 and 764 at 7:57 p.m. and read the land use hearing process format.

Dan Pauly presented the staff report for both Ordinances. The subject properties are both City owned and are part of the Villebois Village Master Plan with the Comprehensive Plan designation of “Residential-Village”. Their annexation and accompanying Zone Map Amendment in Ordinance No. 764 will be an important step in enabling the properties to be used consistent with the Villebois Village Master Plan. The small triangular property along Grahams Ferry Road will be used to build a fence and open space consistent with the previously annexed areas to the north and south. The annexation of the larger property will enable development of a park, on the southern edge of the property, as well as provide for a more streamlined process when the remainder of the property is developed.

The zone map amendment will rezone the land proposed to be annexed with Ordinance No. 763 consistent with the City’s Comprehensive Plan and Clackamas County zoning designation on lands within the City. Ordinance No. 764 will:

- Allow for better marketing of the former school site
- Allow the City and its partners to proceed with development of Regional Park 5 at the southern edge of the former school property without dealing with Clackamas County zoning.
- Allow the small piece of property along Grahams Ferry Road to be seamlessly folded in as open space into Polygon’s Calais at Villebois Development.

Besides adopting the Zone Map Amendment the Council could allow for the accompanying annexation while leaving the Clackamas County zoning in place. This would result in the smaller

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

property along Grahams Ferry Road to remain in the County zone long term, which would still allow construction of the fencing and planned use as open space. For the larger former school properties this would require a Zone Map Amendment be adopted by Council concurrently with future development applications for the property.

Councilor Fitzgerald asked if there was anywhere in the sale process to specify that the property be sold to a developer specializing in custom homes while keeping with the design styles in Villebois.

Mr. Kohlhoff stated once the property is returned to the URA, there will be more flexibility to impose that type of condition.

Councilor Goddard questioned why not wait to have a future developer apply for the zone change.

Mr. Kohlhoff explained the reason is the development of Regional Park 5 moving forward. That development agreement is between three entities; the City, Polygon Development and the Chang family with members in China. The Chang family is prepared to allow development of Regional Park 5 to go forward and because the development agreement and ownership interest is complex staff thought going through the City's development process was preferred over the County process. Staff thought having the property in the City limits would make marketing of the property easier and the price points would be better as well.

Councilor Goddard wanted to know what zoning options were available for the parcel.

Mr. Pauly clarified the Comprehensive Plan Map designates residential densities, or industrial/village or commercial. When a zone change request comes into the City, the parcel is rezoned according to the designation on the Comprehensive Plan Map. The only time where there is discussion of one zone over another is when it is a PDR zone and there are questions about the densities. When the property is industrial, commercial, or village it is rezoned according to the Comprehensive Plan.

Councilor Goddard asked what the anticipated densities will be on this property. If a zone map amendment is before the Council it would be appropriate for the Council to be discussing what type of residential density the community might like to see on that property.

Mr. Pauly said there was an adopted Villebois Village Master Plan which includes the former school property. To change the density would require a change in the Master Plan. We need to be looking at density changes and when we looked at the former LEC property it was where we had that conversation on the density. The zoning will allow one to build one house or 1,000 houses under this zoning. The Specific Area Plan Approval (SAP) and the Preliminary Development Plan (PDP) are the two steps that will come through the Development Review Board process where the DRB will look at approving the final densities to be built.

Councilor Goddard inquired if the Council wanted something other than what was allowed, which is a wide variation of allowed densities under the current zoning, to give future developers

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

and the DRB some guidance on the amount of allowable use, would the zone map amendment or Master Plan amendment be the route to take?

Mr. Pauly if the Council's desires are not within what the Master Plan currently shows, then a Master Plan amendment would be the appropriate place to make that change rather than a zone map amendment. Villebois is the same zone from the center of Villebois, which is has the most density, to the edges with the least dense development.

Councilor Goddard asked if the school would have been an allowed use on this site under the Villebois zoning. Mr. Pauly indicated it would have been allowed as a conditional public use.

Councilor Starr understood under Ordinance 764, the Council could specify the two lowest densities under the Master Plan. That way it would fall under the Master Plan and give clarity to what the Council was looking for in terms of density.

Mr. Pauly said the appropriate place to make changes to the Master Plan would be by amending the Master Plan. Mr. Pauly referred to Figure 1 in the Master Plan and stated all of the properties within the Villebois Village identify preliminarily the type of development that will be built. He explained the small lots were grouped into attached housing types, a second category includes medium sized lots and above. In the Calais development there was a change between the number of large and medium sized lots, with the addition of more large lots at the time the Specific Area Plan (SAP) was approved for that development. In terms of doing a gross change, the Master Plan identifies roughly the percent that will be the small category versus the larger category.

Councilor Starr wanted to know who the decision making body would be to determine the density to reflect the original intent. Mr. Pauly responded amending a Master Plan would be done by the Planning Commission who would forward their recommendation to the City Council. In addition, the City Council may call-up a decision.

Mr. Kohlhoff stated the Calais development is single family homes, and this parcel looked like it would be laid out in a similar manner with single family homes on medium and large lots.

Mayor Knapp thought there would be multiple opportunities for input on the ultimate use of the property.

Mr. Pauly responded Council will ultimately make a decision on a real estate transaction and there is legal leeway through that process. Outside of that there is still the full review process of the different steps in the Villebois approval process, including the Specific Area Plan changes, the Preliminary Development Plan which is where density is set, and potentially a Master Plan amendment if the densities shown are not desired.

Mayor Knapp asked if the City will be recovering the funds spent on acquisition of the property.

Mr. Kohlhoff commented by annexing the property into the City it becomes more valuable.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Mayor Knapp invited public testimony.

Charlotte Lehan explained she was familiar with the property having recently purchased and moved the home that was previously situated on it to her property. She asked that the extraordinary, healthy and vigorous London Plane tree on the property be retained when the property is sold as it is a significant tree.

Mr. Kohlhoff indicated the preservation of the tree can be included as a condition in the sale of the property as well as the sizing of the lots.

The Mayor closed the public hearings at 8:26 p.m.

Motion: Councilor Fitzgerald moved to adopt Ordinance No. 763 on first reading. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

Motion: Councilor Stevens moved to adopt Ordinance No. 764 on first reading. Councilor Starr seconded the motion.

Councilor Starr expressed concern about the zoning on this parcel and that Council was trying to bring housing types into balance with the lower density lots. He stated he had heard comments from people who desired to match the style of Villebois with a customized home, and this may be something Council will want to address in the future.

Councilor Fitzgerald agreed with Councilor Starr's comments. She appreciated that Councilors had heard from others who wanted to see more custom homes on that property.

Vote: Motion carried 5-0.

C. **Ordinance No. 762** 1st Reading

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 3, Section 3.000(19) To Allow The City Manager And His/Her Designee To Establish And Post Park Closure Hours.

Mr. Kohlhoff read the title of Ordinance No. 762 into the record.

Mayor Knapp opened the public hearing at 8:30 p.m. and read the hearing format.

Stan Sherer, Parks and Recreation Director, presented the staff report. Currently, the existing Wilsonville Code delegates the responsibility of establishing the hours parks are available for public use to the City Council. Authorizing the City Manager or the City Manager's designee to establish the hours of availability allow more streamlined, and customer friendly approach to establishing park hours. The past practice of opening the parks from dawn to dusk excludes several legitimate park user groups, and therefore limits park programming. The change will

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

establish park hours in relation to the season and existing park uses to maximize availability for active and passive park users.

Councilor Goddard wanted to know why the change was necessary, and wanted to insure the public was informed of the changes. Staff explained the change in the Code would allow staff to make any changes to park hours as an administrative decision and would increase the use of the park facilities and fields. Staff will use every communication mode to advise the public of the park hours.

Mayor Knapp asked if activities in the park after dark will raise safety concerns. Staff's goal is to make the parks as accessible as possible and increase the number of programmable hours available. The sport fields are well lit after hours and the park gates will automatically shut and lock after hours; however, the police department has access to the gate for patrols.

Mayor invited public testimony, hearing none he closed the public hearing at 8:37.

Motion: Councilor Starr moved to adopt Ordinance No. 762 on first reading. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 5-0.

D. Resolution No. 2503

A Resolution Of The Wilsonville City Council, Amending The Fare Structure Of South Metro Area Regional Transit (SMART)

Mr. Kohlhoff read the title of Resolution No. 2503 into the record.

Mayor Knapp opened the public hearing at 8:38 p.m. and read the hearing format.

Stephan Lashbrook presented the staff report. SMART's fares were last increased in 2012, including an increase in the fare for the 1X (Salem) route, which went from \$2.50 to \$3.00, with an increase in the cost of a monthly 1X pass from \$55.00 to \$75.00, and in the monthly "all-pass" from \$80.00 to \$110.00. Salem-Keizer Transit (Cherriots) has enacted another increase in their 1X monthly pass from \$75.00 to \$85.00, effective January 5, 2015. Staff recommends that the cost of SMART's 1X monthly pass and monthly "all-pass" both be increased by \$10.00 to follow suit with Salem-Keizer. Fares for seniors, those with disabilities and youth will continue to be 50% of the regular fares. No other changes to SMART's fares are recommended at this time.

Salem-Keizer Transit originally proposed an across-the-board fare increase that would have included both an increase in the cost of monthly 1X passes and an increase in individual fares on that route. SMART staff asked that Salem-Keizer proceed only with the former and not increase the cost of an individual fare above the current \$3.00 price. Staff's reasoning is outlined in the attached letter from Stephan Lashbrook to Salem-Keizer General Manager Allan Pollock, dated August 28, 2014.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

The 1X is shared by Cherriots and SMART. Any fare or service change must be mutually agreed upon if expenses, revenues, and service are to continue to be shared equitably between the two agencies.

As with all SMART routes, elderly, disabled, and young passengers will continue to pay ½ of the regular fare on the 1X, and there will be no charge for in-town transit service.

Route	Current monthly pass	Current cash fare	Proposed monthly pass	Proposed cash fare (no change)
1X	\$75 (\$37.50)	\$3 (\$1.50)	\$85.00 (\$42.50)	\$3.00 (\$1.50)
All-pass	\$110 (\$55)	n/a	\$120.00 (\$60.00)	n/a

Fares in parentheses are for seniors/disabled/youth.

Effects on ridership/Equity Issues:

In enacting their recent fare increases Salem-Keizer Transit cited a need for “financial stewardship” and summarized their reasoning for increasing their fares by:

- Avoiding cuts in service:
- Keeping pace with inflation: and
- Maintaining their fare box recovery ratio (Salem-Keizer Transit collects approximately 13 percent of operating revenue from their fare boxes).

SMART Staff does not project a significant loss of ridership with the proposed increase. As with the increases that were enacted in 2012, a more aggressive set of fare increases could be expected to have an adverse effect on ridership. This is especially true in view of recent declines in gasoline prices, encouraging more drive-alone commuting trips.

Federal Title VI requirements mandate consideration of the effects of any changes to transit fares on minority and low income populations. Unfortunately, SMART has only limited demographic information about our riders, other than those who receive reduced fares because they are elderly or disabled. The lack of more detailed information necessitates a certain amount of extrapolation and reliance on anecdotal information in order for SMART to comply with the federal requirement. On one hand, SMART intends to continue offering in-town rides (on both fixed routes and dial-a-ride) without charging any fare and that is not proposed to change. Therefore, low income and minority riders will not be affected by the fare increases insofar as travel within the city limits is concerned. Anecdotal information indicates that SMART’s highest minority ridership for fixed route out-of-town travel comes on Route 3 (Canby) and no change is proposed to that fare at this time. In other words, the fixed route that is believed to carry the highest percentage of minority riders is unaffected by the proposed change.

Minority and low income passengers on the 1X are expected to benefit from the fact that individual daily fares will not be increasing on that route, but those passengers obviously will be adversely affected if they rely on monthly passes. For those using monthly passes and traveling to or from Salem 20 times each month, the increase in the monthly pass cost will equal \$.50/day.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

SMART staff recommends that the City Council approve the proposed fare increase after conducting a public hearing on December 1, 2014, with an effective date of January 5, 2015. This will coordinate with the implementation date for fare increases set by Salem-Keizer Transit.

Revenue increases in the current fiscal year are expected to be less than \$2,500 as a result of the proposed change. Implementation Measure 4.7 of Wilsonville's adopted Transit Master Plan directs that the City will "*change fares...with the objective of maximized revenue and minimized loss of revenue.*"

Notice of the opportunity for the public to comment on the fare increase was published in *The Wilsonville Spokesman* on November 19 and 26, 2014. Additionally, this notice was posted in buses, in transit shelters, at bus stops, and on the City's website. A meeting for public comments was conducted on November 13, 2014, in the Council Chambers. This meeting was convened to allow the public to comment in person on the proposed fare increase. A Spanish language interpreter was present at that meeting. Additionally, the public was invited to comment via email and conventional mail. No one attended the public meeting convened by staff. As of November 18, SMART received only one comment, which was opposed to the proposed fare increase.

Implementation of this fare increase will only impact 1X riders who buy monthly passes. If implemented, it will provide a minor benefit to local businesses which support SMART through payroll taxes.

The City Council may choose not to enact the proposed change, but doing so could substantially alter SMART's cooperative relationship with Salem-Keizer Transit. In the future, the City Council may want to consider fare adjustments every two years, tracking Salem-Keizer's schedule.

The Mayor invited public testimony, hearing nothing he closed the public hearing at 8:44 p.m.

Motion: Councilor Fitzgerald moved to adopt Resolution No. 2503. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

Mayor Knapp declared a recess at 8:46 p.m. and reconvened the meeting at 8:52 p.m.

CONTINUING BUSINESS

Mr. Kohlhoff noted because the first readings were done with separate votes and each ordinance was adopted unanimously the second reading could be done in one vote. He then read the titles of Ordinance Nos. 754, 755, 756, 757 and 758 into the record for second reading.

A. **Ordinance No. 754** 2nd reading

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion,

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.000 Of The Wilsonville Code (Structural Specialty Code); And Repealing Ordinance No. 683.

B. Ordinance No. 755 2nd reading

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.100 Of The Wilsonville Code (Mechanical Specialty Code); And Repealing Ordinance No. 684.

C. Ordinance No. 756 2nd reading

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.200 Of The Wilsonville Code (Plumbing Specialty Code); And Repealing Ordinance No. 697.

D. Ordinance No. 757 2nd reading

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.400 Of The Wilsonville Code (Oregon Residential Specialty Code); And Repealing Ordinance No. 696.)

E. Ordinance No. 758 2nd reading

An Ordinance Of The City Of Wilsonville Repealing Ordinance No. 685 And Amending Chapter 9, Section 9.300 Of The Wilsonville Code, Designated As "Fire Prevention Code".

Mayor Knapp asked if Council wished to remove any ordinance to discuss it further. The responses were negative.

Motion: Councilor Stevens moved to adopt Ordinances No. 754, 755, 756, 757, and 758 on second reading. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.
Councilor Starr - Yes

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Councilor Goddard - Yes
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

- F. **Ordinance No. 759** 2nd reading
An Ordinance Of City Of Wilsonville Declaring And Authorizing The Vacation Of A Portion Of Vlahos Drive Right Of Way As Part Of The Canyon Creek Road South To Town Center Loop East Project (CIP #4184).

Mr. Kohlhoff read the title of Ordinance No. 759 into the record for second reading

Motion: Councilor Starr moved to adopt Ordinance No. 759 on second reading Councilor Stevens seconded the motion.

Vote: Motion carried 5-0.
Councilor Starr - Yes
Councilor Goddard - Yes
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

- G. **Ordinance No. 760** 2nd Reading
An Ordinance Amending Ordinance No. 747 To Include Stormwater Management-Related Definitions In The City Of Wilsonville 2014 Public Works Standards.

Mr. Kohlhoff read the title of Ordinance No. 760 into the record for second reading

Motion: Councilor Fitzgerald moved to adopt Ordinance No. 760 on second reading Councilor Starr seconded the motion.

Vote: Motion carried 5-0.
Councilor Starr - Yes
Councilor Goddard - Yes
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

- H. **Ordinance No. 761** 2nd Reading
An Ordinance Amending Wilsonville Code Section 4.022(.03)A. Appeal And Call-Up Procedures.

Mr. Kohlhoff read the title of Ordinance No. 761 into the record for second reading

Motion: Councilor Starr moved to adopt Ordinance No. 761 on second reading. Councilor Fitzgerald seconded the motion.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Vote: Motion carried 5-0.
Councilor Starr - Yes
Councilor Goddard - Yes
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

- I. **Ordinance No. 752** – 2nd Reading (continued from 11/17/14 Council meeting)
An Ordinance Of The City Of Wilsonville Adding Section 3.022 Water Safety Regulations To The Wilsonville City Code.

Mr. Kohlhoff read the title of Ordinance No. 752 into the record for second reading and pointed out the third whereas clause has been amended to read:

“Whereas the Oregon Marine Board and the Oregon Department of Fish And Wildlife provided the grant funding for the dock at Memorial Park and advised that swimming, diving, or fishing should be discouraged or prohibited.”

The Ordinance will sunset on the date of conclusion of the grant agreement in December 2016. Staff was unable to find any specific regulation, but the information is on the Marine Board’s website and the members of the Marine Board feel allowing swimming, fishing or diving from the dock would invalidate the grant causing the City to repay the \$92,000 in grant funds. Mr. Kohlhoff thought a little discretion was in order and the ordinance can be reviewed in two years.

Motion: Councilor Stevens moved to continue Ordinance No.752 as amended. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 4-1.
Councilor Starr - Yes
Councilor Goddard - No
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

NEW BUSINESS

- A. **Resolution No. 2502**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Goods And Services Contract With Columbia Cascade Company For Playground Equipment For Murase Plaza In Memorial Park, Parks And Recreation Project #3001

Mr. Kohlhoff read the title of Resolution No. 2502 into the record.

Stan Sherer presented the staff report. It became obvious the playground equipment in Murase Park had not aged well and did not meet safety standards. The Parks and Recreation Department desires to purchase two new play structures and a slide for Murase Plaza for an estimated total cost of \$158,250. This amount is less than the budgeted amount for play equipment.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Based on years of experience with playground equipment, the City's Parks and Recreation Director believes that one local manufacturer is the only supplier that can produce the playground equipment with the safety features and stylized design needed for Murase Plaza.

The equipment being recommended for purchase has been selected for all of the following reasons:

- The post-consumer recycled plastic support posts, which are not available from other vendors.
- Installation method: the support posts are not embedded with concrete, which results in post longevity and the safety of no exposed concrete footings.
- The design of the structures (barns, corral) that fit perfectly with the existing park amenities.
- The modular design results in lower maintenance demand and easier repairs.
- Buying local; results in \$4,000 to \$6,500 savings in shipping costs alone.
- Minimum of 25-year life expectancy.
- Stainless steel fixtures, resulting in low failure risk and longevity.
- Large percentage of the structure is totally inclusive for use by persons with physical and developmental disabilities.

The vendor selling this equipment has an interest in using this equipment as its model for some marketing purposes, and staff therefore expects that the manufacturer will pay close attention to detail in both the construction and installation of the equipment.

In order to approve a Special Procurement, particularly from a sole source, the City Council must make the following findings:

1. The selection is unlikely to encourage favoritism.
2. There is a reasonable expectation of substantial cost savings for the City.
3. The procurement promotes the public interest in a way that could not be realized by complying with normal procurement procedures.

While there are many vendors available for playground equipment, in general, this is the only vendor City staff has found that meets the above-described safety criteria. The Parks and Recreation Director has purchased this equipment for several other park facilities before coming to Wilsonville and knows that the manufacturer provides an excellent product. It is the regular practice of the Parks and Recreation Department of the City of Wilsonville to competitively purchase all goods and services and this will continue to be the regular and customary practice. Thus, this one purchase will not lead to favoritism. This equipment is also of a very unique design character and was found available from only one known source, after much research. Fortunately that source is a local manufacturer willing to sell directly to the City. Therefore there is a reasonable expectation of substantial cost savings in terms of lack of retail mark-up and significant savings in shipping cost, as set forth above. Additionally, the construction materials are especially durable, giving the equipment a very long life expectancy. This selection promotes the public interest in a way that could not be realized by complying with normal procurement procedure in that it is the only equipment on the market with the above-described

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

safety features that the City's Parks and Recreation Director deems essential, and it will be obtained at significant cost savings for all of the reasons stated above.

Motion: Councilor Fitzgerald moved to adopt Resolution No. 2502. Councilor Goddard seconded the motion.

Vote: Motion carried 5-0.

B. Resolution No. 2499

A Resolution Of The City Of Wilsonville Authorizing The Mayor To Sign An Intergovernmental Agreement With The State Of Oregon, Acting By And Through Its Department Of Transportation (ODOT) For Planning And Preliminary Design Of The French Prairie Bridge (Capital Improvement Project #9137).

Mr. Kohlhoff read the title of Resolution No. 2499 into the record.

Zach Weigel presented the staff report. In 2009, the City was awarded Regional Flexible funds through Metro for planning and project development of the French Prairie Bridge, a multi-modal (pedestrian, bike, and emergency vehicle) bridge crossing the Willamette River.

The French Prairie Bridge project will determine the final bridge location, alignment and design type and includes preparation of preliminary construction and environmental documents. Public participation in the bridge location, alignment, and design selection will be a key component of the project. The project work includes the formation of Public Advisory Committee and development of a Public Involvement Plan. The project work also includes the formation of a Technical Advisory Committee to engage emergency responder's in the planning and design of the emergency access element of the bridge.

The Federal funding component of the French Prairie Bridge project necessitates the City enter into an intergovernmental agreement (IGA) with ODOT, who will monitor the project to ensure compliance with Federal requirements. The IGA generally defines the project work and outlines the City's and ODOT's obligations with regards to performance of the project work.

Upon execution of the IGA, ODOT will solicit proposals from qualified engineering firms to perform the project work. The City will select the design consultant and will manage and direct the consultant's work with project oversight provided by ODOT.

Upon completion of the work, the French Prairie Bridge location, alignment, and bridge type will be finalized. Project deliverables will include preliminary (30%) construction and environmental documents. This preliminary construction document stage is a key milestone in the project, as the project will be considered "construction ready" and will be in a more favorable position to receive additional federal funding to complete design and construction. Also, obtaining preliminary construction documents will allow the City to start strategizing final design, ownership, and maintenance with potential bridge partners.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Once the IGA has been executed, ODOT will begin the process to procure engineering design services, expected to occur as soon as January 2015. Contract negotiations are expected to last 3 to 6 months after selection of the design consultant and work on the project is expected to begin in the spring/summer of 2015 and last approximately two years.

Project #9137 is funded through a combination of Parks System Development Charges and Federal funding for the FY2014-15 budget in the amount of \$1,348,000. However, the total Federal funds amount to \$1,250,000 with the City to provide a 10.27% match plus any additional City overhead for project management. This amounts to total project funds available of \$1,378,375 plus any City overhead.

The actual project costs will be determined as part of the contract negotiation with the selected design consultant. The estimated cost based on the IGA scope of work is \$1,370,000 with an additional \$137,000 identified for potential contingency items should the costs come in lower than expected.

Prior to the start of work, the City will be required to pay the full match amount into a Local Government Investment Pool (LGIP) account, expected to become due within the current fiscal year. The account will be used to pay the City's match as project invoices are processed.

Public participation in the bridge location, alignment, and design selection will be a key component of the project. The project will include the formation of Public Advisory Committee and development of a Public Involvement Plan to help better engage the public in the development of the bridge design.

There are no impacts to the community by entering into the French Prairie Bridge IGA with ODOT. Performance of the work as described in the IGA does not require the City to finalize the bridge design or to construct the bridge within a certain period of time.

Performance of the work as described in the IGA will help the community to decide whether to pursue final design and construction of the French Prairie Bridge. Not only will this project identify the most suitable bridge location, alignment, and design, but it will help identify project risks and impacts and refine bridge cost estimates to help guide future decision making.

As part of the environmental permitting process an alternatives analysis will need to be conducted. Upon completion of this analysis the next steps are to determine the final bridge type, size and location, which will lead to the preliminary construction documents. This level of design will determine the major design issues with this project and provide the first real construction cost estimates for the project. This level of design will put the City into a good position to begin strategizing the final design and construction of the bridge with potential bridge partners, and make the project more desirable to receive Federal funds for future final design and construction. The project work will also include preliminary environmental documentation and possibly some permitting.

The anticipated project schedule is to have the consultant selection this coming January, that contract between the consultant and ODOT is expected to take 3-6 months, so the actual project

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

work would begin in June 2015. The work is expected to take two years and finish in spring of 2017.

Councilor Fitzgerald noted the earlier testimony about the long period of time the public has been providing input and driving interest in this process. Most recently during the process of the tourism development strategy there were a number of comments about bike friendly activity, and this bridge was mentioned. She clarified the grant was secured for the purpose of determining what is possible with a bike/pedestrian bridge. The Councilor wanted to know more about the 30% construction planning and what that means for the general public, why are we doing that and what is it going to do for us?

Ms. Kraushaar explained the 30% design produces a document ODOT finds valuable in providing certainty for what the project details and needs are going to be and enough information that one can apply for construction funding. Without the details included in the report, ODOT will feel there are too many uncertainties to move forward with additional funding. ODOT wants specific knowledge before they begin to award more dollars to a project because they do not want surprises. The 30% engineering threshold provides certainty about the information that is required to be considered for federal funding and provides information for potential partners in the project to make the decision to participate. The report will include information about:

- The type, size and location of the bridge,
- What kind of environmental process is needed to get approval for the in-water work,
- Represents that a certain amount of public involvement has occurred,
- Provides certainty of cost estimate, and
- The amount of right-of way needed.

Mayor Knapp clarified Regional Flexible Funding Program funds were designated for uses other than roads. He also wanted to know how this project fits with tying the different neighborhoods into a unified community.

Ms. Kraushaar said the funds awarded for this project could not be used for a bridge that supports cars and trucks, the funds are intended strictly for a bike/pedestrian and emergency access bridge. She added the bike/pedestrian bridge would provide another route to link Charbonneau to the City; however it was not the perfect solution to connect Charbonneau to Wilsonville unless the Charbonneau connection is the preferred location. The bridge will provide the potential for bicycle tourism in Wilsonville and offers another choice for people to use to cross the Willamette River.

Councilor Goddard believed a creative definition had been given to ‘multi-modal’ and he asked for clarification on whether the funds precluded planning for uses other than a bike/pedestrian and emergency vehicle use and how the building of the bridge was decided.

Ms. Kraushaar explained to apply for Regional Flexible Funds a project must be in the Regional Transportation Plan, and the local transportation system plan. The bridge, as it is currently scoped, is contained in those plans. Those who make the final decisions on the funding, (JPACT and Metro Council) understood the project to be as presented here; to change the scope of work at this point would change the use of the funding, and they will reprogram the funding elsewhere.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Councilor Goddard reasoned the use of the funds and the grant program itself is not prohibited from being applied to vehicle transportation improvements or transit improvement projects. He indicated he had asked a number of times for data supporting how many emergency vehicle trips had been delayed due to congestion on the Boone Bridge but he had not yet seen any data.

Ms. Kraushaar said there was surface transportation money and congestion management air quality money. The criteria to select the project at the time were understood to be a bike/pedestrian emergency vehicle bridge, and not a highway bridge. She did not have an answer to the Councilors second question regarding the delay of emergency vehicle trips.

Mr. Cosgrove stated the letters of support contained in the original grant application did not suggest emergency vehicles could not get there; rather if the Boone Bridge goes down, there is no other access to Charbonneau, and TVF&R favored the bridge for that purpose.

Councilor Goddard stated if the Boone Bridge goes down, a lot of vehicles will need access across the river which proves the need for an additional bridge to serve traffic. He also wanted to know how high the demand was from local residents to cross the Willamette River and was there data to support the assumption.

Ms. Kraushaar suggested having that discussion prior to the Regional Transportation Plan update, and that it was a regional discussion to have; but it is complicated by where a good location for that bridge between Oregon City and Newberg should be.

Councilor Starr asked if there was a way a study could be done for putting a car bridge next to the bike/pedestrian bridge, to set up the next steps for putting in a vehicle bridge.

Mr. Cosgrove stated the Regional Transportation Plan and STP would need to be amended to get the money for the study. Staff is going to the legislature to ask for funds or study for another auxiliary lane on I-5 to address local need; however the Boone Bridge is a state facility.

Ms. Kraushaar added City staff has met with ODOT to discuss the congestion around Old Town and the impacts of the on ramps to I-5. The cost of an additional lane on I-5 overwhelms ODOTs staff, but the conversation is just beginning. Approaching it from a legislative tactic could call more attention to the matter. It is not just a Wilsonville issue; it is a regional and state issue.

Mayor Knapp thought building a local bridge would not solve a regional transportation problem effectively and if traffic exited I-5 to use the local bridge, the City would be overwhelmed.

Ms. Kraushaar said developing a local bridge would be very expensive; but having something that deals with regional transportation is more important. There would be little regional support to connect Charbonneau to Wilsonville exclusively, and where a vehicle bridge lands on both sides of the river will have major impacts on neighborhoods.

Motion: Councilor Stevens moved to adopt Resolution No. 2499. Councilor Fitzgerald seconded the motion.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Councilor Stevens pointed out bridges are now built to withstand earthquakes; just having the bike/pedestrian bridge as another avenue to get emergency vehicles across the river will be beneficial. This conversation started in 2009, and there is a lot of interest in the community for the bridge which will provide a family recreational opportunity. Bike advocates drive over the river to park in the Charbonneau community to bike in the areas south of Wilsonville.

Although Councilor Goddard agreed with Councilor Stevens comments there was no data to support the comments or the need. He has heard members of the community advocate for a performing arts facility, sports complex, and swim center and felt those facilities would provide more benefit to the community than a bicycle bridge over the river. The Councilor recommended enhancing the Boone Bridge with a separate pathway allowing bicycles to cross would be a more efficient use of funds than a stand-alone bridge. Congestion at the Boones Ferry and Wilsonville roads intersection suggested the need for additional southbound routes.

Councilor Fitzgerald stated moving traffic on I-5 has been discussed in C-4 and regional meetings, and it was interesting to see communities work together to get federal dollars to address serious highway construction needs. The Councilor suggested including interpretive signs to provide historical information and references on the bridge. The feasibility study will tell us if building a bike/pedestrian bridge is possible, and how it can be done.

Councilor Starr supported locating a regional bike and walking trail on the west side of the Boone Bridge to bring people into the commercial district rather than through residential neighborhoods. The City does need assistance with an I-5 crossing for cars, however, this study is not for that purpose but it will serve as a reminder to be diligent in moving forward the needs of the city and the region in crossing the Willamette River. The bike/pedestrian bridge will bring tourism dollars into Wilsonville and it will be a regional facility as well as making Wilsonville special. The Councilor thought the costs of the bike/pedestrian bridge should be borne regionally.

Mayor Knapp agreed with the comments of Councilor Stevens, Fitzgerald and Starr. He thought the project captured the imagination of groups throughout the region, and that regional partners and support would be needed to move the project forward. The study will provide information on what is possible, what it would take to make it happen, how it would work, and who the partners would be. Afterwards the Council can make an informed decision.

Vote: Motion carried 5-0.

Motion to continue Council meeting past 10 p.m.

Motion Councilor Stevens moved to continue meeting to finish agenda. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

C. Resolution No. 2504

A Resolution of The City Council Amending Exhibits To Resolution No. 2440 Which Approved A Minor Amendment To The City Of Wilsonville's Year 2000 Urban Renewal Plan Related To Urban Renewal District Boundaries.

Mr. Kohlhoff read the title of Resolution No. 2504 into the record.

Kristin Retherford presented the staff report. The legal description and map attached to Resolution No. 2440 must be amended to reflect new standards for urban renewal legal descriptions and maps. These are the same type of revisions that were needed for the City's TIF zones earlier this fall.

When adopted, Resolution No. 2440 revised the boundary of the Year 2000 Urban Renewal Area to reduce acreage to stay under the 25% acreage limitation mandated by ORS 457. The legal descriptions and maps attached to Resolution No. 2504 will replace those appended to Resolution No. 2440. The amendment to The Year 2000 Plan district boundary will facilitate the City's compliance with ORS 457 and Clackamas County standards for urban renewal legal descriptions and maps.

Motion: Councilor Starr moved to adopt Resolution No. 2504. Councilor Stevens and Fitzgerald seconded the motion.

Vote: Motion carried 5-0.

D. Resolution No. 2501

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Sign A Franchise Extension Agreement With Comcast, Extending The Term Of The Current Comcast Cable Franchise To January 31, 2016.

Mr. Kohlhoff read the title of Resolution No. 2501 into the record and presented the staff report. Last year Council approved a one year extension to the City's current franchise agreement with Comcast in order to allow staff more time to negotiate a new agreement with Comcast. At the time, Comcast was in negotiations with several other Cities, including the Metropolitan Area Communication Commission ("MACC") and it was the City Attorney's belief that waiting to see how those negotiations went would be beneficial. Many of those negotiations are ongoing or have just concluded, not leaving enough time for staff to negotiate an agreement with Comcast before the end of the year. The desired outcome is a better agreement with Comcast and less rushed and potentially contentious negotiations. Negotiations would begin after the first of the year, when arrangements to meet with Comcast staff are made. The current Agreement would remain in place, thus, there is no anticipated budget impact.

Motion: Councilor Starr moved to adopt Resolution No. 2501.
Councilor Stevens seconded the motion.

Vote: Motion carried 5-0.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

CITY MANAGER'S BUSINESS

Mr. Cosgrove stated he was finalizing the agenda for the joint Work Session with the West Linn-Wilsonville School Board and reminded the Council of the Holiday Party.

LEGAL BUSINESS – there was no report.

ADJOURN

The Mayor adjourned the meeting at 10:16 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor

CITY OF WILSONVILLE

CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:30 p.m. on Monday, December 15, 2014. Mayor Knapp called the meeting to order at 7:38 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Sandra King, City Recorder
Dan Pauly, Planner
Stan Sherer, Parks and Recreation Director
Susan Cole, Finance Director
Nancy Kraushaar, Community Development Director
Jon Gail, Community Relations Coordinator
Cathy Rodocker, Assistant Finance Director
Keith Katko, Accountant
Chief Jeff Smith, CCSD

Motion to approve the order of the agenda.

Motion: Councilor Fitzgerald moved to approve the agenda as presented. Councilor Stevens seconded the motion.

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

Mayor Knapp expressed his appreciation to Councilor Richard Goddard for the time he served on the Council and the Planning Commission. The City has dealt with a lot of issues in the past 4.5 years and is moving forward successfully. The robust discussion held during Council meetings is part of how good decisions are made.

Councilor Goddard thanked those in Wilsonville who supported him and gave him the opportunity to serve on behalf of the City. He also appreciated that he had the opportunity to make a positive difference; although the Council did not always agree on everything, he felt the Council has and continues to serve with the best interest of the community in mind. The Councilor thanked everyone for their support along the way.

Councilor Fitzgerald echoed the sentiments of Mayor, adding it was good to get to know Councilor Goddard and learn from of his experiences on the Council as well.

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

Councilor Stevens said it had been a pleasure to serve with Councilor Goddard. The Councilor appreciated having the discussions and wished Councilor Goddard the best.

Councilor Starr commented he and Councilor Goddard were elected at the same time four years ago and expressed his appreciation to Goddard's services to the community, his passion for service, and his desire for the best in the Community.

Mr. Cosgrove added staff recognizes the amount of time officials put into the role of Councilor and the commitment to study the issues, ask questions and to put in the time to do it right, and Councilor Goddard had done it right. His advocacy on behalf of the less fortunate will be carried forward by the rest of the Council.

Mayor Knapp presented an engraved clock to Councilor Goddard and read the inscription.

The Mayor reported on the regional meetings he attended on behalf of the City, in particular the dinner given by the Korean Consulate to recognize and thank former Peace Corps volunteers. Restore Oregon is seeking support from cities for legislation supporting a tax rebate for restoration of historic buildings and the Mayor asked if Council was interested in sending a letter of support for the benefit of other communities engaged in revitalization around the state or would Council prefer to have more time and set the matter to a future meeting. Council briefly discussed the matter and determined to delay any decision until more can be learned about the program.

COMMUNICATIONS

A. City Auditors End of Year Presentation

Susan Cole, Finance Director, presented the staff report. She commented that she did not work on the audit since she was so new to the City; and thanked Cathy Rodocker, Keith Katko, and Vania Heberlein for working with the City's auditing firm to produce the financial audit for the year. The City is required by Oregon Revised Statute 297.425 to have an annual independent audit. The firm of Grove Mueller and Swank, P.C., Certified Public Accountants, audited the Comprehensive Annual Financial Report (CAFR) and the Urban Renewal Agency Financial Report for the fiscal year ending on June 30, 2014.

The City's independent audit received an unqualified opinion. This opinion is given when the financial statements presented are free of material misstatements and are represented fairly in accordance with the Generally Accepted Accounting Principles (GAAP), which in other words means that the City's financial condition, position, and operations are fairly presented in the financial statements. Grove Mueller and Swank, P.C. did not issue any Management Letter Comments or recommendations for improvements. Mr. Swank commented on the high quality of financial and accounting work that is done in the City by members of the Finance Staff, particularly Cathy Rodocker, Keith Katko and Vania Heberlein.

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.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Wendy Veliz, 11498 SW Zurich Street, thanked Councilor Goddard for his thoughtful leadership and humility to serve. She also appreciated his advocacy for those without a voice in the community.

Brandi Ebner, 8565 SW Salish Lane #150, Events Director for the Chamber Of Commerce, stated the Chamber received a \$5,000 grant from the Parks and Recreation Board to fund the new Santa's Winter Wonderland Event. The Winter Wonderland Event was successful with over three hundred families attending from all over the region. Ms. Ebner thanked the local businesses who provided generous sponsorship, and she looked forward to an even more successful Winter Wonderland next year.

Rhoda Wolf, 28118 SW Wagner Street, expressed concern about the proposed development of the Frog Pond area, particularly the high density housing. She thought the additional apartments would increase traffic to an unmanageable amount and change the character of the City. Ms. Wolf believed the additional proposed retail would be a detriment to the present downtown merchants, create sprawl, and development along Stafford would damage the natural beauty and farm land there.

Jan Johnson, 6591 Landover, voiced her concern with high density development in Frog Pond, and new businesses in that area would negatively impact current businesses. Traffic is very heavy and noisy along Wilsonville Road and she thought the development of Frog Pond would increase the problem. She recommended building homes on larger lots, and for Council to take into consideration what the residents of Meadows and Landover have to say.

Councilor Starr noted the medians on Wilsonville Road in the Landover area will be built in the spring which will help slow traffic.

Doris Wehler, 6855 SW Boeckman Road, expressed her appreciation for the work Councilor Goddard had done representing the community during his term in office. As a member of the Frog Pond Task Force Ms. Wehler thought the density was too high in the West Area and felt the entire area should be larger homes on lots larger than 7,000-8,000 square feet. She asked Council to consider less density.

Peter Hurly, a member of the Planning Commission and member of the Frog Pond Task Force commented that seeing the proposed plan as presented was shocking particularly when the participants at the open house indicated they did not want to see any apartments, high density housing or retail, and preferred larger homes and lots in that area. He questioned the removal of the roundabout at the Wilsonville/Stafford/Boeckman/Advance intersection recommended by the Planning Commission with a stop light because TVF&R preferred a stoplight. He felt people who could afford larger homes on larger lots were being pushed out of Wilsonville, thereby driving out the job creators. Mr. Hurley questioned the work and recommendations of the consultant which seemed opposite to the information learned during the open house.

Councilor Starr asked how far along the planning process had come and at what point would Council be involved.

Councilor Stevens stated she is the chair of the Frog Pond Task Force. The preferred draft plan is a mixture of the lowest density and the second density. She heard the West Linn-Wilsonville School District Board liked the draft plan in terms of housing for families. The way the Frog Pond area is planned provides diversity. The Guiding Principles created during the first Task Force meeting included a walkable community; to work, transit, shopping, schools, and good connectivity between neighborhoods, to the natural resources, parks, and to the schools. The plan has been driven by the first guiding principles. A joint meeting with the Planning Commission is scheduled for January 22nd and

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

these concerns can be discussed. There has been a significant amount of work done already in terms of transportation.

Mr. Cosgrove added it sounds like we are at a preferred alternative that will be discussed by the Planning Commission and the City Council. The alternative being forwarded is the most economically, and most vetted. He suggested Council consider all of the information, including citizen comments, the economic analysis, and staff recommendations, before making a decision. There will be multiple opportunities for public input and for Council to weigh in on the ultimate design form in Frog Pond.

Councilor Starr asked if public input would be allowed at all of the meetings.

Councilor Stevens explained during the meeting Mr. Hurley referenced, she wanted the Task Force to have the opportunity to speak first, but the gentleman did provide his comments. Comparing Tualatin with Wilsonville was information the consultant had at that time, afterwards we talked about doing a comparison with West Linn, and she expected the data to be coming.

Mr. Cosgrove said there will be additional opportunities for the public to comment at the Planning Commission, and City Council meetings. This is not the end of the process, but the beginning, and Council will make the final decision based on all of the information gathered.

Councilor Starr advised Mr. Hurley and the public to stay active throughout the process; there will be many more opportunities to be engaged in the process. He did not think the consultants came with preconceived ideas about the development, and it is the public that will continue to drive the process.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (*Park & Recreation Advisory Board Liaison*) reported on the Parks and Recreation events over the past two weeks including the Holiday Tree Lighting, and Reindeer Romp. He announced the open house on Master Planning of Memorial Park that will take place on the 16th.

Councilor Goddard – (*Library Board Liaison*) mentioned the next Library Board meeting, and the Holiday Light Drives.

Councilor Fitzgerald – (*Development Review Panels A & B Liaison*) spoke about the Korean Consulate dinner honoring former Peace Corps volunteers and the many changes in Korea over the past 50 years. She noted the DRB Panel B meeting of December 22nd has been cancelled and she provided a report on the activities of DRB Panel A at their last meeting.

Councilor Stevens – (*Planning Commission; CCI; Wilsonville Seniors Liaison*) reported on the decisions the Planning Commission made at their last meeting.

Mr. Cosgrove suggested the Council address the New Business item prior to the Public Hearing.

Mr. Kohlhoff requested a motion to rearrange the agenda.

Motion: Councilor Goddard moved to adjust the order of the agenda to take New Business before the Public Hearing. Councilor Stevens seconded the motion.

Vote: Motion carried 5-0.

CITY OF WILSONVILLE

CITY COUNCIL MEETING MINUTES

NEW BUSINESS

A. Recreation / Aquatic Center Recommendation (staff – Sherer)

Ms. Troha introduced the topic. In 2002 the community survey showed there was strong interest from the community for exploring the idea of a recreation/aquatic facility in Wilsonville. Subsequently the Council adopted a goal to complete a feasibility study for a recreation/aquatic center in Wilsonville, based upon that staff hired a consultant to conduct the feasibility study out of four companies interviewed. Sports Facilities Advisory (SFA) was selected as the consultant who partnered with Councilman-Hunsaker.

A Task Force consisting of representatives of the community or various interest groups was appointed, with Councilor Starr as the chair of the Task Force. The Task Force voted to recommend the feasibility analysis be sent to Council for consideration. Tonight Council will hear the feasibility analysis, then should the Council want to move forward, they would direct staff to conduct due diligence regarding the next process, and bring additional information back to the Council. At this point, Council is voting on moving forward in the process to examine a recreation/aquatic center in Wilsonville.

The staff report is included here to provide background.

One of the City Council's 2013-15 goals is to complete a feasibility study for a community recreation and aquatic center in Wilsonville. Pursuant to that direction, staff prepared a Request for Proposal (RFP) to select a consulting team.

The scope of work for the project included the following:

- Market Analysis; analyze the demographic and socioeconomic characteristics, as well as sports participation research, of the primary service area and identify historical, current and projected trends for the service area including employment, income, population, etc.
- Stakeholder Interviews and Public Input; Conduct interviews with local sport leagues and associations, local senior groups, school district representatives, recreation league participants and solicit interested public input.
- Prepare conceptual facility design.
- Prepare a detailed financial and economic feasibility analysis (Pro Forma).
- Present findings to the Task Force and the City Council.

Staff interviewed several consulting firms and selected Sports Facilities Advisory (SFA). SFA partnered with Councilman-Hunsaker to prepare the aquatic design and operational model. SFA is a large national company with experience and expertise in both financial feasibility analysis and management of similar multipurpose recreation and aquatic facilities nationwide. Councilman-Hunsaker is a nationally acclaimed company specializing in aquatic facilities.

In February 2014 the City created a Task Force to guide the process and provide input to the consultants. Under direction of the City Council, the Recreation and Aquatic Center Task Force members were selected by the City Manager. The Task Force represented a diverse cross-section of the community including local sports associations, seniors, school district, and community leaders. The Task Force was chaired by Councilor Starr. The Task Force met with the consultant four times throughout the project.

The first phase of the project was to conduct a market analysis. The consultant team visited several recreation and aquatic facilities throughout the Portland metro area and gathered information about amenities at comparable regional facilities. The market analysis also included a demographic assessment for Wilsonville and surrounding communities. This first phase in the process is critical because it

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

determines the target market for this type of a facility and ultimately determines if the Wilsonville market area can financially support a recreation and aquatic facility. Based on the assessment of demographic data, as well as similar regional facilities, the consultants concluded that the Wilsonville market area can support a recreation aquatic facility. The next step in the process was to conduct a financial analysis.

The financial feasibility stage began with identification of specific amenities that could be supported by identified market and with the right financial structure. The Task Force met several times to provide input on types of amenities and associated recreational programs. Based on the amenities and programs identified by the Task Force, the consultant team conducted a financial analysis, referred to as the Pro Forma. This detailed analysis examined the costs and revenue associated with each amenity and program. The goal was to develop a programming model that will be financially sustainable long-term. The following amenities were included because they generate sufficient revenue to achieve the goal of operational sustainability.

- Basketball Courts (basketball, volleyball, indoor soccer, Pickleball, etc.)
- Fitness Center
- Multi-Use Rooms (dance, cross training, aerobics, etc.)
- Walking Track
- Administration Offices
- Natatorium (25 yard / 6 lane pool, 6,000 SF Leisure Pool, multi-purpose classroom, office space, etc.)
- Rock Climbing Wall
- Concessions
- Child Care
- Multi-Purpose Rooms (birthday parties, rental/banquet rooms)

The Pro Forma concluded that a recreation and aquatic center is sustainable in Wilsonville with the above listed amenities and identified programs. A facility of this nature requires support from the City's general fund for approximately five years for start-up costs. After the fifth year, the facility will be close to operationally self-supporting.

If approved by the voters, the construction of this facility will be paid through general obligation bonds. There is a specific process included in state statute for preparing and presenting ballot title questions to the voters.

The Task Force spent a significant amount of time reviewing the detailed financial Pro Forma before making a recommendation to the City Council. The Task Force voted 7-1 to recommend that the City Council pursue the development of a recreation and aquatic center in Wilsonville.

The next steps are:

- Initiate discussions with the City's bond counsel regarding process
- Continue the site selection effort (\$3.75 M included in the preform for site acquisition)
- Determine operations management model to be decided through an RFP. Staff recommends Council consider the Design-Build-Operate (DBO) model, which has been used successfully by the City on projects such as the Sewer and Water Plant Upgrade Projects. There are significant cost savings that can be realized using the DBO model during construction as well as on the operational side.

CITY OF WILSONVILLE

CITY COUNCIL MEETING MINUTES

TIMELINE:

- Develop criteria and identify appropriate site for Recreation and Aquatic Center (January/February 2015).
- Prepare and advertise an RFP for the construction and operations of the recreation and aquatic center (March/April 2015).
- Prepare ballot title language and present to Council (July/August 2015).
- Present question to voters (November 2015).

CURRENT YEAR BUDGET IMPACTS: N/A

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 12/8/14

It is important to note that the concept of financial sustainability discussed above only refers to the day-to-day operations and does not include major maintenance, rehabilitation or replacement of any of the facility's components. Examples of these items include pumps, heating and ventilation systems, roofing, etc. The City will need to plan appropriately for these items to ensure resources are available when necessary.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 12/3/2014

It should be noted that there is also a DBFOM process that is currently in use for major infrastructure projects. The process is design, build, finance, operate and maintain. This is used for larger projects and the design builder also provides the financing, the operation and maintenance. Whether the size of the proposed facility is large enough is a question that needs to be determined. The report correctly indicates there is a statutory process for referring a ballot measure to the voters and time line provided can meet the process for a 2015 November election.

COMMUNITY INVOLVEMENT PROCESS: The public was represented by a Task Force of community members and stakeholder groups. There were four Task Force meetings throughout the project.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY: A recreation and aquatic center supports the City's healthy community initiative. The facility provides multigenerational services to seniors, youth, and families in Wilsonville. Market analysis concluded a facility would serve as a regional draw thus supporting economic development and tourism in Wilsonville. The market analysis also acknowledged deficiencies in particular amenities in Wilsonville, such as a gymnasium, so this facility meets a current service demand.

End of staff report.

Evan Eleff, Vice President of the Sports Facilities Advisory (SFA) stated SFA was selected to conduct the feasibility study and they partnered with Councilman-Hunsaker because this proposal has an aquatics and recreation component.

Kevin Post, Principal and Studio Director, said Councilman-Hunsaker designs aquatic facilities and has worked on over 800 facilities throughout the country.

Mr. Eleff provided an overview of the items he will be discussing during the presentation. The information given to the Council was a very high level overview of an in-depth process they engage in to determine financial feasibility. SFA has done this type of work over the past 11 years for about \$4 billion

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

worth of planned and operational facilities; and noted not everything that is planned becomes operational, and not all of what they operate is a project they planned.

Mr. Post stated Councilman-Hunsaker has been in business for over 40 years and has designed over 850 facilities; they look at old facilities, plan for new facilities, and design and operate facilities.

Mr. Eleff described the project goals as:

1. Make sure what we were looking at represented the needs of the community, based upon existing facilities, and also the work and due diligence that had been done prior to SFAs engagement to determine a perceived community need, and work closely with the Task Force as representatives of the community in several different areas.
2. Address the opportunity to create a long-term sustainable model, which of course when you look at sustainability drives several of the factors we looked at and balancing those two is what this report is intended to do.
3. The result of that is to provide accurate, reliable information that enables an informed decision to be made. Starting with the project team moving forward with our work to the Task Force and ultimately to the Council to make a decision as to the next steps.

After an internal strategy session with the two firms identifying roles and responsibilities and collaborating on this market in terms of our analysis, SFA went forward with a market and demographic study (demographics, socio economics, and competition) at a high level before coming into the market. At that point SFA started working with the Task Force to identify potential sites and towards the existing market.

The team made several trips to Wilsonville and looked at several of the existing service providers and analyzed the market from several different perspectives. They created the building blocks of the analysis and prepared a full five-year operating forecast which was reviewed by facility managers across the country with experience in these types of facility to insure an exclusive and well-rounded perspective on the numbers.

The model is based on a 15, 30, and 60 minute drive time to the facility rather than a mileage range. The key to this are the drive times for this type of programing; 15 minutes is the primary cutoff for the fitness side of this membership based fitness and recreation aquatics facility, and 30 minutes for the programming side on sports. Sixty minutes takes you into another world and people driving into Portland so that was not a part of the analysis. But as a representative and comparison measure we did look within sixty minutes in all directions to determine population density, mean household income, and other factors to make sure we were looking at a complete picture of the market.

They identified the potential elements and looked at existing service providers to see how they covered the market and the demand within the market. SFA found sufficient coverage provided by some of the existing service providers which meant there was sufficient coverage, and to not include this in the final facility program. Competition:

- 6 court facilities
- 14 fitness facilities
- 3 family entertainment centers
- 5 aquatic facilities
- 2 indoor turf facilities
- 48 multipurpose outfields (22 synthetic)

In terms of the final facility program there will be:

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

- 2 basketball courts
- Fitness center
- Walking track around the basketball courts
- Natatorium with a 25-yard 6-lane lap pool, and a leisure pool, warm water spa, and all of the additional areas that go into running an aquatics facility.
- Flexible space to include nursery and child care, locker rooms, multi-purpose class rooms
- 78,622 square foot facility that includes the space necessary for circulation and to make it a great member experience.

This is based on an undetermined site and there may be some changes depending on the final site selection.

Kevin Post showed a block diagram to illustrate the size comparisons of the various areas. The natatorium and gym require the most space. The fitness space, multi-purpose rooms and group exercise rooms are relatively small, but are higher revenue sources. As we talked about sustainability, we had to balance areas with a large cost like the pool with things that are big revenue producers to build the sustainable model. The pool meets the minimum requirement for high school swimming in the U.S. as well as NCAA, and the leisure pool area would be the location for swim lessons, water aerobics and general play.

Mr. Eleff stated the difference between the lap pool and the leisure pool is key differentiator for the facility, and one of the key components to sustainability that is a draw for membership. It is important to recognize one of the key areas we were looking at by definition was an aquatic center and what it would take to make an aquatic center sustainable.

Mr. Eleff worked with the City to create the cost estimates. There is a place holder for the land with an estimate of \$3.5 - \$3.75 million. Consistent with all of the information going forward in this presentation, when we have the option of being more conservative – given a range – we'll always go with the higher end of the range across the board in the planning phase, to give something that is truly reliable and as accurate as possible.

There is land allocation, a hard cost allocation for the building which includes all of the necessary pieces to be accounted for in this market including solar panels which are the state requirement, adjustments for prevailing wages, etc. The build out of the sport and fitness costs again are line itemized, to include fixtures and equipment including the maintenance equipment. He noted each one of these lines has a 20% contingency which was a recommendation by the Task Force and is on the high end of what SFA would consider for a contingency which creates a safe buffer within the total potential costs.

Finally the soft costs with construction and soft costs of operations; in total, construction costs for this facility at 78,622 square feet at \$25.1 million including the land acquisition and land costs.

The team created a five-year forecast, which is a high level overview of revenues and expense. Everything has significant detail and is founded on a tremendous amount of background information that is not included in the packet. Each one of the line items, in terms of how we reached this membership number, is within the document. Mr. Eleff discussed the revenue and expense identified in the report. He recognized the total revenue versus total expenses is operating in the negative throughout the maturation state; by year 5 it is within ¼ of 1% based on projections of a zero bottom line. There is no debt service associated based on the bond and the direction SFA received from the Task Force and project team. Looking at operational sustainability, overall, if you were to add those across reaching maturity and ultimately stabilization, that would be just under \$1.5 million the first five years of operation just to get to the point where it is fully mature and generating revenues that balance out the expenses.

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

Key statistics in a quick overview;

- 78,622 square feet
- \$25.15 million cost estimate for land, hard costs, sport equipment costs, FF&E, and soft costs creating a five-year subsidy of \$1.5 million, but ultimately becoming operationally self-sustaining at maturity based upon the model developed and the market factors that SFA recognized need to be considered.

Councilor Fitzgerald asked for more background on the market study, and whether the demand for the services provided (rock wall, basketball) had been measured against other available resources in the surrounding area.

Mr. Eleff said the methodology used by SFA begins with the key demographics and socio-economic factors and then for each one of the areas projected we look at participation. So when we were considering the possibility for indoor turf for example we looked at soccer, ultimately we removed indoor turf. But for aquatics, fitness membership, basketball, volley ball, etc., we looked at sports participation on a statewide, regional and national level. From there we take the participation within those sports and we look at the existing service providers. We have eight different factors we look at for each service provider in order to weigh their competition level for example, what part of the market is already committed to fitness centers; and fitness centers with basketball courts, and so on. From there we take ten different factors in terms of what capture rate is. We did an elasticity portion of our pricing model and what we end up with is from 145,000 people down to a few thousand members that we're looking at would be part of this model.

Membership growth is based on information gathered from the facilities SFA manages, based on long term sustainability. Long term memberships are created through staffs' personal relationships with clients and by offering classes, and amenities members find of value. The different types of memberships were described, and all facilities will be available to members. Specialty classes will have an additional fee, such as swimming lessons and high level fitness classes.

Should Council move to accept the Recreation and Aquatic Center feasibility study, the next steps will be:

- Initiate discussions with the City's bond counsel regarding process
- Continue the site selection effort (\$3.75 Million included in the proforma for site acquisition)
- Determine operations management model to be decided through an RFP. Staff recommends Council consider the Design-Build-Operate (DBO) model, which has been used successfully by the City on projects such as the Sewer and Water Plant Upgrade projects. There are significant cost savings that can be realized using the DBO model during construction as well as on the operational side.
- Corporate sponsorship opportunities offered to reduce bonding costs of capital side before going to a vote.

Staff will insure the RFQ process includes Council input and contains the Council's requirements, and criteria for corporate sponsorship.

Councilor Fitzgerald was interested in moving the proposal forward.

Motion: Councilor Fitzgerald moved to accept the Recreation and Aquatic Center feasibility study and direct staff to develop a plan for placing the matter on the November 2015 ballot. Councilor Starr seconded the motion.

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

Councilor Fitzgerald was encouraged by the consultant's report and in the depth of the study. She was impressed with the way they looked at market parameters and was interested in seeing the results of the future vote.

Councilor Goddard encouraged the Councilors to dig deeper into the assumptions in the report before placing a measure on the ballot. He thought it was easy to have the numbers pencil out on paper, but there are assumptions that need more vetting before the matter is sent to the voters.

Councilor Starr called Council's attention to the email received from former councilor Steve Hurst who recommended moving forward

Councilor Stevens noted it is a Council Goal to explore this area, and as more is learned, if Council determines it is not such a good idea to move forward, there is time to do that. She supported moving forward with an open mind. Ultimately the voters will make the decision.

Vote: Motion carried 5-0.

Motion to extend the Council meeting past ten o'clock.

Motion: Councilor Stevens moved to extend the meeting until we take care of the business at hand. Councilor Starr seconded the motion.

Vote: motion carried 5-0.

Mayor Knapp declared a recess at 10:10 p.m. and reconvened the meeting at 10:13 p.m.

PUBLIC HEARING

Mr. Kohlhoff read the title of Ordinance No. 765 into the record on first reading.

- A. **Ordinance No. 765** – 1st reading
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 3, Section 3.560, By Providing For A Governmental Exemption From The Established Privilege Tax For Use Of City Right-Of-Ways And Allowing Alternative Consideration In Lieu Of The Tax.

Mayor Knapp opened the public hearing at 10:14 p.m. and provided the hearing procedures.

Mr. Kohlhoff presented the staff report. The City has been working with Clackamas County to arrive at terms for an Intergovernmental Agreement (IGA) that would allow for some conduit sharing and swapping and some rate reductions that would benefit the City, the school district, and other government entities. This IGA would govern the relationship of the parties, rather than having Clackamas County's use of the City right-of-way for its fiber projects be governed by the current language of WC 3.560. The Code provides that if a franchise agreement is used, franchise fees would offset privilege taxes to avoid the issue of double collection. Where there is service in the City, it is based on a percentage of gross revenues. Thus, the City has the franchise agreement and franchise fee as a device to avoid the issue of taxing another government entity. However, in dealing with other governmental entities who also act in the public interest, there is often a mutuality of public interest that calls for a different classification of

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

consideration than a straight fee percentage on gross revenues and could allow for the consideration of mutual promises and conditions that benefit the respective governmental entities, including cost and facility sharing. Additionally, gross revenues from functions other than enterprise funds may not be an appropriate measure.

The City may also have occasion in the future to enter into other agreements with other government entities that may result from special circumstances where an IGA with other consideration, in lieu of using a percentage franchise fee in place of the privilege tax, would be beneficial and be in the greater public interest. The City has been discussing with Tualatin Valley Water District, Hillsboro, and other cities the use of city property and right-of-ways of 66" to 72" pressurized water transmission line to transmit water from the Willamette River Water Treatment Plant through the City, which line would terminate with the Hillsboro water system. The impacts on the City are substantial and yet it the line would not serve City residents. However, although it is yet to be determined, there may be operational savings in expanding the plant that might benefit City ratepayers that could play into the consideration. The impacts from a 72" pressurized water line are potentially far greater than a 2" conduit. An IGA provides the flexibility to recognize the different impacts and benefits in a reasonable and nondiscriminatory way upon the City's right-of-way.

The proposed amendment to the Code is intended to recognize that other government entities are a different classification from private entities that are based primarily on gross revenues from users they serve, and the circumstances of government entity use can provide for advancing the public interest through the use of the City's right-of-ways based upon alternative consideration to a percentage franchise fee or privilege tax on gross revenues or a per line charge for simply passing through the City. The proposed amendment will provide more flexibility for the City in dealing with other government entities on issues related to franchise fees and privilege taxes.

In response to a question from Council, the City Attorney explained the language in the ordinance was broad to allow for flexibility, and noted IGAs can cover a number of different types of agreements, and many have features allowing termination of the IGA.

The Mayor invited public comment, hearing none he closed the public hearing at 10:26 p.m.

Motion: Councilor Starr moved to approve Ordinance 765 on first reading. Councilor Goddard seconded the motion.

Vote: Motion carried 5-0.

CONTINUING BUSINESS

Mayor Knapp stated staff requested continuing Ordinance No. 763 and 764 to date certain of January 5, 2015 because the plat language has not been received back from Clackamas County.

Mr. Kohlhoff the legal description states "Draft will be finalized after upcoming recording of Tonquin Woods at Villebois No. 7 plat" and as of today staff has not received notice the plat has been officially filed.

Motion: Councilor Fitzgerald moved to continue Ordinance No. 763 and 764 to the January 5, 2015 City Council meeting. Councilor Stevens seconded the motion.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Vote: Motion carried 5-0.

Ordinance Nos. 763 and 764 will be considered for second reading at the January 5, 2015 Council meeting.

- A. **Ordinance No. 763** – 2nd reading
An Ordinance Of The City Of Wilsonville Annexing Approximately 9.8 Acres At 11650 SW Tooze Road And A Small Triangular, Approximately 6315 Square Foot, Property Across SW Grahams Ferry Road From 28333 SW Grahams Ferry Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lots 1100, 1101, And 1503 (Formerly 1591) Of Section 15 T3S-R1W, Clackamas County, Oregon, City Of Wilsonville, Applicant.
- B. **Ordinance No. 764** – 2nd reading
An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone To The Village (V) Zone On Approximately 9.8 Acres At 11650 SW Tooze Road And A Small Triangular Approximately 6315 Square Foot Property Across SW Grahams Ferry Road From 28333 SW Grahams Ferry Road. Comprising Tax Lots 1100, 1101, And 1503 (Formerly 1591) Of Section 15, T3S, R1W, Clackamas County, Oregon, City Of Wilsonville, Applicant.
- C. **Ordinance No. 762** – 2nd Reading
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 3, Section 3.000(19) To Allow The City Manager And His/Her Designee To Establish And Post Park Closure Hours.

Mr. Kohlhoff read the title of Ordinance No. 762 into the record on second reading.

Motion: Councilor Goddard moved to approve Ordinance 762 on second reading. Councilor Fitzgerald seconded the motion.

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

CITY MANAGER'S BUSINESS

Mr. Cosgrove informed the Council of his holiday vacation dates and wished them a Merry Christmas.

LEGAL BUSINESS

Mr. Kohlhoff thanked Councilor Goddard for his service.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

ADJOURN

The Mayor adjourned the Council meeting at 10:30 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: January 5, 2015	Subject: Resolution No. 2505 Transfer of Appropriations and Resolution No. 2506 Supplemental Budget Staff Member: Cathy Rodocker Department: Finance	
Action Required <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: 1/5/15 <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	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 Council adopt Resolution No. 2505 and Resolution No. 2506.		
Recommended Language for Motion: I move to approve Resolution No. 2505 and Resolution No. 2506.		
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Supplemental budget resolutions for the FY2014-15 budget year.

EXECUTIVE SUMMARY:

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

adjustment can also recognize expenditures that exceed 10 percent of the adopted budget expenditures or 15 percent of the funds' adopted contingency.

At its June 2, 2014 City Council meeting, the Council adopted the Fiscal Year 2014-15 budget. The resolutions being presented with this staff report, a budget transfer and a budget adjustment will provide the needed budget authority for capital projects and material and services requests.

Transfer Resolution No. 2505

Attachment #1, "Budget Supplemental Transfers" provides a detail listing of the projects that will be affected by the transfer resolution. Three projects that will require a transfer from contingency as the funding sources include: Annual Road Maintenance Projects, ADA Compliance and Frog Pond Property Purchase.

Adjustment Resolution No. 2506

Attachment #2, "Supplemental Budget Adjustments" provides a detail listing of the projects and material and services expenditures that exceed the total expenditure and/or total contingency limitations as set by Local Budget law. The General Fund capital project expenditures that need additional budget appropriations totaling \$159,000 will fund the following projects: Boeckman Creek Slope Stabilization-Phase I, City Wide Public Facility Plan, Parks and Recreation Tenant Improvements and the Fiber Connectivity project. In addition, additional budget authority in the amount of \$110,000 is needed for outside service fees for the upcoming Comcast franchise fee negotiations and labor negotiations.

The resolution also includes additional appropriations for the portion of the Frog Pond Property Purchase that will be funded by the Park SDC Fund.

The following list of capital projects will be funding by reducing existing capital project budgets that result is a net zero adjustment. Water CIP: Willamette River Water Supply, Annual Well Hole/Facility Sewer CIP: Upgrade, Waste Water System Master Plan Update, Streets CIP: Tooze Rd – 110th to Grahams Ferry Rd, Road Maintenance Project, Transportation Performance Modeling, Stormwater CIP: Park Place Storm Water Improvements, and Parks CIP: City Parks & Trails-ADA Title II.

EXPECTED RESULTS:

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

TIMELINE:

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice was published on Wednesday, December 24, 2014. Adoption of the Supplemental Budget Adjustment is required prior to the end of the fiscal year, June 30, 2014.

CURRENT YEAR BUDGET IMPACTS:

Resources:

CIP Funding: Interfund transfers \$ 752,960

Total Resources

\$ 752,960

Expenditures:

Street Capital Projects	\$ 570,500
Building Capital Projects	112,800
Parks Capital Projects	50,000
Franchise Fee Consultant	70,000
Labor Negotiations	40,000
Transfer to other funds	296,830
Contingencies	(387,170)

\$ 752,960

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _SCole_____ Date: __12/22/14_____

LEGAL REVIEW / COMMENT:

Reviewed by: MEK_____ Date: 12/18/2014_____

Both Resolutions are approved as to form.

COMMUNITY INVOLVEMENT PROCESS:

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The adoption process requires a public hearing prior to adoption.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY

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

ALTERNATIVES:

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

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Attachment #1- Supplemental Budget Transfers
- B. Attachment #2- Supplemental Budget Adjustments

Attachment #1-Supplemental Budget Transfers

Supplemental Budget Requests by Capital Project

Proj #4014-Annual Road Maintenance Projects	\$ 18,500	\$ -	\$ -	\$ 18,500	Increase to original work plan including additional striping, etc.
Road Maintenance Fund Contingency	(18,500)			18,500	
Proj #4183-ADA Compliance	18,000	3,000	630	21,630	New Task: Prepare Transition Plan (Required)
Road Operating Fund Contingency	(18,000)	(3,000)	(630)	(21,630)	
Proj #4193-Frog Pond Property Purchase	409,500	6,500	-	416,000	Property Purchase
Sewer SDC Fund Contingency				(96,000)	
Sewer Ops Fund Contingency				(160,000)	
Street SDC Fund Contingency				(160,000)	

Attachment #2-Supplemental Budget Adjustments

Supplemental Budget Requests

Budget Requests	Material & Services	Capital Outlay	CD OH	GF OH	Total	Explanation
Proj #9148-Boeckman Creek Slope Stabilization - Phase I		50,000	6,000	-	56,000	New Project: Planning Phase
Proj #8094-City Wide Public Facility Plan		3,000	-	-	3,000	Final contract
Proj #8101-Parks and Rec Tenant Improvements		84,800	(9,800)	-	75,000	Budget allocation to meet timing of project, additional funds for
Proj #8093-Fiber Connectivity		25,000			25,000	Cost share w/Clackamas Co-Run from Boeckman to OIT
Labor Negotiation	40,000				40,000	
Franchise Fee Consultant	70,000				70,000	Consultant for Comcast Franchise Fee Negotiation/Audit
General Fund Contingency					(269,000)	
Proj #4193-Frog Pond Property Purchase		220,500	3,500	-	224,000	Property Purchase
Parks SDC Fund Contingency					(128,000)	
Year 2000 Urban Renewal Fund Contingency					(96,000)	

Net Zero Adjustments

Projects that will be funded by reducing the budget of existing projects

Capital Projects	Capital Outlay	CD OH	GF OH	Total	Explanation
Proj #1127-Willamette River Water Supply	\$ 13,136	\$ -	\$ 264	\$ 13,400	City's share of cost of consultants for the Willamette River Water
Transfer from Proj #1083-Secondary Power Supply for all Wells	(13,136)	-	(264)	(13,400)	
Proj #1128-Annual Well Hole/Facility Upgrade	\$ 40,000	\$ 4,900	\$ 1,400	\$ 46,300	Additional costs to replace well shaft
Transfer from Proj #1083-Secondary Power Supply for all Wells	(40,000)	(4,900)	(1,400)	(46,300)	
Proj #2088-Waste Water System Master Plan Update	\$ 50,000	\$ 10,000	\$ 1,750	\$ 61,750	Additional analyses, pump standards
Transfer from Proj# 2065 - Memorial Pak Lift Station Relocation	(50,000)	(10,000)	(1,750)	(61,750)	
Proj #4146-Tooze Rd - 110th to Grahams Ferry Rd	\$ 35,000	\$ 15,000	\$ 1,225	\$ 51,225	Additional alignment evaluations
Transfer from Proj #4118-Protected Permissive Signal Heads	(35,000)	(15,000)	(1,225)		
Proj #4192-Transportation Performance Modeling	\$ 40,000	\$ 4,800	\$ 1,400	\$ 46,200	New project: Evaluate performance against TSP desired outcomes
Transfer from Proj #4118-Protected Permissive Signal Heads	(40,000)		(1,400)	(41,400)	
Transfer from Proj #4999-Project Design / Development		(4,800)			
Proj #7052-Park Place Storm Water Improvements	\$ 22,000	\$ 10,000	\$ 770	\$ 32,770	Revised construction estimate
Transfer from Proj #7054-Gesselschaft Water Wall Channel	(22,000)	(10,000)	(770)	(32,770)	
Proj #9115-City Parks & Trails - ADA Title II	\$ 10,000	\$ 4,000	\$ 350	\$ 14,350	New task: Prepare transition plan
Transfer from Proj #9136-Advance Road Sports Fields	(10,000)	(4,000)	(350)	(14,350)	
Proj #4014-Annual Road Maintenance Projects	\$ 41,500	\$ -	\$ -	\$ 41,500	Increase to original work plan including additional striping, etc.
Transfer from S1-01 & 02 Clutter/Grahams Ferry Intersection/RR Crossing	(41,500)	-	-	(41,500)	

RESOLUTION NO. 2505

A RESOLUTION AUTHORIZING A SUPPLEMENTAL BUDGET TRANSFER FOR FISCAL YEAR 2014-15.

WHEREAS, the City adopted a budget and appropriated funds for fiscal year 2014-15 by Resolution 2476; and,

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

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

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

WHEREAS, all expenditure transfers within the fiscal year to date aggregate to not more than ten percent (10%) of the fund's total expenditures, with transfers exceeding this limit being referred via a separate supplemental budget request; and,

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

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

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

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

This resolution becomes effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 5th day of January 2015 and filed with Wilsonville City Recorder this same date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Councilor Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan

ATTACHMENT A

NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
Road Operating Fund			
Transfers to other funds	\$ 500,209	\$ 21,630	\$ 521,839
Contingency	642,489	(21,630)	620,859
All other requirements	946,010	-	946,010
Net change in requirements	\$ 2,088,708	\$ -	\$ 2,088,708
An increase in Transfers to other funds will be used for the following capital project: ADA Compliance.			
Road Maintenance Fund			
Transfers to other funds	\$ 690,000	\$ 18,500	\$ 708,500
Contingency	689,123	(18,500)	670,623
Net change in requirements	\$ 1,379,123	\$ -	\$ 1,379,123
An increase in Transfers to other funds will be used for the following capital project: Road Maintenance.			
Sewer Operating Fund			
Transfers to other funds	\$ 3,151,465	\$ 160,000	\$ 3,311,465
Contingency	6,734,385	(160,000)	6,574,385
All other requirements	7,553,223	-	7,553,223
Net change in requirements	\$ 17,439,073	\$ -	\$ 17,439,073
An increase in Transfers to other funds will be used for the following capital project: Frog Pond Property Purchase. A net zero transfer will recognize the funding of the Waster Water System Master Plan by reducing the funding of the Memorial Park Lift Station Relocation Project.			
Sewer System Development Charges Fund			
Transfer to other funds	\$ 1,682,269	\$ 96,000	\$ 1,778,269
Contingency	5,665,719	(96,000)	5,569,719
All other requirements	4,800	-	4,800
Net change in requirements	\$ 7,352,788	\$ -	\$ 7,352,788
An increase in Transfers to other funds will be used for the following capital project: Frog Pond Property Purchase. A net zero transfer will recognize the funding of the Waster Water System Master Plan by reducing the funding of the Memorial Park Lift Station Relocation Project.			
Roads System Development Charges Fund			
Transfer to other funds	\$ 2,169,391	\$ 160,000	\$ 2,329,391
Contingency	3,504,886	(160,000)	3,344,886
All other requirements	4,800	-	4,800
Net change in requirements	\$ 5,679,077	\$ -	\$ 5,679,077
An increase in Transfers to other funds will be used for the following capital project: Frog Pond Property Purchase. A net zero transfer will recognize the funding of the Road Maintenance project by reducing the funding of the SI-01 & 02 Clutter/Grahams Ferry Intersection/RR Crossing project.			

RESOLUTION NO. 2506

A RESOLUTION AUTHORIZING A SUPPLEMENTAL BUDGET ADJUSTMENT FOR FISCAL YEAR 2014-15.

WHEREAS, the City adopted a budget and appropriated funds for fiscal year 2014-15 by Resolution 2476; and,

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

WHEREAS, ORS 294.450 provides that a city may transfer appropriations within appropriation categories provided the enabling resolution states the need for the transfer, purpose of the expenditure and corresponding amount of appropriation; and,

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

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

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

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

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

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

This resolution becomes effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 5th day of January 2015 and filed with Wilsonville City Recorder this same date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Councilor Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan

ATTACHMENT A

NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
General Fund			
Interfund transfers	\$ (2,695,021)	\$ (630)	\$ (2,695,651)
All other resources	(25,788,019)	-	(25,788,019)
Total increase in resources	\$ (28,483,040)	\$ (630)	\$ (28,483,670)
Material and Services	\$ 7,381,051	\$ 110,000	\$ 7,491,051
Transfers to other funds	1,019,728	159,000	
Contingency	9,359,602	(268,370)	9,091,232
All other requirements	11,707,215	-	11,707,215
Net change in requirements	\$ 29,467,596	\$ 630	\$ 28,289,498
Interfund transfers increase recognizes additional resources for the overhead charges on capital improvement projects. An increase in Transfers to other funds will be used for the following capital projects: City Wide Public Facility Master Plan, Fiber Connectivity, Boeckman Creek Slope Stabilization, Phase I and Parks & Rec Tenant Improvements. Increase in material and services include increasing the budgets for consultants that will assist in the franchise fees negotiations and labor negotiations.			
Community Development Fund			
Interfund transfers	\$ (1,766,470)	\$ (9,200)	\$ (1,775,670)
All other resources	(3,140,388)	-	(3,140,388)
Total increase in resources	\$ (4,906,858)	\$ (9,200)	\$ (4,916,058)
Contingency	\$ 805,554	\$ 9,200	\$ 814,754
All other requirements	4,101,304	-	4,101,304
Net change in requirements	\$ 4,906,858	\$ 9,200	\$ 4,916,058
Interfund transfers increase recognizes additional resources for the overhead charges on capital improvement projects.			
Streets Capital Projects Fund			
Interfund transfers	\$ (3,635,099)	\$ (584,130)	\$ (4,219,229)
All other resources	(327,456)	-	(327,456)
Total increase in resources	\$ (3,962,555)	\$ (584,130)	\$ (4,546,685)
Streets capital projects	3,187,447	570,500	3,757,947
Transfers to other funds	597,152	13,630	610,782
Contingency	177,956	-	177,956
Net change in requirements	\$ 3,962,555	\$ 584,130	\$ 4,546,685
The increase to interfund transfers and the corresponding requirements for capital outlay and transfers to other funds are for the projects: Frog Pond Property Purchase, ADA Compliance and Road Maintenance Project.			
Building Capital Projects Fund			
Interfund transfers	\$ (983,200)	\$ (103,000)	\$ (1,086,200)
All other resources	(699,311)	-	(699,311)
Total increase in resources	\$ (1,682,511)	\$ (103,000)	\$ (1,785,511)
Building capital projects	1,450,000	112,800	1,562,800
Transfers to other funds	48,100	(9,800)	38,300
Contingency	184,411	-	184,411
Net change in requirements	\$ 1,682,511	\$ 103,000	\$ 1,785,511
An increase to interfund transfers and corresponding requirements to capital outlay and transfers to other funds are for the following projects: Fiber Connectivity Project, City Wide Public Facility Master Plan and Park & Rec Tenant Improvements.			

ATTACHMENT A

NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
Parks Capital Projects Fund			
Interfund transfers	\$ (1,999,817)	\$ (56,000)	\$ (2,055,817)
All other resources	(370,781)		(370,781)
Total increase in resources	\$ (2,370,598)	\$ (56,000)	\$ (2,426,598)
Parks capital projects	1,969,949	50,000	2,019,949
Transfers to other funds	345,114	6,000	351,114
Contingency	55,535	-	55,535
Net change in requirements	\$ 2,370,598	\$ 56,000	\$ 2,426,598
The interfund transfers and the corresponding requirements for parks capital projects and transfers to other funds is for the following project: Boeckman Creek Slope Stabilization, Phase I.			
Parks SDC Fund			
Transfers to other funds	1,969,947	128,000	2,097,947
Materials and services	3,200	-	3,200
Contingency	3,011,324	(128,000)	2,883,324
Net change in requirements	\$ 4,984,471	\$ -	\$ 4,984,471
The interfund transfers and the corresponding reduction to contingency is for the funding of the following project: Frog Pond Property Purchase.			
The following list of projects will be funded by reducing the budget of existing projects, resulting in a net zero adjustment.			
Capital Projects Budgets being Increased:		Capital Projects Budgets being Decreased:	
Water CIP			
Willametter River Water Supply	\$ 13,400	Secondary Power Supply for all Wells	\$ (59,700)
Annual Well Hole/Facility Upgrade	46,300		
Sewer CIP			
Waste Water System Master Planning Update	61,750	Memorial Park Lift Station Relocation	(61,750)
Streets CIP			
Tooze Rd-110th to Grahams Ferry Rd	51,225	Protected Permissive Signal Heads	(92,625)
Transportation Performance Monitoring	46,200	Street Project Design/Development	(4,800)
Road Maintenance Project	41,500	S1-01 & 02 Clutter/Grahams Ferry Intersection/RR Crossing	(41,500)
Stormwater CIP			
Park Place Stormwater Improvements	32,770	Gesselschaft Water Wall Channel	(32,770)
Parks CIP			
City Parks & Trails - ADA Title II	14,350	Advance Road Sports Field	(14,350)

CITY COUNCIL STAFF REPORT

Meeting Date: January 5, 2015	Subject: Resolution No. 2507 – Amending Resolution 2353 and Adopting New Rates for the Stormwater Utility Staff Member: Nancy Kraushaar, PE, Community Development Director Department: Community Development	
Action Required	Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: 01/05/2015 <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 adoption of the graduated stormwater rate increases in order to fund critical stormwater infrastructure and place the utility on a sound financial trajectory.		
Recommended Language for Motion: I move to approve Resolution No.2507.		
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input checked="" type="checkbox"/> Council Goals/Priorities #6. Well maintained infrastructure	<input checked="" type="checkbox"/> Adopted Master Plan(s) 2012 Stormwater Master Plan with amended CIP	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

The City Council will hold a public hearing and consider adopting rate increases and an implementation schedule for the Stormwater Utility.

EXECUTIVE SUMMARY:

The Stormwater Utility has been under financial pressure over recent years resulting in a fund balance that is near zero. This is due to major repair projects at Morey's Landing and the Rivergreen Bank Stabilization and Channel Restoration. Both these emergency projects were cash funded through the Utility's operating reserves.

As noted in the adopted 2014-15 Wilsonville Budget, the Utility does not meet ending fund balance goals the City has set for all enterprise funds. The fund is able to minimally meet operational needs, but cannot support future capital requirements. The Stormwater Utility Rate Update was initiated to determine necessary actions to restore fund stability. Subsequent to initiating this Rate Update, significant additional outfall repair costs were identified along with capital expenses related to stormwater system rehabilitation in Charbonneau.

Staff has discussed various approaches toward addressing over \$33 million in immediate and long term stormwater capital needs. Over the course of three work sessions held during the summer and fall of 2014, various scenarios have been presented and discussed. Council expressed that their preferred approach is a 25 year capital improvement schedule which includes an initial 5 year CIP addressing the highest priority projects and funded through debt. The longer term program for project funding would establish rates and fund projects on a pay as you go basis.

As a result of the November 3, 2014 work session, Council directed the following:

1. Keep the current 5-year capital program as presented. That CIP cost is \$7,130,015,
2. Include in the 5-year CIP costs related to the 3 pending outfall projects,
3. Debt finance the 5-year CIP by combining an inter-fund loan (via the General Fund) with a revenue bond, and
4. Expand the timeframe for implementing the remaining CIP to 25 years. That CIP cost is \$26,318,315 (excludes SDC eligible capital costs) which will be annualized and cash funded.

While developing the rate increase proposals, staff assumed a 10-year payback period the inter-fund loan from the General Fund. In preparing the final rate increase proposal, staff also looked at a 5-year loan payback period. This will reimburse the General Fund in a timelier manner and re-establish the financial independence of the Stormwater Utility which is a goal for all of the City's enterprise funds. This 5-year inter-fund loan approach will slightly increase the rate initially, but also results in a lower rate increase in years 2021 and beyond. Staff recommends the 5-year (vs. 10-year) inter-fund loan for which the resulting rate projections are summarized in Attachment 1. The proposed debt financing is also summarized in Attachment 1.

In the accompanying resolution, the table reflecting the 5-year payback period has been included.

For reference, the existing stormwater fee and SDC were established by Resolution No. 2353 that was adopted by the City Council on April 16, 2012. The resolution included a stormwater fee of \$3.58 per ERU. Based on the annual rate increases contained in that Resolution the current rate, effective July 1, 2014, is \$5.25 per ERU.

EXPECTED RESULTS:

The proposed stormwater fee increases will provide funding for projects currently identified in the Stormwater Master Plan, outfall improvements and for stormwater repairs and replacements identified in the Charbonneau Consolidated Improvement Plan. The proposed stormwater rates

will also provide necessary revenue for ongoing operations and maintenance of the stormwater system. The proposed rates are expected to stabilize the Stormwater Operating Fund and meet the City's reserve requirements.

TIMELINE:

If adopted by the City Council, the proposed stormwater rate increases would become effective April 2015.

CURRENT YEAR BUDGET IMPACTS:

The Stormwater Rate Study was budgeted at \$20,160 in the adopted FY 2013-14 Budget. Approximately half of this was spent before July 1, 2014. A supplemental budget adjustment to the adopted FY 2014-15 Budget will recognize remaining funds to complete the study.

COMMUNITY INVOLVEMENT PROCESS:

Articles about the stormwater utility rate study and proposed fee increases and implementation schedule were published in two issues of the Boones Ferry Messenger.

The City's Community Relations Coordinator issued several press releases about the topic through our web alert system, including notification that a public hearing would be held at the January 5, 2015 City Council meeting and inviting those with concerns to participate.

The December 17, 2014 Wilsonville Spokesman included an article describing proposed fee increases, public hearing date, and an explanation about the need.

On December 15, 2014, 120 notification letters were sent to our top business customers/accounts based on ERUs. The letters invited them to contact the City's Economic Development Manager with questions and concerns or attend the January 5 public hearing and express their concerns to the City Council.

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

Stormwater management is an important component of the public works infrastructure in Wilsonville. The stormwater system protects against flooding, improves water quality by removing sediment and pollutants from urban runoff, and can protect and enhance wildlife habitat.

The community will benefit from a reliable stormwater system – including operations and maintenance and well-programmed capital investments. Environmental benefits include water quality protection in the Willamette River, healthier natural resources (such as the Coffee Creek wetlands and the Boeckman Creek watershed), and protection of native plant and wildlife species. The recommended rate increases will allow the City to address aging stormwater infrastructure, system deficiencies, growing system needs, and regulatory requirements.

ALTERNATIVES: n/a

FINANCE REVIEW / COMMENTS:

Reviewed by: SCole

Date: 12/22/14

LEGAL REVIEW / COMMENT:

Reviewed by: MEK

Date: 12/22/14

Resolution approved as to form.

CITY MANAGER COMMENT:

ATTACHMENTS

Attachment 1 – Summary of Rate Projections – 25-Year Capital Schedule – December 16, 2014

Attachment 2 – Resolution No. 2507

City of Wilsonville
Stormwater Utility Rate Update
Summary of Rate Projections – 25-Year Capital Schedule
January 5, 2014

Background

At its November 3, 2014 work session, City Council reviewed a third rate projection that shows the effect of a 25-year capital improvement schedule. The cases discussed at previous work sessions had addressed CIP schedules of 20 and 30 years. Under the 25-year capital program, total capital costs remain at \$33,448,019 (current dollars) and the initial 5-year CIP, that would be funded through a combination of a revenue bond and inter-fund loan, also remains at \$7,130,014 (less SDC eligible costs). The difference is that the remaining capital requirements of \$26,318,005 (less SDC eligible costs) would be funded on a “pay as you go” basis that reflects the average annual CIP cost for years 6 through 25.

The Utility’s future operating requirements were also evaluated including the addition of a staff engineer (2016), utility worker (2025) and the need to re-establish an adequate operating reserve (2017).

25-Year Rate Scenario

The following conditions are reflected in the rate scenario requested by Council at its October 6, 2014 work session:

1. The initial CIP timeframe is 5 years (\$7,130,014),
2. Debt finance the entire 5-year CIP (less any SDC eligible project costs or \$521,586) via an inter-fund loan and a revenue bond,
3. \$2,000,000 will be the maximum amount to be financed through an inter-fund loan from the City’s General Fund,
4. The remaining capital costs (\$4.6 million) will be financed through a revenue bond,
5. The revenue bond is 20 years @ 4.5% interest with reserve requirements funded through bond proceeds. Annual debt service for the revenue bond will be \$405,993.

At its November 3, 2014 work session, Council agreed to the use of an inter-fund loan from the City’s General Fund. The loan amount was \$2,000,000 with a payback period of 10 years. Subsequent to the November 3 work session, staff reviewed and recommends that the 10-year payback period be reduced to 5 years. This will reimburse the General Fund in a timelier manner and re-establish the financial independence of the Stormwater Utility which is a goal for all of the City’s enterprise funds. This 5-year inter-fund loan approach will slightly increase the rate initially but also results in a lower rate increase in years 2021 and beyond (see pages 3 and 4 for detailed rate comparisons). Annual debt service for the 5-year inter-fund loan at .54% interest is \$406,503.

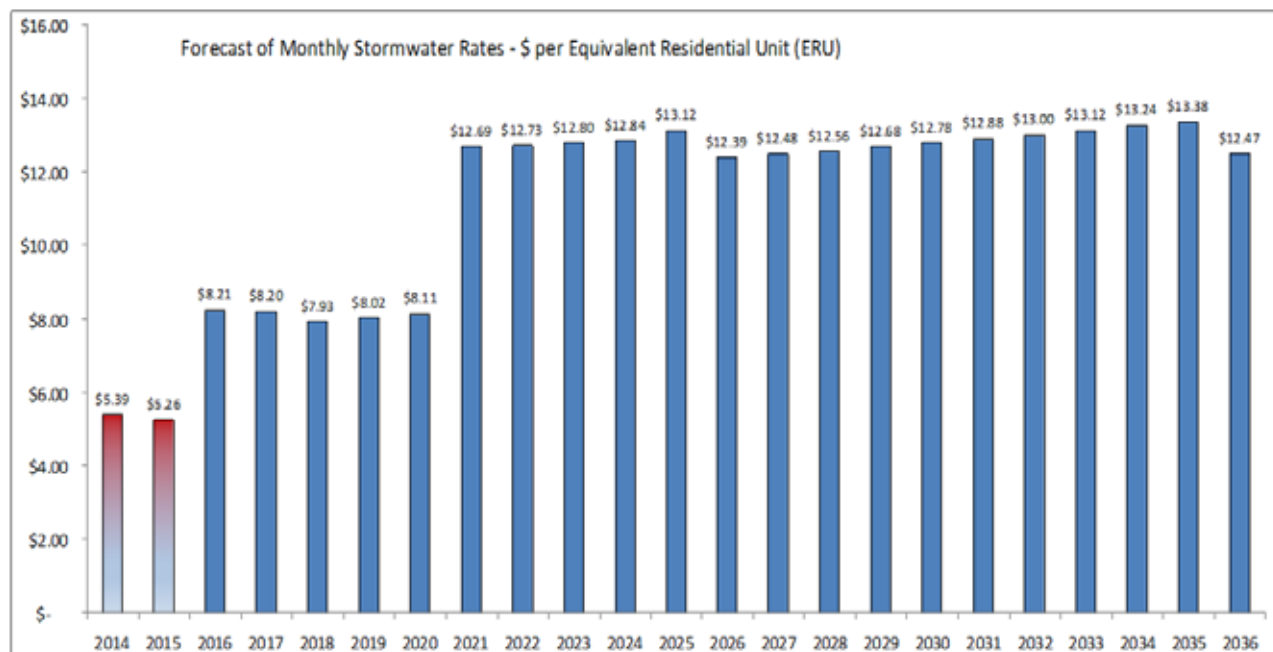
6. The overall CIP schedule will be evaluated on a 25-year timeframe.
7. Projects to be scheduled for years 2021 through 2041 will be funded via the “capital reserve strategy” which simply means we will divide the total inflated project costs by 20 years and adjust annual rates to meet that average annual capital cost. The average annual amount will be \$1,329,000 million for the 25-year case, and
8. The costs for the 3 recently scoped outfall projects are in the 5-year CIP and will be included in the debt issuance.

Rate Projections

The two cases presented in the next pages are based on the estimated revenue requirements of the Stormwater Utility over the next 25 years. Case 1 represents the rate forecast assuming a 10-year inter-fund loan from the General Fund. Case 2 represents the rate forecast for a 5-year inter-fund loan.

Operational costs are indexed based on inflation factors consistent with Wilsonville’s other enterprise funds and include the staffing additions for an engineer and utility worker. Achieving an operating fund reserve of 20% of annual operating costs is also reflected in the projections. All capital costs have been inflated for the year of planned construction and the debt service expense is as outlined above (#5).

CASE 1 – 10-Year Inter-fund Loan from General Fund

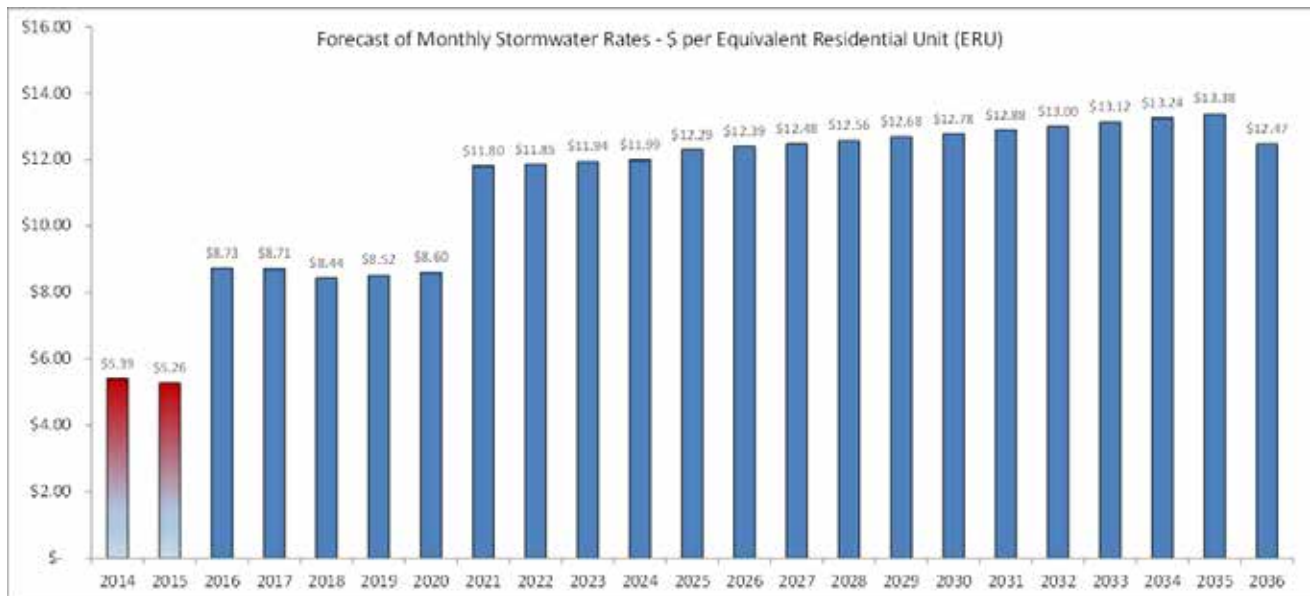


The above graph reflects the estimated rate required on an annual basis. Based on Council direction regarding the preferred approach, rates could be “smoothed” as reflected in the following table:

Case 1 Rates – 10-Year Inter-Fund Loan

Date	Monthly Rate Increase Per ERU	New Rate	Percent Increase
Current Rate	n/a	\$5.25	—
Apr. 1, 2015	\$1.50	\$6.75	29%
Jan. 1, 2016	\$1.50	\$8.25	22%
Jan. 1, 2017	\$.90	\$9.15	11%
Jan. 1, 2018	\$.90	\$10.05	10%
Jan. 1, 2019	\$.90	\$10.95	9%
Jan.1, 2020	\$.90	\$11.85	8%
Jan. 1, 2021	\$.90	\$12.75	7.5%

CASE 2 – 5-Year Inter-Fund Loan from General Fund



The above graph reflects the estimated rate required on an annual basis. Based on Council direction regarding the preferred approach, rates could be “smoothed” as reflected in the following table:

Case 2 Rates – 5-Year Inter-Fund Loan

Date	Monthly Rate Increase Per ERU	New Rate	Percent Increase
Current Rate	n/a	\$5.25	n/a
Apr. 1, 2015	\$1.70	\$6.95	32%
Jan. 1, 2016	\$1.70	\$8.65	24%
Jan. 1, 2017	\$0.65	\$9.30	8%
Jan. 1, 2018	\$0.65	\$9.95	7%
Jan. 1, 2019	\$0.65	\$10.60	6.5%
Jan. 1, 2020	\$0.65	\$11.25	6%
Jan. 1, 2021	\$0.65	\$11.90	5.5%

RESOLUTION NO. 2507

A RESOLUTION SETTING STORMWATER UTILITY RATES FOR THE CITY OF WILSONVILLE AND AMENDING RESOLUTION NO. 2353

WHEREAS, City of Wilsonville Ordinance No. 433 provides the overall City implementing policy and procedures for stormwater management and for imposing a charge (stormwater fee) for stormwater services; and

WHEREAS, City of Wilsonville Resolution No. 2353 establishes administrative procedures, methodology, definitions, rate, and fees for stormwater services; and

WHEREAS, City of Wilsonville Resolution No. 2507 is intended to amend only the rate schedule adopted by Resolution No. 2353; and

WHEREAS, the City of Wilsonville 2014-15 budget process recognized that the Stormwater Fund with the existing rate structure does not meet ending fund balance goals the City has set for all enterprise funds; and

WHEREAS, the 2014-15 budget process also recognized that the Stormwater Fund with the existing rate structure does not generate sufficient resources to support both operating requirements and projected capital needs; and

WHEREAS, a stormwater utility rate study was initiated to determine necessary actions to restore fund stability and evaluate strategies to address operating and capital needs; and

WHEREAS, City of Wilsonville Resolution No. 2481 acknowledged the Charbonneau Consolidated Improvement Plan (CCIP) and amended the February 2012 Stormwater CIP to include the stormwater projects identified in the CCIP; and

WHEREAS, three new Willamette River outfall repair projects were also added to the February 2012 CIP; and

WHEREAS, the February 2012 Stormwater Capital Improvement Program was reviewed in detail and updated by the Community Development staff in preparation for the stormwater rate study; and

WHEREAS, Shaun Pigott Associates LLC completed a fund analysis that provides an equitable system of user charges; and

WHEREAS, several rate scenarios and funding strategies were presented to the City of Wilsonville City Council at their meetings in August, October, and November 2014; and

WHEREAS, the City Council selected a rate scenario that uses a 25-year time frame to implement Stormwater Capital Improvement Program; and

WHEREAS, the recommended fund strategy includes debt financing the projects identified in the first five years of the list by combining an inter-fund loan (via the General Fund) with a revenue bond, and

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

1. The following table provides the schedule for the stormwater rate that applies monthly to a single family unit or Equivalent Residential Unit for the period of April 2015 through December 2021:

Date	New Monthly Rate/ERU
April 1, 2015	\$6.95
January 1, 2016	\$8.65
January 1, 2017	\$9.30
January 1, 2018	\$9.95
January 1, 2019	\$10.60
January 1, 2020	\$11.25
January 1, 2021	\$11.90

2. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 5th day of January, 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 _____
Councilor Starr _____
Councilor Fitzgerald _____
Councilor Stevens _____
Councilor Lehan _____

ORDINANCE NO. 765

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 3, SECTION 3.560, BY PROVIDING FOR A GOVERNMENTAL EXEMPTION FROM THE ESTABLISHED PRIVILEGE TAX FOR USE OF CITY RIGHT-OF-WAYS AND ALLOWING ALTERNATIVE CONSIDERATION IN LIEU OF THE TAX

WHEREAS, the City of Wilsonville ("City") desires to amend **Wilsonville Code Chapter 3, Section 3.560**, in order to allow more flexibility with respect to how the City charges other government entities for certain uses of its right-of-way when it is determined to be in the best interest of the City to receive alternative consideration in lieu of the established Privilege Tax, so long as such alternative consideration is reasonable and applied in a nondiscriminatory fashion;

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

1. Wilsonville City Code Chapter 3, Section 3.560, is amended to read as follows

(new language shown in italics):

"3.560 Exemptions

The following exemptions apply:

- (1) Any facility placed in the right-of-way solely to provide service for transportation or vehicular use of the right-of-way is exempt from the tax.
 - (2) *Any facility placed in the right-of-way by or with another government entity, pursuant to an Intergovernmental Agreement ("IGA") entered into with the City, in accordance with ORS Chapter 190, which IGA serves a public purpose and is subject to other reasonable and nondiscriminatory consideration that the City determines will better serve the public need, safety, or welfare than the tax would otherwise provide."*
2. The City Recorder is directed to amend Wilsonville Code Chapter 3, Section 3.560, as approved above, and to make such format, style, and conforming changes to match the format and style of the Privilege Tax section of the Wilsonville Code.
3. Except as set forth above, Chapter 3 of the Wilsonville City Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 15th day of December, 2014, and scheduled for second reading on January 5, 2015, commencing at the hour of 7 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 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
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

ORDINANCE NO. 763

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 9.8 ACRES AT 11650 SW TOOZE ROAD AND A SMALL TRIANGULAR, APPROXIMATELY 6315 SQUARE FOOT, PROPERTY ACROSS SW GRAHAMS FERRY ROAD FROM 28333 SW GRAHAMS FERRY ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 1100, 1101, AND 1503 (FORMERLY 1591) OF SECTION 15 T3S-R1W, CLACKAMAS COUNTY, OREGON, CITY OF WILSONVILLE, APPLICANT.

WHEREAS, The City Wilsonville is the sole owner of certain real property legally described and depicted in Attachment 1 on which no persons or electors reside; and

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

WHEREAS, the land to be annexed is within the Urban Growth Boundary and has been master planned as part of the Villebois Village Master Plan; and

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

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

WHEREAS, Panel A of the Development Review Board considered the annexation and after a duly advertised public hearing held on November 10, 2014 recommended City Council approve the annexation; and

WHEREAS, on December 1, 2014, the City Council held a public hearing as required by Metro Code 3.09.050; and

WHEREAS, reports were prepared and considered as required by law; and because the annexation is not contested by any party, the City Council chooses not to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings, conclusions, Development Review Board's recommendation to City Council; and

WHEREAS, the annexation is not contested by any necessary party;

NOW, THEREFORE, THE CITY OF WILSONVILLE DOES ORDAIN AS FOLLOWS:

Section 1. The tracts of land, described and depicted in Attachment 1, is declared annexed to the City of Wilsonville.

Section 2. The findings and conclusions incorporated in Attachment 3 are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 1st day of December 2014, and scheduled the second reading on December 15, 2014 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

Sandra C. King, City Recorder

ENACTED by the City Council of the City of Wilsonville, on the ____ day of December, 2014, by the following votes:

AYES: -- NAYS: --

Sandra C. King, City Recorder

DATED and signed by the Mayor this _____ day of December 2014.

TIM KNAPP, Mayor

SUMMARY OF VOTES:

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

Attachments:

- Attachment 1 Legal Description and Sketch Depicting Land/Territory to be Annexed
- Attachment 2 Petition for Annexation
- Attachment 3 Annexation Findings, December 1, 2014.
- Attachment 4 Development Review Board Panel A Resolution No. 292 recommending approval of the annexation



EXHIBIT "A"

October 10, 2014

LEGAL DESCRIPTION

Job No. 103-005

Two parcels of land owned by the City of Wilsonville per Document No. 2006-085167, being Parcel 1 and Parcel 2 of Partition Plat No. 1994-182, Clackamas County Plat Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Northeast corner of said Parcel 1;

thence along the easterly line of said Parcel 1, South 00°43'30" West, a distance of 888.82 feet to the Southeast corner of said Parcel 1;

thence along the northerly line of plat of "Tonquin Woods at Villebois No. 4", South 89°59'58" West, a distance of 481.11 feet to the Southwest corner of said Parcel 2;

thence along the westerly line of said Parcel 2, North 00°48'23" East, a distance of 888.82 feet to the Northwest corner of said Parcel 2;

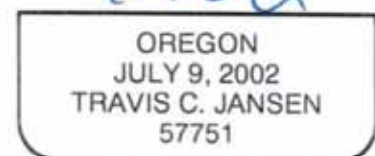
thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), North 89°59'50" East, a distance of 479.85 feet to the POINT OF BEGINNING.

Containing 9.81 acres, more or less.

Basis of bearings being Partition Plat No. 1994-182, Clackamas County Plat Records.



A handwritten signature in blue ink, appearing to read "T. Jansen", written over the surveyor's stamp.



RENEWES: 6/30/2015

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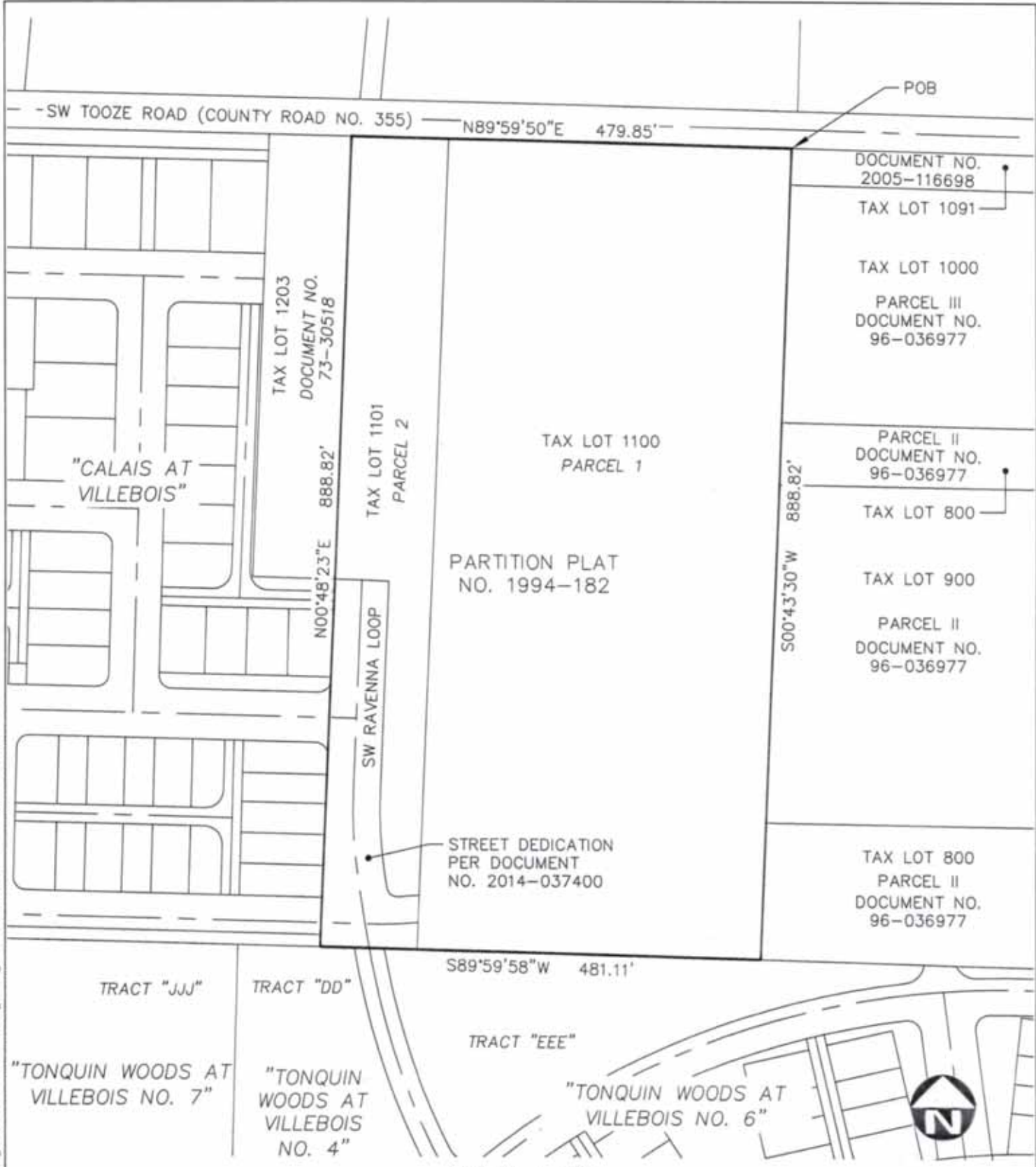


EXHIBIT "A"

DRAWN BY: BAA DATE: 10/10/2014
REVIEWED BY: TCJ DATE: 10/10/2014
PROJECT NO.: 103-005
SCALE: 1"=150'



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



EXHIBIT "A"

October 14, 2014

LEGAL DESCRIPTION

Job No. 103-005

A parcel of land owned by the City of Wilsonville per Document No. 2014-037149, Clackamas County Deed Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of Tract "L", plat of "Calais at Villebois";

thence along the northerly line of Tract "III", plat of "Tonquin Woods at Villebois No. 7" and its extension, North $88^{\circ}34'09''$ West, a distance of 77.14 feet to an angle point on the easterly Right-of-Way line of SW Grahams Ferry Road (County Road No. 13);

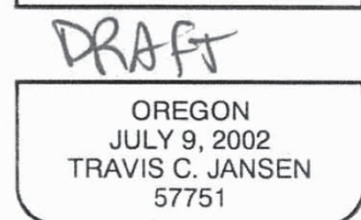
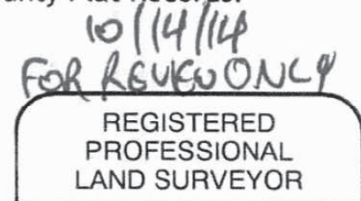
thence along said easterly Right-of-Way line, North $17^{\circ}14'42''$ East, a distance of 170.17 feet to an angle point on the westerly plat line of "Calais at Villebois";

thence along said westerly plat line, South $09^{\circ}12'39''$ East, a distance of 166.59 feet to the POINT OF BEGINNING.

Containing 6,315 square feet, more or less.

Basis of bearings being plat of "Calais at Villebois", Clackamas County Plat Records.

Draft will be finalized after upcoming recording of Tonquin Woods at Villebois No. 7 plat



RENEWS: 6/30/2015

Property Vested In:
City of Wilsonville
Section: 351W15
Tax Lot: 1503

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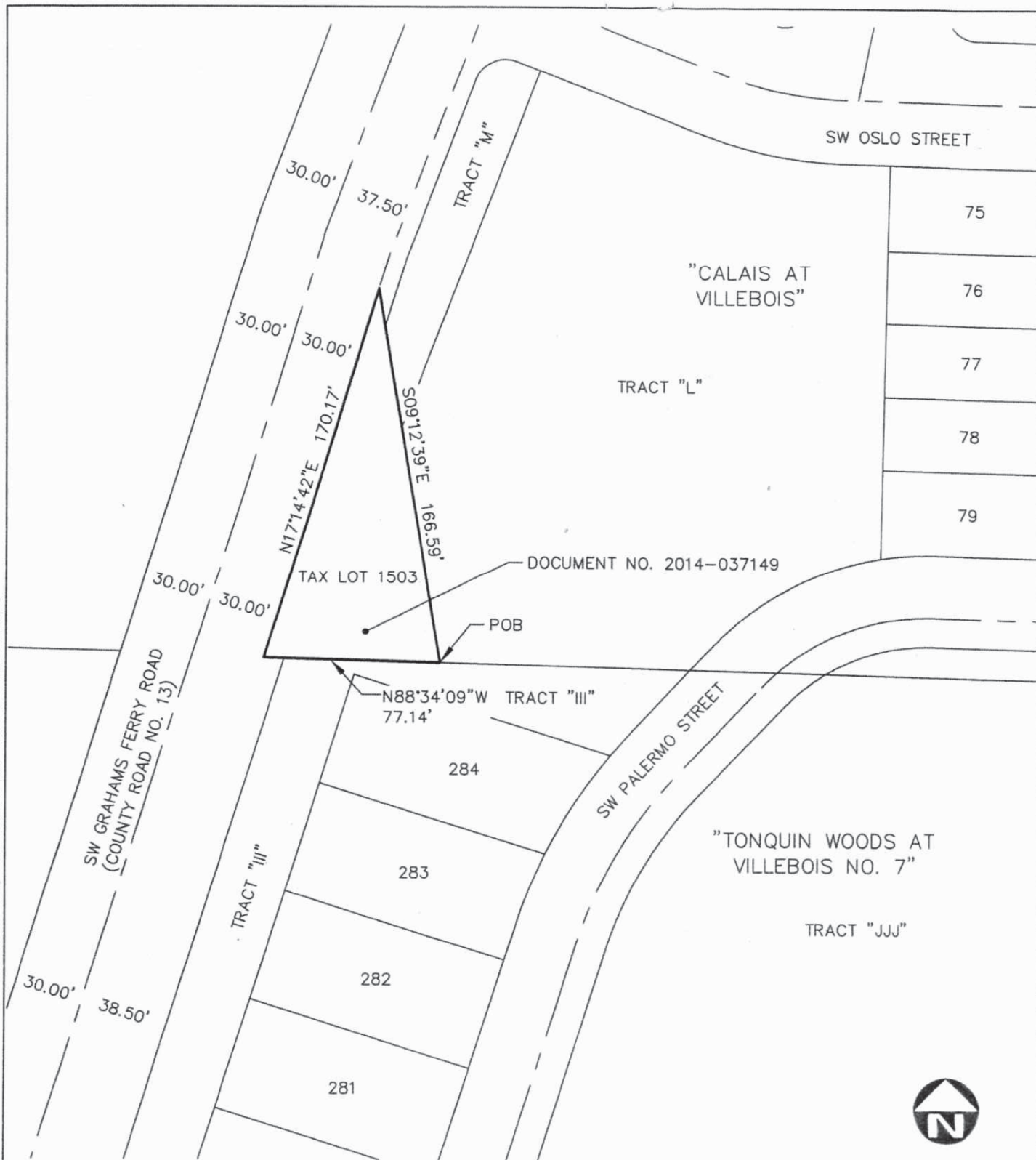


EXHIBIT "A"

DRAWN BY: BAA DATE: 10/14/2014
REVIEWED BY: TCJ DATE: 10/14/2014
PROJECT NO.: 103-005
SCALE: 1"=60'
PAGE 1 OF 1



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

Petition for Annexation to the City of Wilsonville

The City of Wilsonville, as sole owner of certain real property legally described and shown in Attached Exhibit A on which no persons or electors reside, does hereby petition said property be annexed into the boundaries of the City of Wilsonville.

Signed on behalf of the City of Wilsonville, petitioner,



Bryan Cosgrove, City Manager

Date 10/16/14



EXHIBIT "A"

October 10, 2014

LEGAL DESCRIPTION

Job No. 103-005

Two parcels of land owned by the City of Wilsonville per Document No. 2006-085167, being Parcel 1 and Parcel 2 of Partition Plat No. 1994-182, Clackamas County Plat Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Northeast corner of said Parcel 1;

thence along the easterly line of said Parcel 1, South 00°43'30" West, a distance of 888.82 feet to the Southeast corner of said Parcel 1;

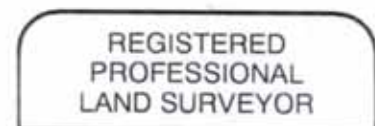
thence along the northerly line of plat of "Tonquin Woods at Villebois No. 4", South 89°59'58" West, a distance of 481.11 feet to the Southwest corner of said Parcel 2;

thence along the westerly line of said Parcel 2, North 00°48'23" East, a distance of 888.82 feet to the Northwest corner of said Parcel 2;

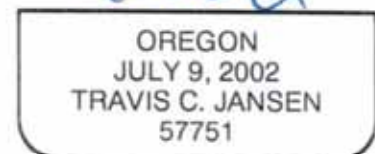
thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), North 89°59'50" East, a distance of 479.85 feet to the POINT OF BEGINNING.

Containing 9.81 acres, more or less.

Basis of bearings being Partition Plat No. 1994-182, Clackamas County Plat Records.



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RENEWS: 6/30/2015

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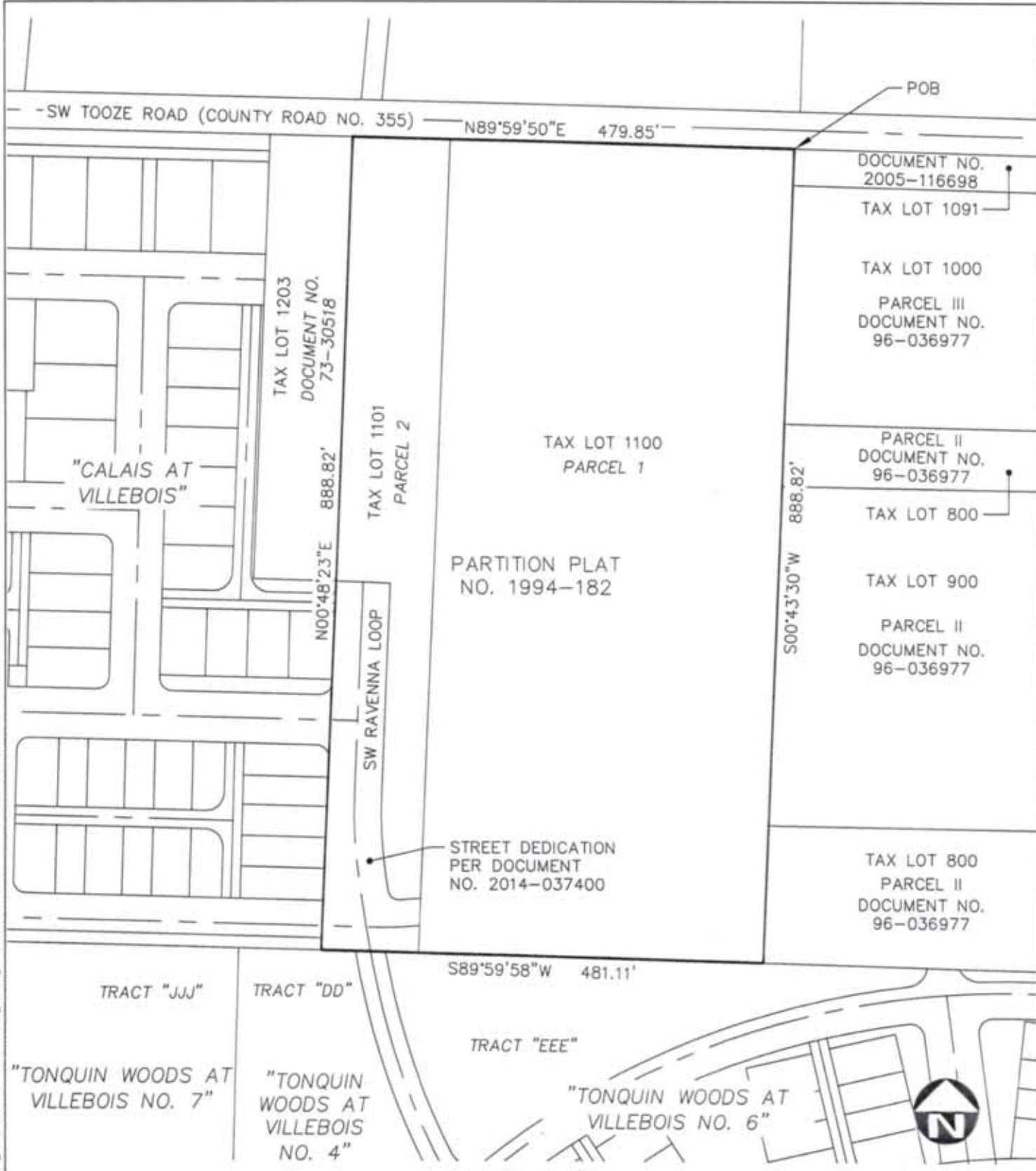


EXHIBIT "A"

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REVIEWED BY: TCJ DATE: 10/10/2014
PROJECT NO.: 103-005
SCALE: 1"=150'



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EXHIBIT "A"

October 14, 2014

LEGAL DESCRIPTION

Job No. 103-005

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thence along the northerly line of Tract "III", plat of "Tonquin Woods at Villebois No. 7" and its extension, North 88° 34' 09" West, a distance of 77.14 feet to an angle point on the easterly Right-of-Way line of SW Grahams Ferry Road (County Road No. 13);

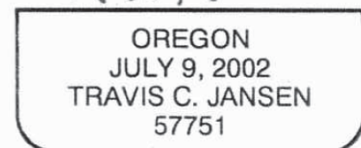
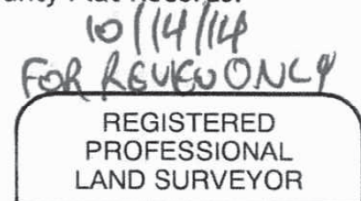
thence along said easterly Right-of-Way line, North 17° 14' 42" East, a distance of 170.17 feet to an angle point on the westerly plat line of "Calais at Villebois";

thence along said westerly plat line, South 09° 12' 39" East, a distance of 166.59 feet to the POINT OF BEGINNING.

Containing 6,315 square feet, more or less.

Basis of bearings being plat of "Calais at Villebois", Clackamas County Plat Records.

Draft will be finalized after upcoming recording of Tonquin Woods at Villebois No. 7 plat



RENEWS: 6/30/2015

Property Vested In:
City of Wilsonville
Section: 351W15
Tax Lot: 1503

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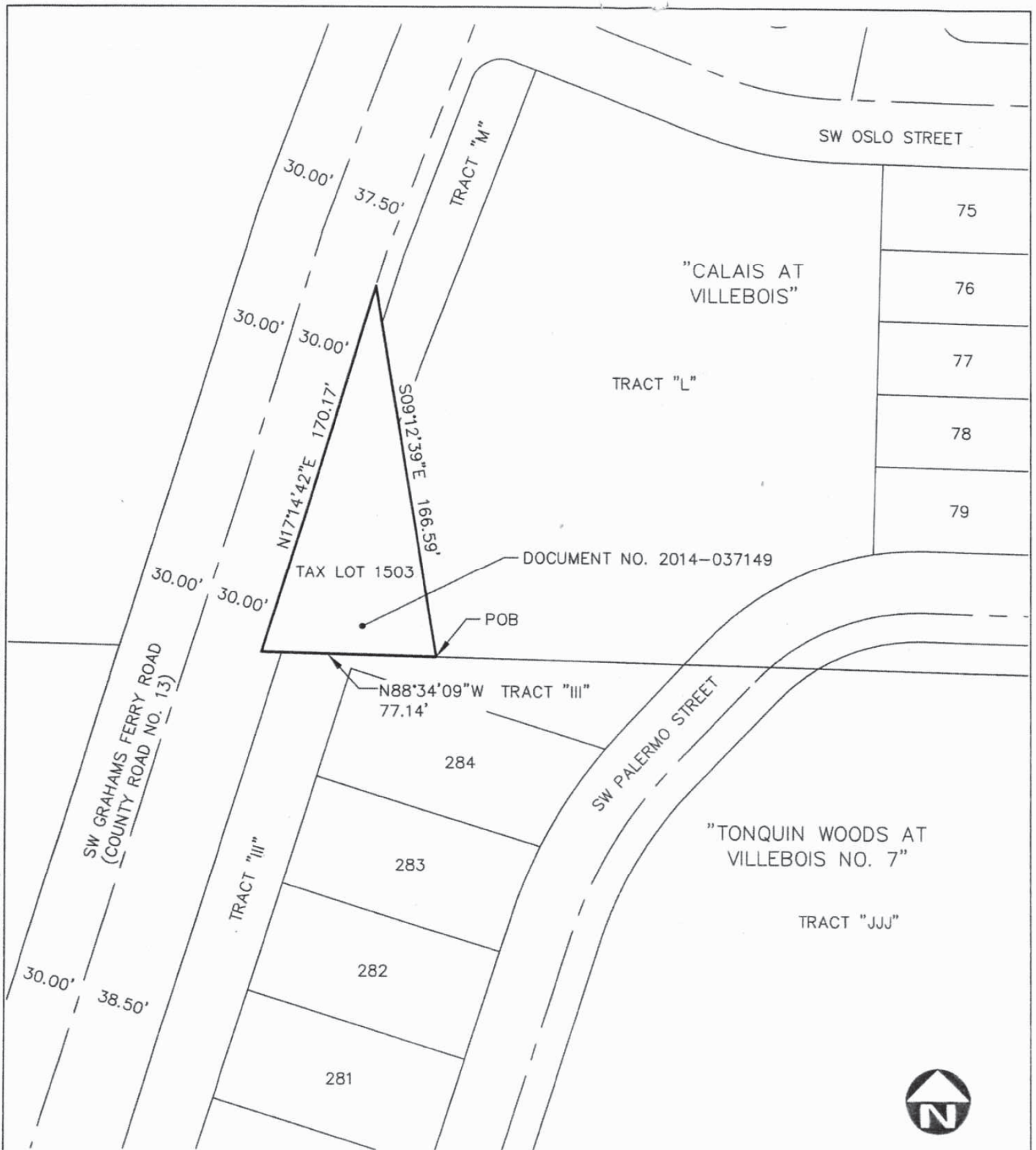


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PAGE 1 OF 1



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Ordinance No. 763 Attachment 3
STAFF REPORT
WILSONVILLE PLANNING DIVISION

North Villebois City Properties Annexation

CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING

HEARING DATE	December 1, 2014
DATE OF REPORT:	November 24, 2014

APPLICATION NOS.: DB14-0064Annexation

REQUEST/SUMMARY: City Council is being asked to review a Quasi-judicial Annexation for City owned properties in the northwest portion of Villebois. No development is proposed concurrently with these applications.

LOCATION: Approximately 9.8 acres at 11650 SW Tooze Road and a small triangular approximately 6315 square foot property across Grahams Ferry Road from 28333 SW Grahams Ferry Road. Described as Tax Lots 1100, 1101, and 1503 (formerly 1591), Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, as depicted on the map below.

OWNER/APPLICANT/PETITIONER: City of Wilsonville

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

ZONE MAP CLASSIFICATION (COUNTY): RRFF5 (Rural Residential Farm Forest 5)

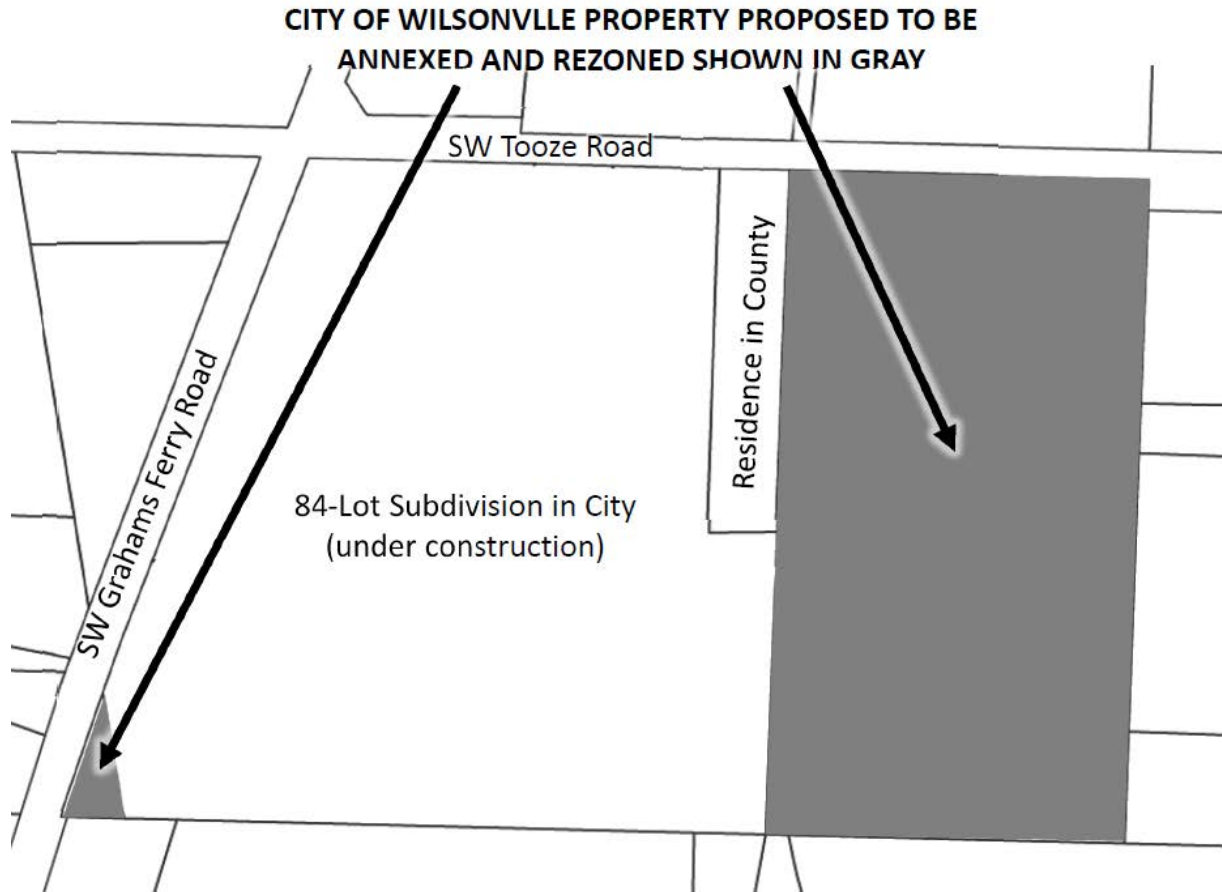
STAFF REVIEWER: Daniel Pauly AICP, Associate Planner

STAFF RECOMMENDATIONS: Annex the land as requested.

APPLICABLE REVIEW CRITERIA

<u>DEVELOPMENT CODE</u>	
Section 4.700	Annexation
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan	
<u>REGIONAL AND STATE PLANNING DOCUMENTS</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
Metro Function Plan Titles 1,2,3,6 and 7	
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Effect of Consent to Annexation by Territory

Vicinity Map



BACKGROUND/SUMMARY:

Annexation (DB14-0064)

Of the land covered by the Villebois Village Master Plan only the properties just south of Tooze Road between Grahams Ferry Road and 110th Avenue remain outside the City. The City's Comprehensive Plan already designates these properties as "Residential-Village" in anticipation of annexation. Earlier in 2014 Polygon Homes petitioned for annexation of properties near the corner of Tooze Road and Grahams Ferry Road concurrent with a request to develop the property. The City wishes to now annex City owned property adjacent to the property annexed earlier this year.

CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and DRB have reviewed the petition and facts regarding the request and recommends the City Council approve the annexation (DB14-0064).

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on October 15, 2014. On October 15, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and determined the application to be complete. The City must render a final decision for the request, including any appeals, by February 12, 2015.
2. Surrounding land uses are as follows:

Tooze Road Properties

Compass Direction	Zone:	Existing Use:
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	Clackamas Coun RRFF5	Vacant
South:	V	Vacant (Future Park)
West:	Clackamas County RRFF5/V	Single-family Residential (existing and under development)

Grahams Ferry Road Property

Compass Direction	Zone:	Existing Use:
Northeast	V	Single-family Residential (under development)
South:	V	Vacant (Future Open Space)
West:	Clackamas County RRFF5	Grahams Ferry Road/Rural Residential

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:

DB07-0054 et seq – SAP-North
DB07-0087 et seq – PDP-1N, Arbor at Villebois
DB11-0024 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
DB12-0066 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
DB13-0020 et seq – PDP-2N, SAP North Amendment Polygon NW
DB14-0009 et seq – PDP-3N, SAP North Amendment Polygon NW

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 DB14-0064 ANNEXATION
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Comprehensive Plan

Annexation and Boundary Changes

Implementation Measure 2.2.1.a.

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

Finding: These criteria are satisfied.

Explanation of Finding: The required consistency is fulfilled by being consistent with the Villebois Village Master Plan. The Villebois Village Master Plan was created and approved to address the jobs-housing imbalance and population growth within the City of Wilsonville. The Master Plan shows single family residential land uses within the subject site. Therefore, as a portion of Villebois Village, the subject site addresses a demonstrated need for urban growth.

The Villebois Parks & Open Space Plan ensures adequate parks and open space opportunities, which include a range of experiences for residents and visitors. Chapter 4 of the Villebois Village Master Plan evaluates compliance of the planned sanitary sewer, storm drainage, and water systems with the City’s Wastewater Collections System Master Plan, Stormwater Master Plan, and Water System Master Plan. Chapter 5 of the Master Plan analyzes compliance of the Villebois circulation system with the City’s Transportation Systems Plan. The Master Plan includes implementation measures to ensure compliance with the City’s public facility master plans and Transportation Systems Plan.

Implementation Measure 2.2.1.e.

- A2. **Review Criteria:** “Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:” Listed 1 through 5.

Finding: These criteria are satisfied.

Explanation of Finding: The requirements are fulfilled by being consistent with the Villebois Village Master Plan, as further explained below in this finding, or by compliance with state and regional policies as found in other findings supporting this request.

Orderly, Economic Provision of Public Facilities and Services: The Villebois Village Master Plan set forth implementation measures to ensure the orderly and economic provision of public facilities and services for this area. Adjacent development in Villebois is bringing needed and adequately sized public facilities adjacent to or onto the subject properties.

Availability of sufficient land for marketplace choice: The availability of sufficient land was demonstrated by the adoption of the Villebois Village Master Plan, which plans for the development of the 480-acre Villebois Village area. At the time of Master Plan approval, Villebois Village was found to have a wide range of residential choices. Annexation of the subject area to the City will allow development to occur that is consistent with the Master Plan and that provides the anticipated housing choices.

Encouraging Development within City Limits prior to UGB: Adjacent areas in the City are being developed, and the subject land will either be developed concurrently or will be the next anticipated development in Villebois. No other land planned for single-family residential in the Villebois Village Master Plan remains that has not received preliminary approval and in the process of development.

Compact Urban Development Implementation Measures

Implementation Measure 4.1.6.a. and c.

- A3. **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.”

“The “Village” Zone District shall be applied in all areas that carry the Residential – Village Plan Map Designation.”

Finding: These criteria are satisfied.

Explanation of Finding: The subject site is included in the “Residential-Village” Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the “Village” Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to the properties has been included. The site must be brought into City limits before the V zone can be applied.

Development Code

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

- A4. **Review Criteria:** These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial, the DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation.
Finding: These criteria are satisfied.
Explanation of Finding: The subject annexation request has been determined to be quasi-judicial and is being reviewed by the DRB and City Council consistent with these subsections.

Section 4.700 Annexation

- A5. **Review Criteria:** This section defines the criteria and process for annexation review within the City.
Finding: These criteria are satisfied.
Explanation of Finding: All the necessary materials defined by this section have been submitted for City review. The annexation is being considered quasi-judicial. Staff recommends the City Council, upon the DRB's recommendation, declare the subject property annexed.

Metro Code

Chapter 3.09 Local Government Boundary Changes

- A6. **Review Criteria:** This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region.
Finding: These criteria are satisfied.
Explanation of Finding: The request is within the UGB, meets the definition of a minor boundary change as an annexation to a city, satisfies the requirements for boundary change petitions as the property owner, there are no electors, has submitted a petition with the required information, is consistent with the Comprehensive Plan, Villebois Village Concept Plan, and Villebois Village Master Plan.

Oregon Revised Statutes

ORS 222.111 Authority and Procedure for Annexation

- A7. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 10-11 of the applicant's narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B3).
Finding: These criteria are satisfied.
Explanation of Finding: The applicable requirements in state statute are met including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated by the property owner of the land being annexed, and there are no electors in the area to be annexed.

ORS 222.120 Procedure Without Election by City Electors

- A8. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

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

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

- A9. **Review Criteria:** "The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation."

Finding: These criteria are satisfied.

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

Oregon Statewide Planning Goals

Goals 1, 2, 5, 6, 8, 9, 10, 11, 12, 13

- A10. **Review Criteria:** The goals include: citizen involvement, land use planning, natural resources and open spaces, air water and land resource quality, recreational needs, economic development, housing, public facilities and services, transportation, and energy conservation.

Finding: These criteria are satisfied.

Explanation of Finding: The area requested to be annexed will be developed consistent with the City's Comprehensive Plan and the Villebois Village Master Plan, both which have been found to meet the statewide planning goals.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 292**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO VILLAGE (V) FOR CITY OWNED PROPERTIES ALONG TOOZE ROAD AND GRAHAMS FERRY ROAD NEAR THE NORTHWEST CORNER OF VILLEBOIS. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1100, 1101 AND 1503 (FORMERLY 1591), OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. CITY OF WILSONVILLE- APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated November 3, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on November 10, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated November 3, 2014 recommending to City Council approval of the Annexation and Zone Map Amendment Requests (DB14-0064 and DB14-0065) for:

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 10th day of November, 2014 and filed with the Planning Administrative Assistant on November 13, 2014. 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

ORDINANCE NO. 764

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY RURAL RESIDENTIAL FARM FOREST 5 (RRFF5) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 9.8 ACRES AT 11650 SW TOOZE ROAD AND A SMALL TRIANGULAR APPROXIMATELY 6315 SQUARE FOOT PROPERTY ACROSS SW GRAHAMS FERRY ROAD FROM 28333 SW GRAHAMS FERRY ROAD. COMPRISING TAX LOTS 1100, 1101, AND 1503 (FORMERLY 1591) OF SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON, CITY OF WILSONVILLE, APPLICANT.

RECITALS

WHEREAS, The City of Wilsonville owns certain real property within the Villebois Village Master Plan being annexed into the City; and

WHEREAS, The City of Wilsonville desires to have the properties zoned consistent with their Wilsonville Comprehensive Plan Map designation of “Residential-Village” rather than maintain the current Clackamas County zoning designations.

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

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on November 10, 2014;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on November 10, 2014, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 292 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB14-0065), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on December 1, 2014, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the

proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and the 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, upon finalization of the annexation of the Property to the City, by Zoning Order DB14-0065, attached hereto as Attachment 1, from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 1st day of December 2014, and scheduled for the second and final reading on December 15, 2014, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

Sandra C. King, City Recorder

ENACTED by the City Council of the City of Wilsonville, on the day of, 2014, by the following votes:

AYES: -- NAYS: -

Sandra C. King, City Recorder

DATED and signed by the Mayor this _____ day of December, 2014.

TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp

Councilor President Starr

Councilor Fitzgerald

Councilor Stevens

Councilor Lehan

Attachments:

Attachment 1: Zoning Order DB14-0065.

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. 292 recommending approval of the Zone Map Amendment

ORD. NO. 764 ATTACHMENT 1

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

In the Matter of the Application of)	
The City of Wilsonville)	
for a Rezoning of Land and Amendment)	ZONING ORDER DB14-0065
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 DB14-0065, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached Attachment A, has heretofore appeared on the Clackamas County zoning map Rural Residential Farm Forest 5 (RRFF5).

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 9.8 acres at 11650 SW Tooze Road and a small triangular approximately 6315 square foot property across SW Grahams Ferry Road from 28333 SW Grahams Ferry Road comprising Tax Lots 1100, 1101, and 1503 (formerly 1591) of Section 15, as more particularly shown and described in the Legal Description and Sketch, 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: This _____ day of December, 2014.

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



EXHIBIT "A"

October 10, 2014

LEGAL DESCRIPTION

Job No. 103-005

Two parcels of land owned by the City of Wilsonville per Document No. 2006-085167, being Parcel 1 and Parcel 2 of Partition Plat No. 1994-182, Clackamas County Plat Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Northeast corner of said Parcel 1;

thence along the easterly line of said Parcel 1, South 00°43'30" West, a distance of 888.82 feet to the Southeast corner of said Parcel 1;

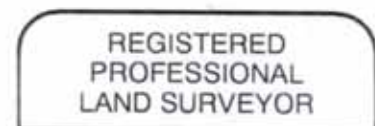
thence along the northerly line of plat of "Tonquin Woods at Villebois No. 4", South 89°59'58" West, a distance of 481.11 feet to the Southwest corner of said Parcel 2;

thence along the westerly line of said Parcel 2, North 00°48'23" East, a distance of 888.82 feet to the Northwest corner of said Parcel 2;

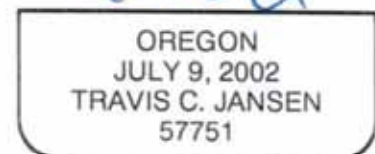
thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), North 89°59'50" East, a distance of 479.85 feet to the POINT OF BEGINNING.

Containing 9.81 acres, more or less.

Basis of bearings being Partition Plat No. 1994-182, Clackamas County Plat Records.



A handwritten signature in blue ink, appearing to read "T. Jansen", written over the surveyor's stamp.



RENEWS: 6/30/2015

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EXHIBIT "A"

DRAWN BY: BAA DATE: 10/10/2014
REVIEWED BY: TCJ DATE: 10/10/2014
PROJECT NO.: 103-005
SCALE: 1"=150'



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



EXHIBIT "A"

October 14, 2014

LEGAL DESCRIPTION

Job No. 103-005

A parcel of land owned by the City of Wilsonville per Document No. 2014-037149, Clackamas County Deed Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of Tract "L", plat of "Calais at Villebois";

thence along the northerly line of Tract "III", plat of "Tonquin Woods at Villebois No. 7" and its extension, North 88° 34' 09" West, a distance of 77.14 feet to an angle point on the easterly Right-of-Way line of SW Grahams Ferry Road (County Road No. 13);

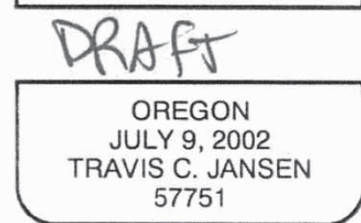
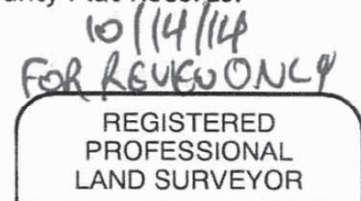
thence along said easterly Right-of-Way line, North 17° 14' 42" East, a distance of 170.17 feet to an angle point on the westerly plat line of "Calais at Villebois";

thence along said westerly plat line, South 09° 12' 39" East, a distance of 166.59 feet to the POINT OF BEGINNING.

Containing 6,315 square feet, more or less.

Basis of bearings being plat of "Calais at Villebois", Clackamas County Plat Records.

Draft will be finalized after upcoming recording of Tonquin Woods at Villebois No. 7 plat



RENEWS: 6/30/2015

Property Vested In:
City of Wilsonville
Section: 351W15
Tax Lot: 1503

N:\proj\103-005\09 Drawings\06 Survey\Legals\103005 Annexation Legal, PUE, and ROW.dwg - SHEET: TAX LOT 1503 Oct. 14, 14 - 8:41 AM blake

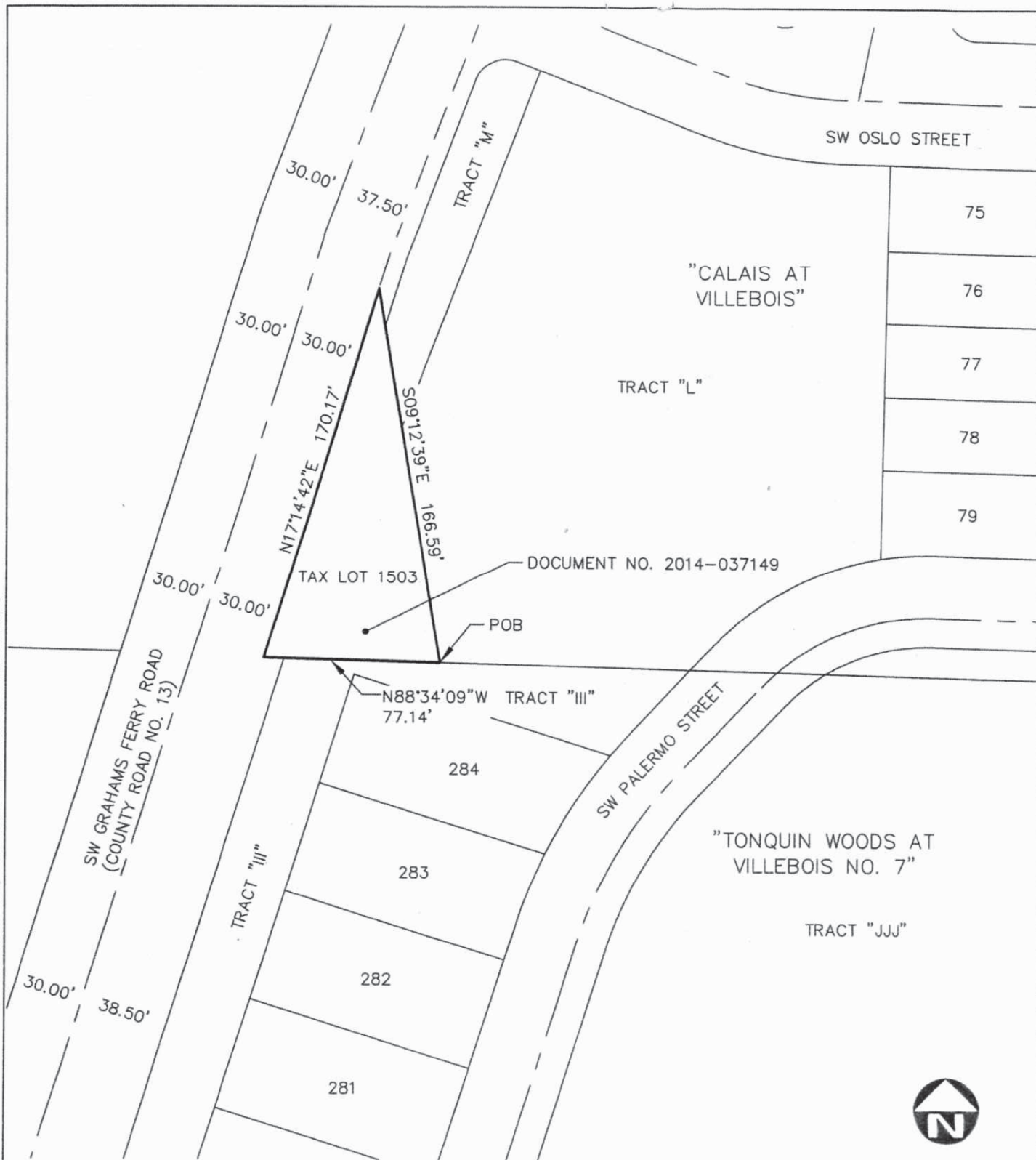


EXHIBIT "A"

DRAWN BY: BAA DATE: 10/14/2014
REVIEWED BY: TCJ DATE: 10/14/2014
PROJECT NO.: 103-005
SCALE: 1"=60'
PAGE 1 OF 1



12564 SW Main St
Tigard, OR 97223
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Ord. No. 764 Attachment 2
STAFF REPORT
WILSONVILLE PLANNING DIVISION

North Villebois City Properties
Zone Map Amendment

CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING

HEARING DATE	December 1, 2014
DATE OF REPORT:	November 24, 2014

APPLICATION NOS.: DB14-0065 Zone Map Amendment

REQUEST/SUMMARY: The City Council is being asked to review a Quasi-judicial Zone Map Amendment for City owned properties in the northwest portion of Villebois. No development is proposed concurrently with the zone map amendment.

LOCATION: Approximately 9.8 acres at 11650 SW Tooze Road and a small triangular approximately 6315 square foot property across SW Grahams Ferry Road from 28333 SW Grahams Ferry Road. Described as Tax Lots 1100, 1101, and 1503 (formerly 1591), Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, as depicted on the map below.

OWNER/APPLICANT/PETITIONER: City of Wilsonville

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

ZONE MAP CLASSIFICATION: RRFF5 (Clackamas County Rural Residential Farm Forest 5)

STAFF REVIEWER: Daniel Pauly AICP, Associate Planner

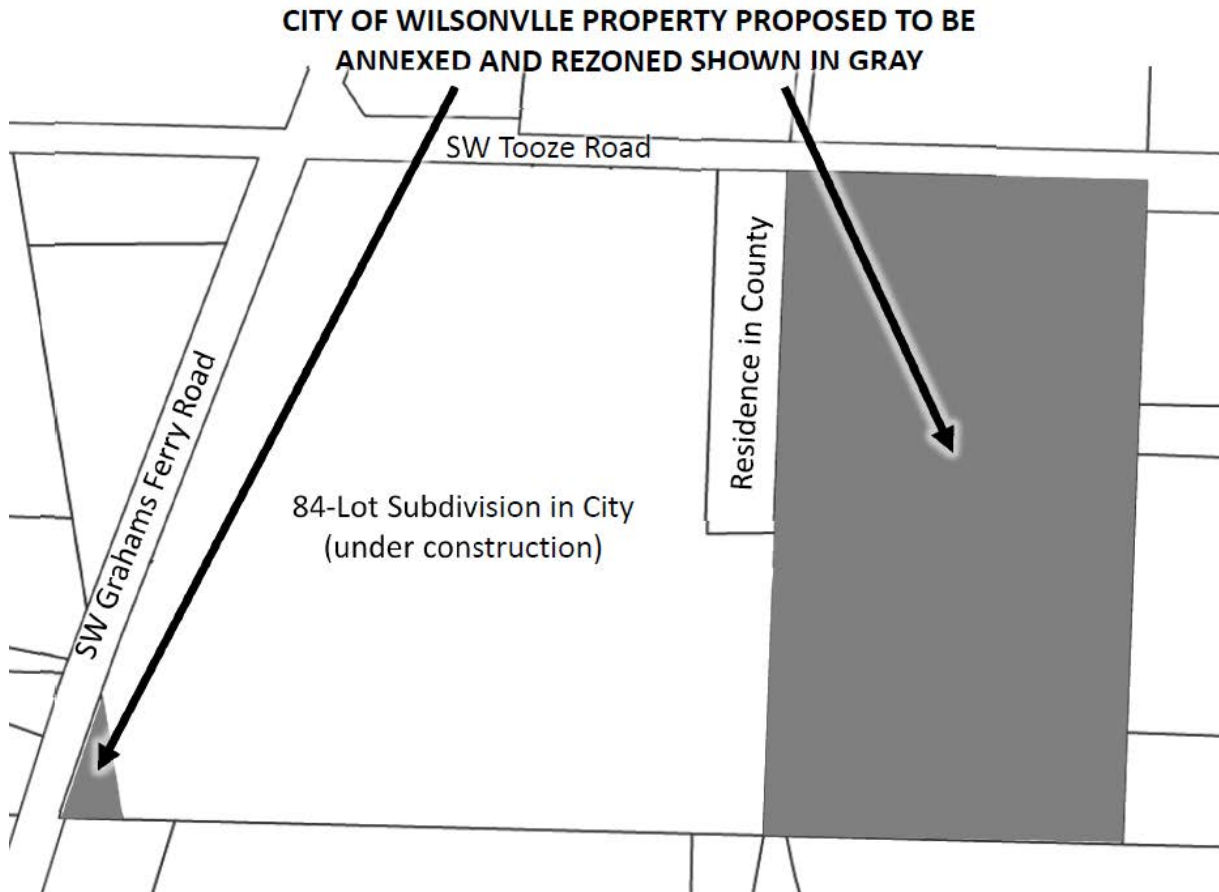
DRB RECOMMENDATION: Approve the requested Zone Map Amendment.

APPLICABLE REVIEW CRITERIA

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

Comprehensive Plan	
Villebois Village Master Plan	
SAP North Approval Documents	
<u>REGIONAL AND STATE PLANNING DOCUMENTS</u>	
Statewide Planning Goals	

Vicinity Map



BACKGROUND/SUMMARY:

Zone Map Amendment (DB14-0010)

The applicant requests to change the current Clackamas County zoning designation of Rural Residential Farm Forest 5 (RRFF5) to the City of Wilsonville zoning designation of Village (V) consistent with the Comprehensive Plan designation of Residential-Village and the Villebois Village Master Plan.

CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the petition and facts regarding the request and recommends the DRB recommend approval of the zone map amendment (DB14-0065).

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on October 15, 2014. On October 15, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and determined the application to be complete. The City must render a final decision for the request, including any appeals, by February 12, 2015.
2. Surrounding land uses are as follows:

Tooze Road Properties

Compass Direction	Zone:	Existing Use:
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	Clackamas Coun RRFF5	Vacant
South:	V	Vacant (Future Park)
West:	Clackamas County RRFF5/V	Single-family Residential (existing and under development)

Grahams Ferry Road Property

Compass Direction	Zone:	Existing Use:
Northeast	V	Single-family Residential (under development)
South:	V	Vacant (Future Open Space)
West:	Clackamas County RRFF5	Grahams Ferry Road/Rural Residential

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:

DB07-0054 et seq – SAP-North
DB07-0087 et seq – PDP-1N, Arbor at Villebois
DB11-0024 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
DB12-0066 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
DB13-0020 et seq – PDP-2N, SAP North Amendment Polygon NW
DB14-0009 et seq – PDP-3N, SAP North Amendment Polygon NW

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: The applications have been submitted on behalf of the sole property owner, City of Wilsonville.

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

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

shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application.”

Finding: This criterion is satisfied.

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

CONCLUSIONARY FINDINGS: DB14-0065 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.
Explanation of Finding: Development in this area is being guided by all the listed plans and codes.

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
Explanation of Finding: The subject area is part of the Villebois Village Master Plan and the plan contains all the elements listed in this implementation measure

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.
Explanation 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.
Explanation of Finding: The proposed designation of the subject property as “Village” will allow development of uses supportive of an urban village consistent with 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.

Explanation of Finding: The applicant is applying for a zone change prior to application for planned development applications, or the Villebois Equivalent which will make the zoning consistent with the Comprehensive Plan when future development is proposed.

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.

Explanation 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.

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

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

Finding: This criterion is satisfied.

Explanation of Finding: 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 B5 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.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

9. **Review Criteria:** “That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;”
Finding: These criteria are satisfied.
Explanation of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.

10. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”
Finding: These criteria are satisfied.
Explanation of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings B1 through B4 comply with applicable Comprehensive Plan text.

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

11. **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.
Explanation 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

12. **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.
Explanation of Finding: While final design of public facilities will occur with a future PDP or PDPs, the subject property is part of the Villebois Village Master Plan where utilities have been planned to be adequate to serve the entire Master Plan area. Development requirements tied to future applications for PDP’s and other development approvals will further insure all necessary public facilities are provided.

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

13. **Review Criteria:** “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;”
Finding: These criteria are satisfied.
Explanation of Finding: No SROZ area is mapped on the subject properties.

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

14. **Review Criterion:** “That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”
Finding: This criterion is satisfied.
Explanation of Finding: Development on the subject property will happen in a number of stages reasonably expected to commence on all included parcels within two (2) years. The limited improvements, including fencing and landscaping on Tax Lot 1503 (formerly 1591), is expected to occur together with the development of adjacent Tonquin Woods No. 7 and Calais subdivisions which are approved and under construction. Development on Tax Lot 1101 has already commenced to build public street improvements and associated landscaping. Part of Tax Lot 1100 is planned for a portion of Regional Park 5. The City is working with partners and adjacent property owners to plan the Regional Park and expect the park to be constructed within 2 years. The development of the remainder of Tax Lots 1100 and 1101 depends on market conditions and could very well commence within two years.

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

15. **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.
Explanation 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. 292**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO VILLAGE (V) FOR CITY OWNED PROPERTIES ALONG TOOZE ROAD AND GRAHAMS FERRY ROAD NEAR THE NORTHWEST CORNER OF VILLEBOIS. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1100, 1101 AND 1503 (FORMERLY 1591), OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. CITY OF WILSONVILLE- APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated November 3, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on November 10, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated November 3, 2014 recommending to City Council approval of the Annexation and Zone Map Amendment Requests (DB14-0064 and DB14-0065) for:

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 10th day of November, 2014 and filed with the Planning Administrative Assistant on November 13, 2014. 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

Exhibit A1
STAFF REPORT
WILSONVILLE PLANNING DIVISION

North Villebois City Properties Annexation and Zone Map Amendment

DEVELOPMENT REVIEW BOARD PANEL ‘A’
QUASI-JUDICIAL PUBLIC HEARING
STAFF REPORT
ADOPTED NOVEMBER 10, 2014

HEARING DATE	November 10, 2014
DATE OF REPORT:	November 3, 2014

APPLICATION NOS.: DB14-0064 Annexation
DB14-0065 Zone Map Amendment

REQUEST/SUMMARY: The Development Review Board is being asked to review a Quasi-judicial Annexation and Zone Map Amendment for City owned properties in the northwest portion of Villebois. No development is proposed concurrently with these applications.

LOCATION: Approximately 9.8 acres at 11650 SW Tooze Road and a small triangular approximately 6315 square foot property across Grahams Ferry Road from 28333 SW Grahams Ferry Road. Described as Tax Lots 1100, 1101, and 1503 (formerly 1591), Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, as depicted on the map below.

OWNER/APPLICANT/PETITIONER: City of Wilsonville

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

ZONE MAP CLASSIFICATION: RRFF5 (Clackamas County Rural Residential Farm Forest 5)

STAFF REVIEWER: Daniel Pauly AICP, Associate Planner

STAFF RECOMMENDATIONS: Recommend approval of the requested Annexation and Zone Map Amendment to City Council.

APPLICABLE REVIEW CRITERIA

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

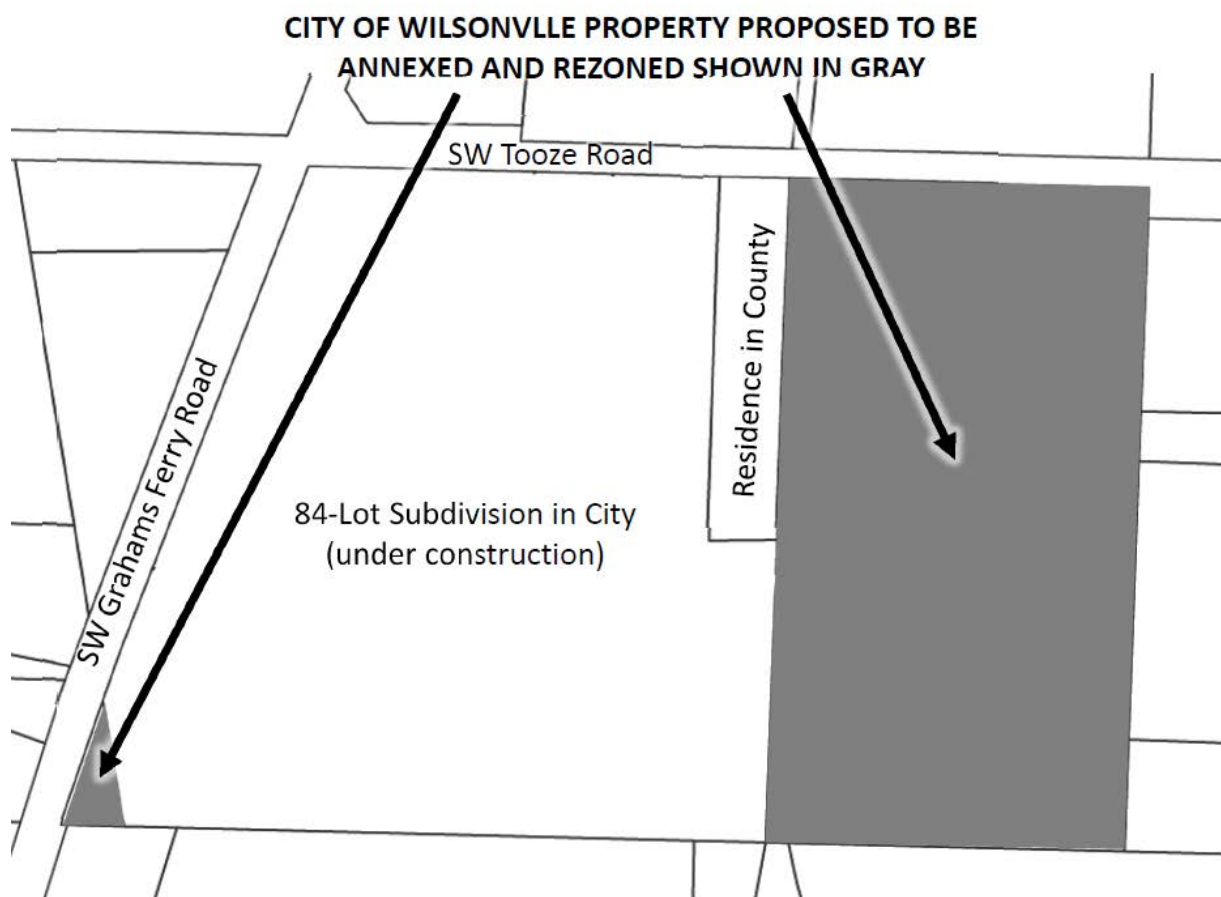
Development Review Board Panel ‘A’ Staff Report November 3, 2014
North Villebois City Properties Annexation and Zone Map Amendment
Adopted November 10, 2014

Exhibit A1

Page 1 of 14

	Procedures
Section 4.700	Annexation
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan	
Villebois Village Master Plan	
SAP North Approval Documents	
<u>REGIONAL AND STATE PLANNING DOCUMENTS</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
Metro Function Plan Titles 1,2,3,6 and 7	
ORS 222.111	Authority and Procedures for Annexation
ORS 222.120	Procedure without Election by City Electors
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 22.170	Effect of Consent to Annexation by Territory
Statewide Planning Goals	

Vicinity Map



BACKGROUND/SUMMARY:

Annexation (DB14-0064)

Of the land covered by the Villebois Village Master Plan only the properties just south of Tooze Road between Grahams Ferry Road and 110th Avenue remain outside the City. The City's Comprehensive Plan already designates these properties as "Residential-Village" in anticipation of annexation. Earlier in 2014 Polygon Homes petitioned for annexation of properties near the corner of Tooze Road and Grahams Ferry Road concurrent with a request to develop the property. The City wishes to now annex City owned property adjacent to the property annexed earlier this year.

Zone Map Amendment (DB14-0065)

The City requests to change the current Clackamas County zoning designation of Rural Residential Farm Forest 5 (RRFF5) to the City of Wilsonville zoning designation of Village (V) zone to make the newly annexed land's zoning designation consistent with the comprehensive plan.

Discussion Points

Future Use of the Properties and Why the City is Pursuing Annexation at this time

Triangular Piece of Property along SW Grahams Ferry Road

The why for the annexation and zone map amendment for this property is to make this small parcel consistent with actions previously taken on adjacent property. The property is an approximate 6315 square foot triangular piece the along SW Grahams Ferry Road. The developer of the adjacent Calais at Villebois subdivision, Polygon Northwest, desired to purchase and annex and rezone this property along with Calais at Villebois. However, they were unable to obtain ownership due to some questions surrounding the ownership and proceeded with the annexation, zone map amendment, and development entitlements for the remainder of the project. The ownership was later clarified and the City purchased the property as part of plans to widen Grahams Ferry Road in accordance with a development agreement between the City and Polygon Northwest. The part of the property not used for right-of-way is expected to be used for a fence and open space consistent with Calais at Villebois.

Tooze Road Properties

The why for the annexation and rezoning of these properties is to begin laying the foundation for future development applications. The majority of the properties will likely be sold at some future time for private development. Prior to the main portion of the property developing the City anticipates the development of a portion of the public Villebois Regional Park 5 on the southern portion of the property within the next couple years. The present annexation will allow park land use entitlement to proceed more smoothly without working through Clackamas County jurisdiction and zoning. The City also anticipates having the annexation and zoning complete will make the property more marketable when, as anticipated, the majority of the property is sold for development.

CONCLUSION:

Staff has reviewed the petition and facts regarding the request and recommends the DRB recommend approval of the annexation and zone map amendment to City Council (DB14-0064 and DB14-0065).

REQUEST A: DB14-0064 ANNEXATION

This action recommends Annexation to the City Council for the subject properties. The Zone Map Amendment (DB14-0065) is contingent on annexation.

REQUEST B: DB14-0065 ZONE MAP AMENDMENT

This action recommends adoption of the Zone Map Amendment to the City Council for the subject properties. Adoption of the Zone Map Amendment is contingent of the properties being annexed to the City (DB14-0064).

MASTER EXHIBIT LIST:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case Files DB14-0064 and DB14-0065.

- A1. Staff report and findings (this document)
- A2. Slides and notes for Staff's Public Hearing Presentation (*available at Public Hearing*)
- B1. Signed Application Form
- B2. Petition for Annexation, Including Map Exhibit

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on October 15, 2014. On October 15, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and determined the application to be complete. The City must render a final decision for the request, including any appeals, by February 12, 2015.
2. Surrounding land uses are as follows:

Tooze Road Properties

Compass Direction	Zone:	Existing Use:
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	Clackamas County RRFF5	Vacant
South:	V	Vacant (Future Park)
West:	Clackamas County RRFF5/V	Single-family Residential (existing and under development)

Grahams Ferry Road Property

Compass Direction	Zone:	Existing Use:
Northeast	V	Single-family Residential (under development)
South:	V	Vacant (Future Open Space)
West:	Clackamas County RRFF5	Grahams Ferry Road/Rural Residential

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:

DB07-0054 et seq – SAP-North
 DB07-0087 et seq – PDP-1N, Arbor at Villebois
 DB11-0024 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
 DB12-0066 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
 DB13-0020 et seq – PDP-2N, SAP North Amendment Polygon NW
 DB14-0009 et seq – PDP-3N, Annexation, Zone Map Amendment, SAP North Amendment Polygon NW

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: The applications have been submitted on behalf of the sole property owner, City of Wilsonville.

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

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

Finding: This criterion is satisfied.

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

REQUEST A: ANNEXATION

Comprehensive Plan

Annexation and Boundary Changes

Implementation Measure 2.2.1.a.

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

Finding: These criteria are satisfied.

Explanation of Finding: The required consistency is fulfilled by being consistent with the Villebois Village Master Plan. The Villebois Village Master Plan was created and approved to address the jobs-housing imbalance and population growth within the City of Wilsonville. Therefore, as a portion of Villebois Village, the subject site addresses a demonstrated need for urban growth.

The Villebois Parks & Open Space Plan ensures adequate parks and open space opportunities, which include a range of experiences for residents and visitors. Chapter 4 of the Villebois Village Master Plan evaluates compliance of the planned sanitary sewer, storm drainage, and water systems with the City’s Wastewater Collections System Master Plan, Stormwater Master Plan, and Water System Master Plan. Chapter 5 of the Master Plan analyzes compliance of the Villebois circulation system with the City’s Transportation Systems Plan. The Master Plan includes implementation measures to ensure compliance with the City’s public facility master plans and Transportation Systems Plan.

Implementation Measure 2.2.1.e.

- A2. **Review Criteria:** “Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:” Listed 1 through 5.

Finding: These criteria are satisfied.

Explanation of Finding: The requirements are fulfilled by being consistent with the Villebois Village Master Plan, as further explained below in this finding, or by compliance with state and regional policies as found in other findings supporting this request.

Orderly, Economic Provision of Public Facilities and Services: The Villebois Village Master Plan set forth implementation measures to ensure the orderly and economic provision of public facilities and services for this area. Adjacent development in Villebois is bringing needed and adequately sized public facilities adjacent to or onto the subject properties.

Availability of sufficient land for marketplace choice: The availability of sufficient land was demonstrated by the adoption of the Villebois Village Master Plan, which plans for the development of the 480-acre Villebois Village area. At the time of Master Plan approval, Villebois Village was found to have a wide range of residential choices.

Encouraging Development within City Limits prior to UGB: No development is proposed with this request, but the request does enable development initially associated with

adjacent development and subsequently development of the next logical area for build out of the Villebois Village Master Plan area. The action does not change the City's plan for orderly build out of the Villebois Village Master Plan area.

Compact Urban Development Implementation Measures

Implementation Measure 4.1.6.a. and c.

- A3. **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."

"The "Village" Zone District shall be applied in all areas that carry the Residential – Village Plan Map Designation."

Finding: These criteria are satisfied.

Explanation of Finding: The subject site is included in the "Residential-Village" Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the "Village" Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to the properties has been included. The site must be brought into City limits before the V zone can be applied.

Development Code

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

- A4. **Review Criteria:** These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial, the DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation.

Finding: These criteria are satisfied.

Explanation of Finding: The subject annexation request has been determined to be quasi-judicial and is being reviewed by the DRB and City Council consistent with these subsections.

Section 4.700 Annexation

- A5. **Review Criteria:** This section defines the criteria and process for annexation review within the City.

Finding: These criteria are satisfied.

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

Metro Code

Chapter 3.09 Local Government Boundary Changes

- A6. **Review Criteria:** This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region.

Finding: These criteria are satisfied.

Explanation of Finding: The request is within the UGB, meets the definition of a minor boundary change as an annexation to a city, satisfies the requirements for boundary change petitions as the property owner, there are no electors, has submitted a petition with the required information, is consistent with the Comprehensive Plan, Villebois Village Concept Plan, and Villebois Village Master Plan.

Oregon Revised Statutes

ORS 222.111 Authority and Procedure for Annexation

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

Finding: These criteria are satisfied.

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

ORS 222.120 Procedure Without Election by City Electors

- A8. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

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

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

- A9. **Review Criteria:** "The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation."

Finding: These criteria are satisfied.

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

Oregon Statewide Planning Goals

Goals 1, 2, 5, 6, 8, 9, 10, 11, 12, 13

A10. **Review Criteria:** The goals include: citizen involvement, land use planning, natural resources and open spaces, air water and land resource quality, recreational needs, economic development, housing, public facilities and services, transportation, and energy conservation.

Finding: These criteria are satisfied.

Explanation of Finding: The area requested to be annexed will be developed consistent with the City's Comprehensive Plan and the Villebois Village Master Plan, both which have been found to meet the statewide planning goals.

REQUEST B: ZONE MAP AMENDMENT

Comprehensive Plan

Compact Urban Development-Implementation Measures

Implementation Measure 4.1.6.a

B1. **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.

Explanation of Finding: Development in this area will be guided by all the listed plans and codes.

Implementation Measure 4.1.6.b.

B2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.

Finding: These criteria are not applicable

Explanation of Finding: The subject area is part of the Villebois Village Master Plan and the plan contains all the elements listed in this implementation measure

Implementation Measure 4.1.6.c.

B3. **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.

Explanation 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.

- B4. **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.

Explanation of Finding: The proposed designation of the subject property as “Village” will allow development of uses supportive of an urban village consistent with the Villebois Village Master Plan.

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

- B5. **Review Criterion:** “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”

Finding: This criterion is satisfied.

Explanation of Finding: The applicant is applying for a zone change prior to application for planned development applications, or the Villebois Equivalent, which will make the zoning consistent with the Comprehensive Plan when future development is proposed.

Subsection 4.110 (.01) Base Zones

- B6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

Finding: This criterion is satisfied.

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

Subsection 4.125 (.01) Village Zone Purpose

- B7. **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.

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

- B8. **Review Criterion:** "... Application for a zone change shall be made concurrently with an application for PDP approval..."

Finding: This criterion is satisfied.

Explanation of Finding: 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, see Finding B5 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.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

- B9. **Review Criteria:** "That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;"

Finding: These criteria are satisfied.

Explanation of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.

- B10. **Review Criteria:** "That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;"

Finding: These criteria are satisfied.

Explanation of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings B1 through B4 comply with applicable Comprehensive Plan text.

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

- B11. **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.

Explanation 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

- B12. **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.

Explanation of Finding: No public facilities are required to serve the triangular piece of property along Grahams Ferry Road besides water for landscape irrigation which is readily available. For the Tooze Road properties the final design of public facilities will occur with a future PDP or PDPs, however the properties are part of the Villebois Village Master Plan where utilities have been planned to be adequate to serve the entire Master Plan area. Development requirements tied to future applications for PDP’s and other development approvals will further insure all necessary public facilities are provided.

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

- B13. **Review Criteria:** “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;”

Finding: These criteria are satisfied.

Explanation of Finding: No SROZ area is mapped on the subject properties.

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

- B14. **Review Criterion:** “That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

Finding: This criterion is satisfied.

Explanation of Finding: Development on the subject properties will happen in a number of stages reasonably expected to commence on all included parcels within two (2) years. The limited improvements, including fencing and landscaping on Tax Lot 1503 (formerly 1591), is expected to occur together with the development of adjacent Tonquin Woods No. 7 and Calais subdivisions which are approved and under construction. Development on Tax Lot 1101 has already commenced to build public street improvements and associated landscaping. Part of Tax Lot 1100 is planned for a portion of Regional Park 5. The City is working with partners and adjacent property owners to plan the Regional Park and expect the park to be constructed within 2 years. The development of the remainder of Tax Lots 1100 and 1101 depends on market conditions and could very well commence within two years.

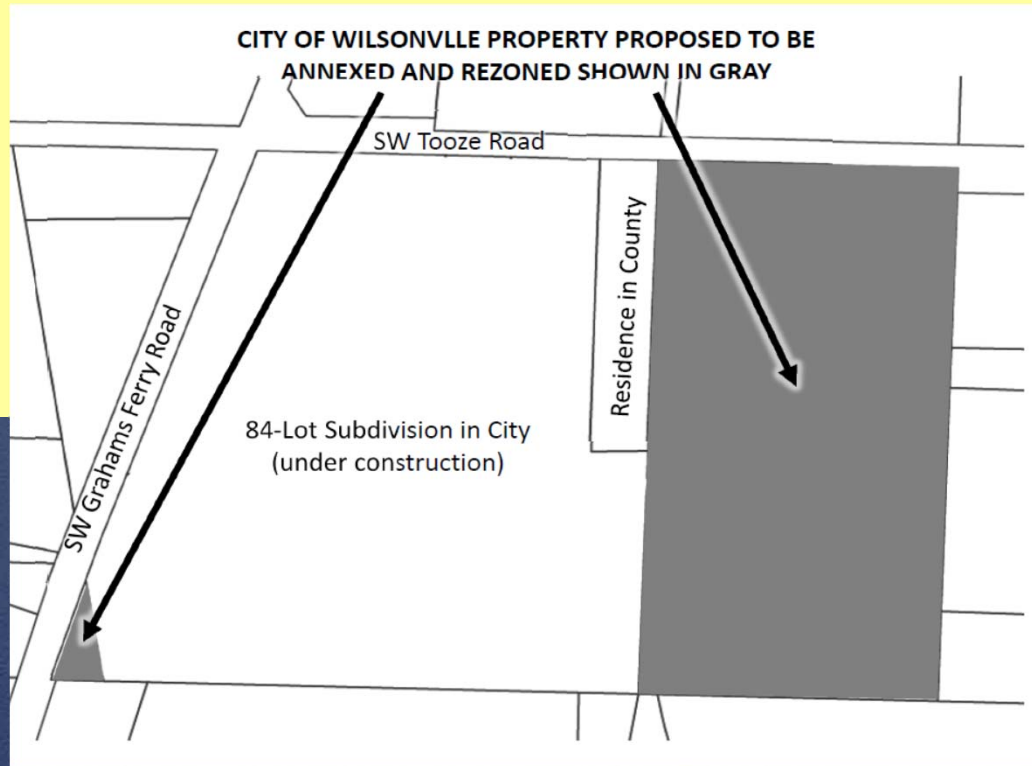
Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval

B15. **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.

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

North Villebois City Properties Annexation and Zone Map Amendment



DRB Panel A Public Hearing

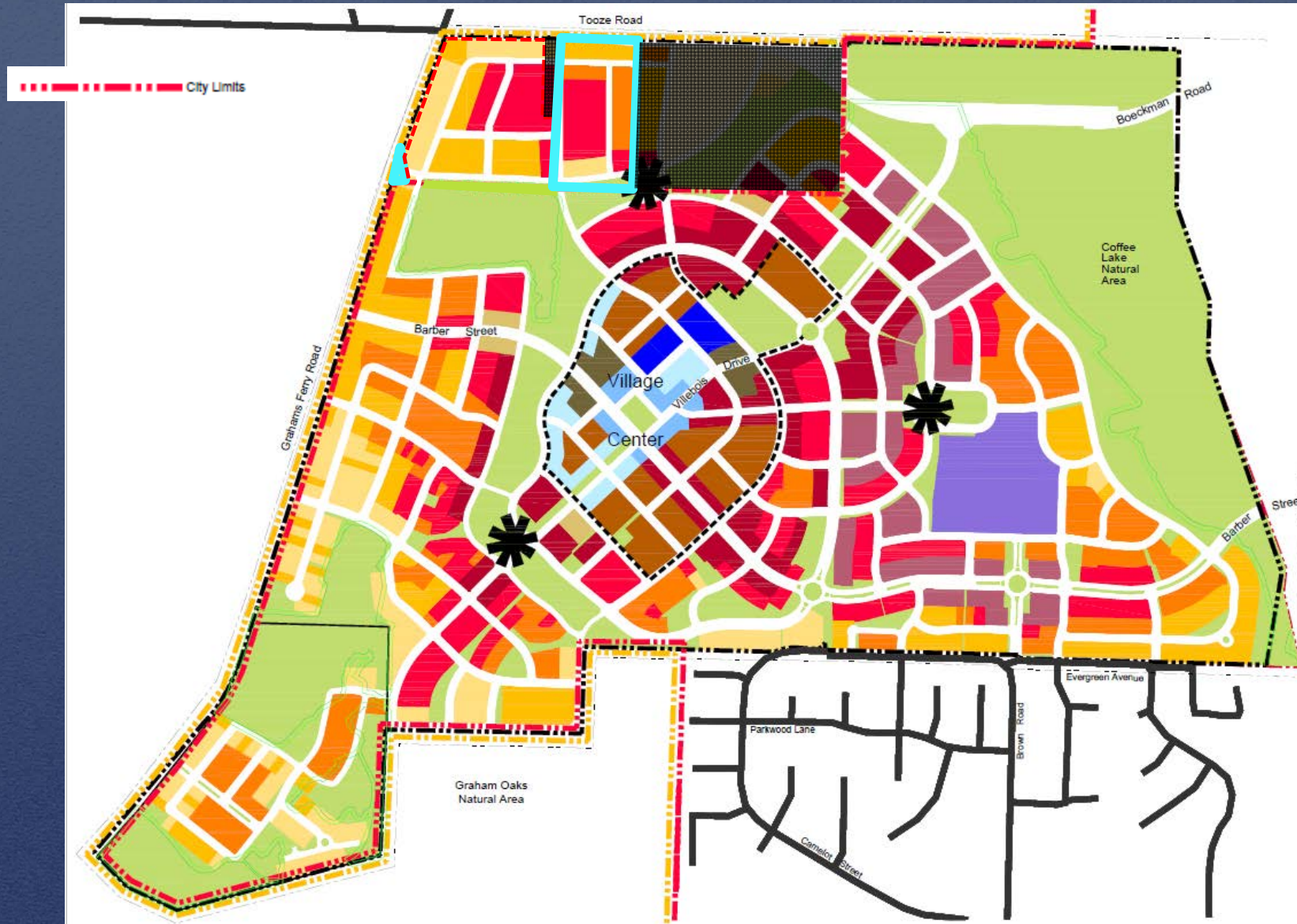
November 10, 2014

Presented by: Daniel Pauly AICP, Associate Planner



City of Wilsonville
Exhibit A2
DB14-0064
& DB14-0065

Annexation



Annexation

Petition for Annexation to the City of Wilsonville

The City Wilsonville, as sole owner of certain real property legally described and shown in Attached Exhibit A on which no persons or electors reside, does hereby petition said property be annexed into the boundaries of the City of Wilsonville.

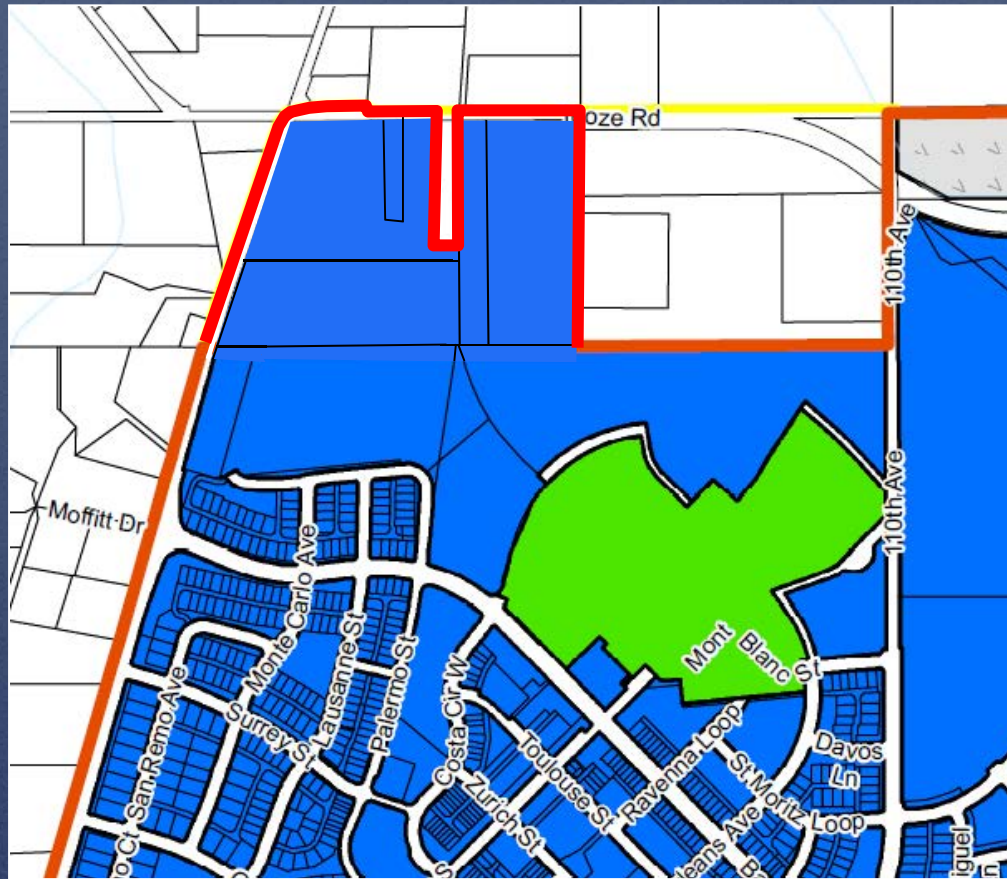
Signed on behalf of the City of Wilsonville, petitioner,



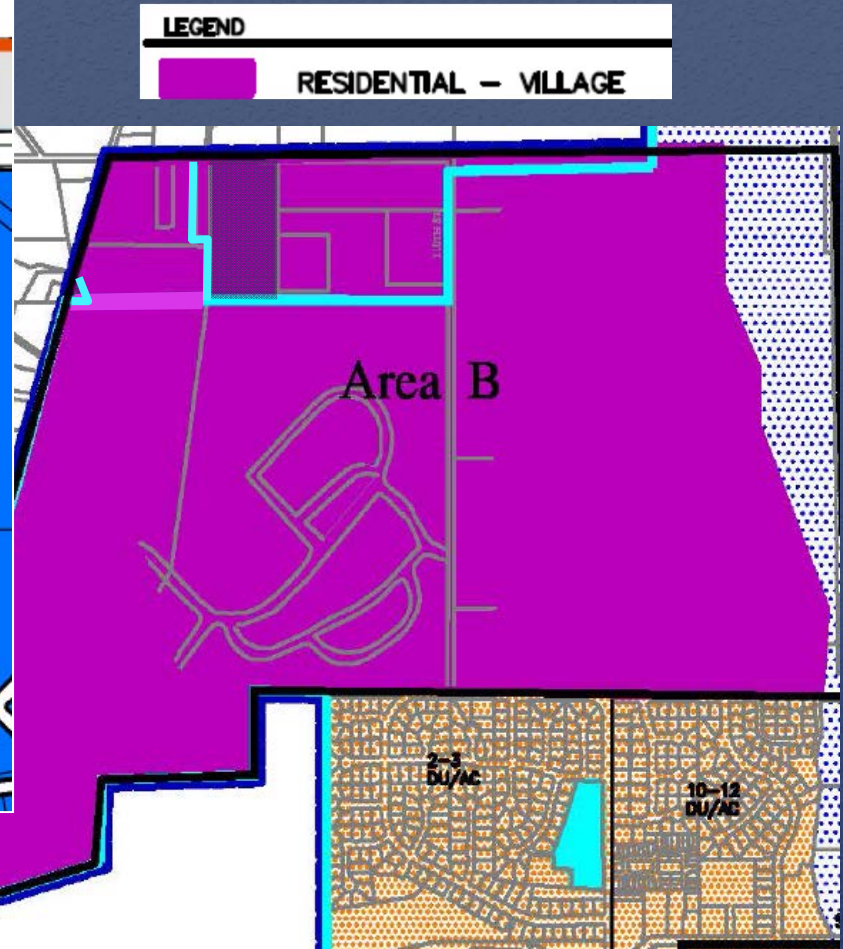
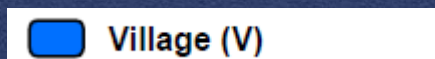
Bryan Cosgrove, City Manager

Date 10/16/14

Zone Map Amendment

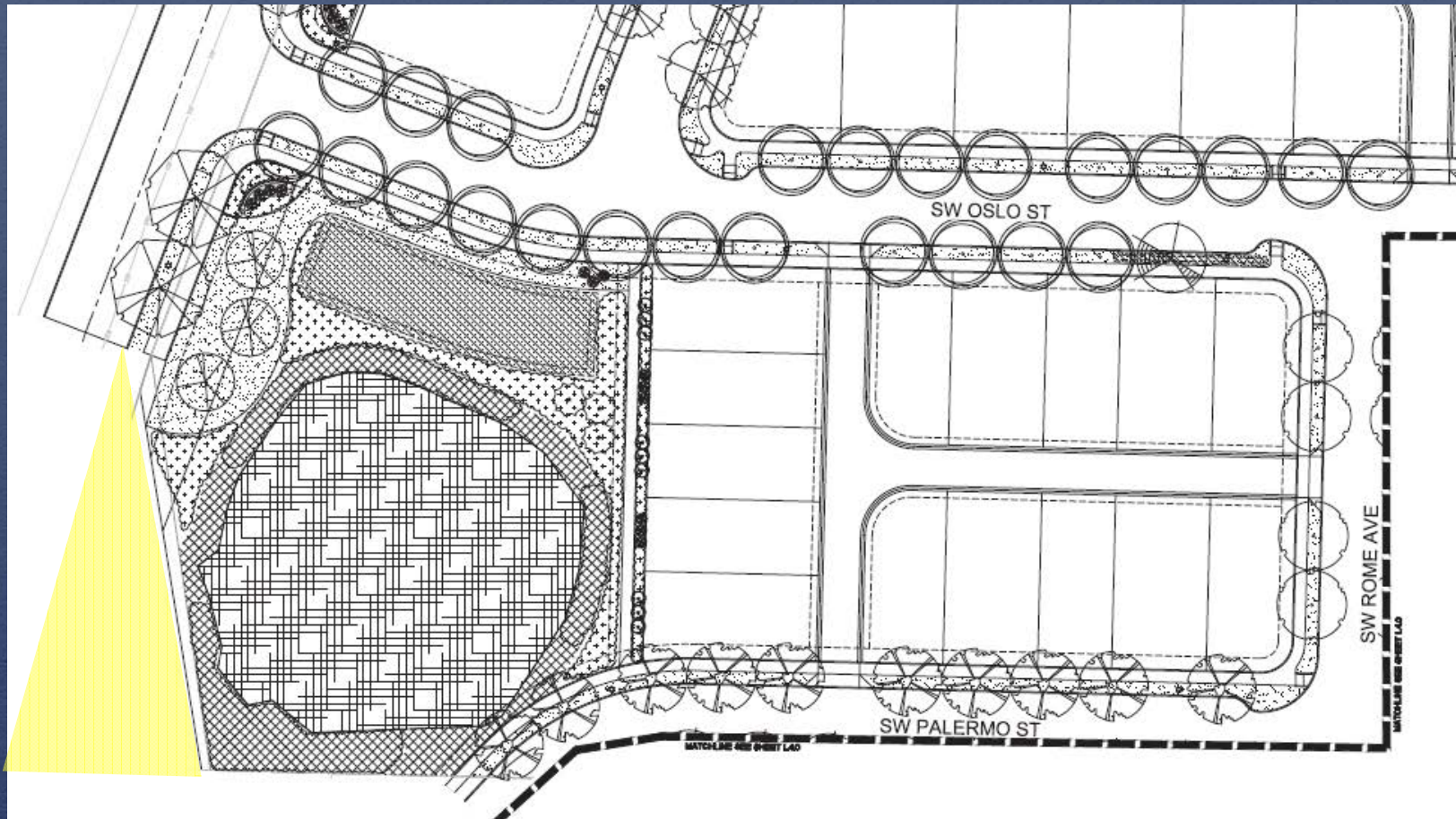


Proposed Zoning



Comprehensive Plan

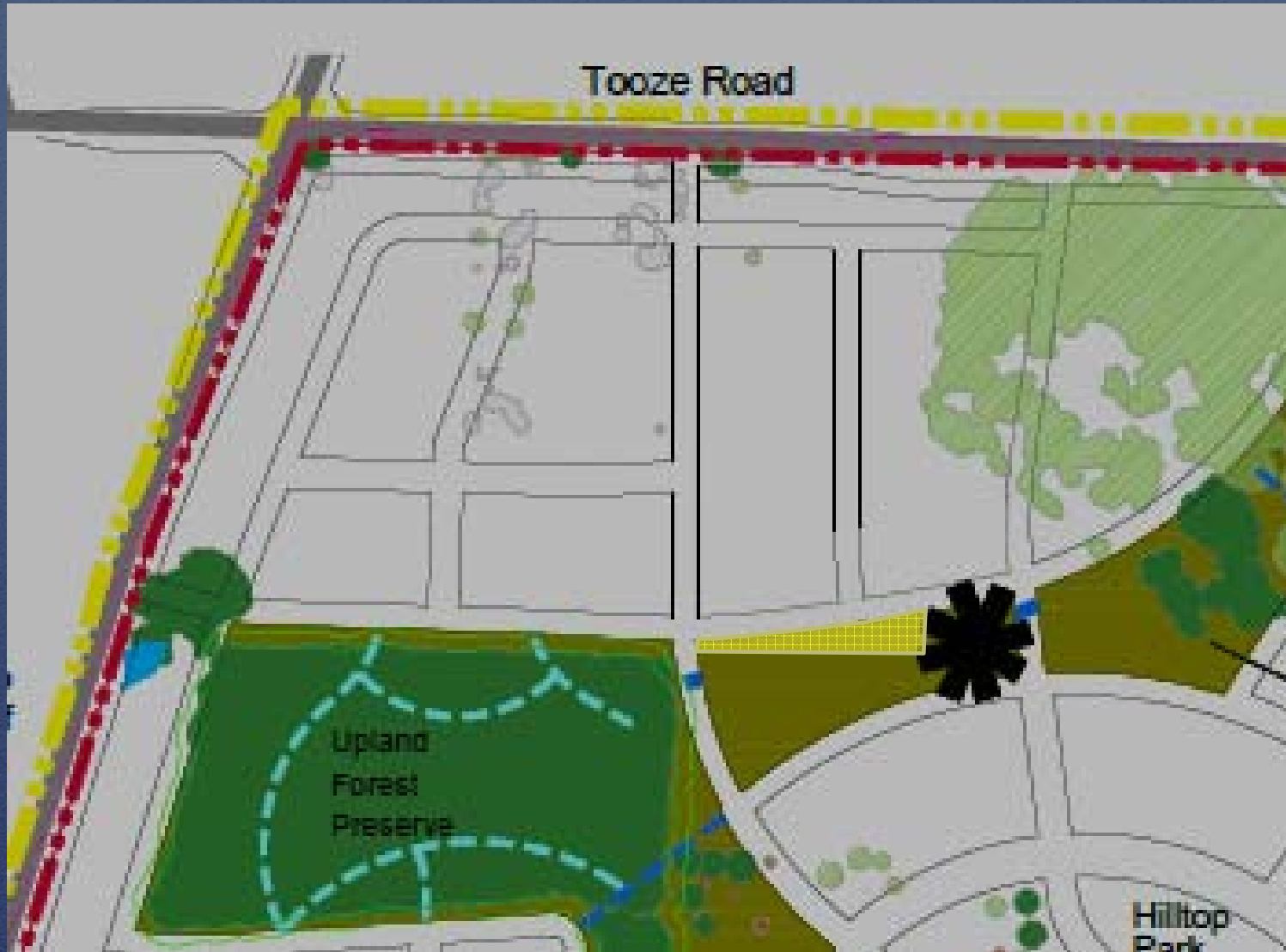
Zone Map Amendment



Zone Map Amendment



Zone Map Amendment





Questions?

CITY OF WILSONVILLE

29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone: 503.682.4960
Fax: 503.682.7025

Web: www.ci.wilsonville.or.us

Pre-Application meeting date: _____

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Planning Division

Development Permit Application

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

Applicant:

City of Wilsonville

Address: 29799 SW Town Center Loop E.

Phone: 503-682-1011

Fax: _____

E-mail: _____

Authorized Representative:

Address: _____

Phone: _____

Fax: _____

E-mail: _____

Property Owner:

City of Wilsonville

Address: 29799 SW Town Center Loop E.

Phone: 503-682-1011

Fax: _____

E-mail: _____

Property Owner's Signature:

Printed Name: Bryan Cosgrove

Date: 10/16/14

Applicant's Signature (if different from Property Owner):



Printed Name: Bryan Cosgrove

Date: 10/16/14

Site Location and Description:

Project Address if Available: 11650 SW Tooze Road (TL 1100 and 1101) Suite/Unit _____

Project Location: south side of SW Tooze Road west of Grahams Ferry, west side of SW Grahams Ferry south of Tooze

Tax Map #(s): 15 Tax Lot #(s): 1100, 1101, 1591 County: ☐ Washington ☒ Clackamas

Request: Annexation and Zone Map Amendment to "Village" for City owned property in the northwestern portion of Villebois.

Project Type: Class I ☐ Class II ☐ Class III ☒

☐ Residential

☐ Commercial

☐ Industrial

☒ Other (describe below)

Application Type:

☒ Annexation

☐ Appeal

☐ Comp Plan Map Amend

☐ Conditional Use

☐ Final Plat

☐ Major Partition

☐ Minor Partition

☐ Parks Plan Review

☐ Plan Amendment

☐ Planned Development

☐ Preliminary Plat

☐ Request to Modify Conditions

☐ Request for Special Meeting

☐ Request for Time Extension

☐ Signs

☐ Site Design Review

☐ SROZ/SRIR Review

☐ Staff Interpretation

☐ Stage I Master Plan

☐ Stage II Final Plan

☐ Type C Tree Removal Plan

☐ Tree Removal Permit (B or C)

☐ Temporary Use

☐ Variance

☐ Villebois SAP

☐ Villebois PDP

☐ Villebois PDP

☐ Waiver

☒ Zone Map Amendment

☐ Other



City of Wilsonville

EXHIBIT B1 DB14-0064 et seq

Petition for Annexation to the City of Wilsonville

The City of Wilsonville, as sole owner of certain real property legally described and shown in Attached Exhibit A on which no persons or electors reside, does hereby petition said property be annexed into the boundaries of the City of Wilsonville.

Signed on behalf of the City of Wilsonville, petitioner,



Bryan Cosgrove, City Manager

Date 10/16/14

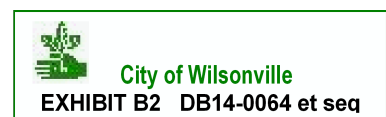




EXHIBIT "A"

October 10, 2014

LEGAL DESCRIPTION

Job No. 103-005

Two parcels of land owned by the City of Wilsonville per Document No. 2006-085167, being Parcel 1 and Parcel 2 of Partition Plat No. 1994-182, Clackamas County Plat Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Northeast corner of said Parcel 1;

thence along the easterly line of said Parcel 1, South 00°43'30" West, a distance of 888.82 feet to the Southeast corner of said Parcel 1;

thence along the northerly line of plat of "Tonquin Woods at Villebois No. 4", South 89°59'58" West, a distance of 481.11 feet to the Southwest corner of said Parcel 2;

thence along the westerly line of said Parcel 2, North 00°48'23" East, a distance of 888.82 feet to the Northwest corner of said Parcel 2;

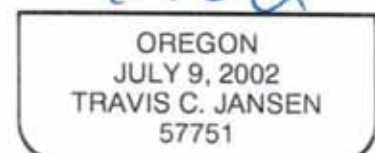
thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), North 89°59'50" East, a distance of 479.85 feet to the POINT OF BEGINNING.

Containing 9.81 acres, more or less.

Basis of bearings being Partition Plat No. 1994-182, Clackamas County Plat Records.



Travis C. Jansen



RENEWS: 6/30/2015

N:\proj\103-005\09 Drawings\06 Survey\Legal\103005-Annexation Legal.dwg - SHEET: PARCEL 1 Oct. 10, 14 - 12:51 PM blake

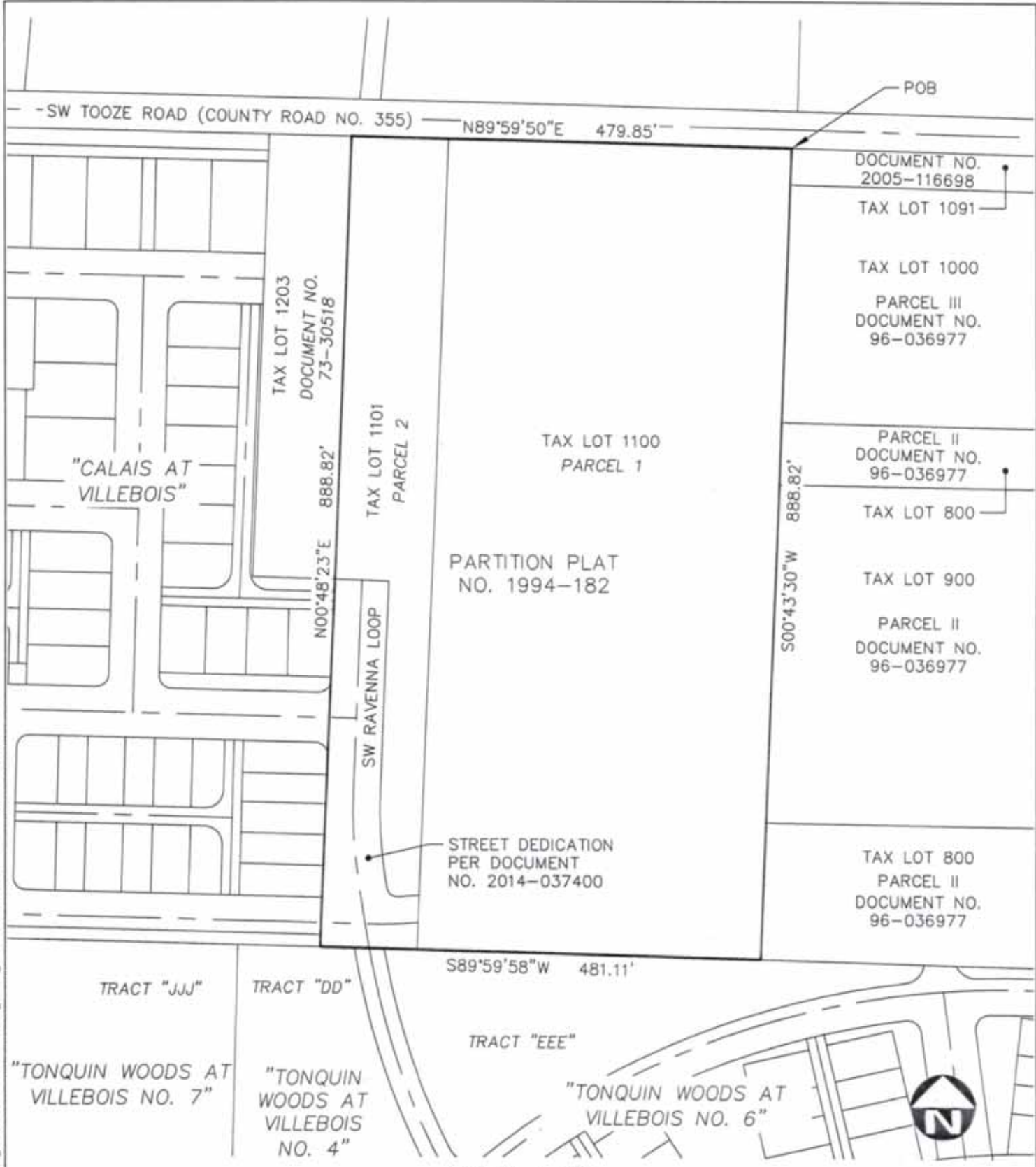


EXHIBIT "A"

DRAWN BY: BAA DATE: 10/10/2014
REVIEWED BY: TCJ DATE: 10/10/2014
PROJECT NO.: 103-005
SCALE: 1"=150'



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



EXHIBIT "A"

October 14, 2014

LEGAL DESCRIPTION

Job No. 103-005

A parcel of land owned by the City of Wilsonville per Document No. 2014-037149, Clackamas County Deed Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of Tract "L", plat of "Calais at Villebois";

thence along the northerly line of Tract "III", plat of "Tonquin Woods at Villebois No. 7" and its extension, North 88° 34' 09" West, a distance of 77.14 feet to an angle point on the easterly Right-of-Way line of SW Grahams Ferry Road (County Road No. 13);

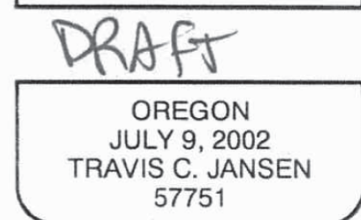
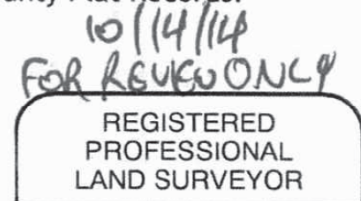
thence along said easterly Right-of-Way line, North 17° 14' 42" East, a distance of 170.17 feet to an angle point on the westerly plat line of "Calais at Villebois";

thence along said westerly plat line, South 09° 12' 39" East, a distance of 166.59 feet to the POINT OF BEGINNING.

Containing 6,315 square feet, more or less.

Basis of bearings being plat of "Calais at Villebois", Clackamas County Plat Records.

Draft will be finalized after upcoming recording of Tonquin Woods at Villebois No. 7 plat



RENEWS: 6/30/2015

Property Vested In:
City of Wilsonville
Section: 351W15
Tax Lot: 1503

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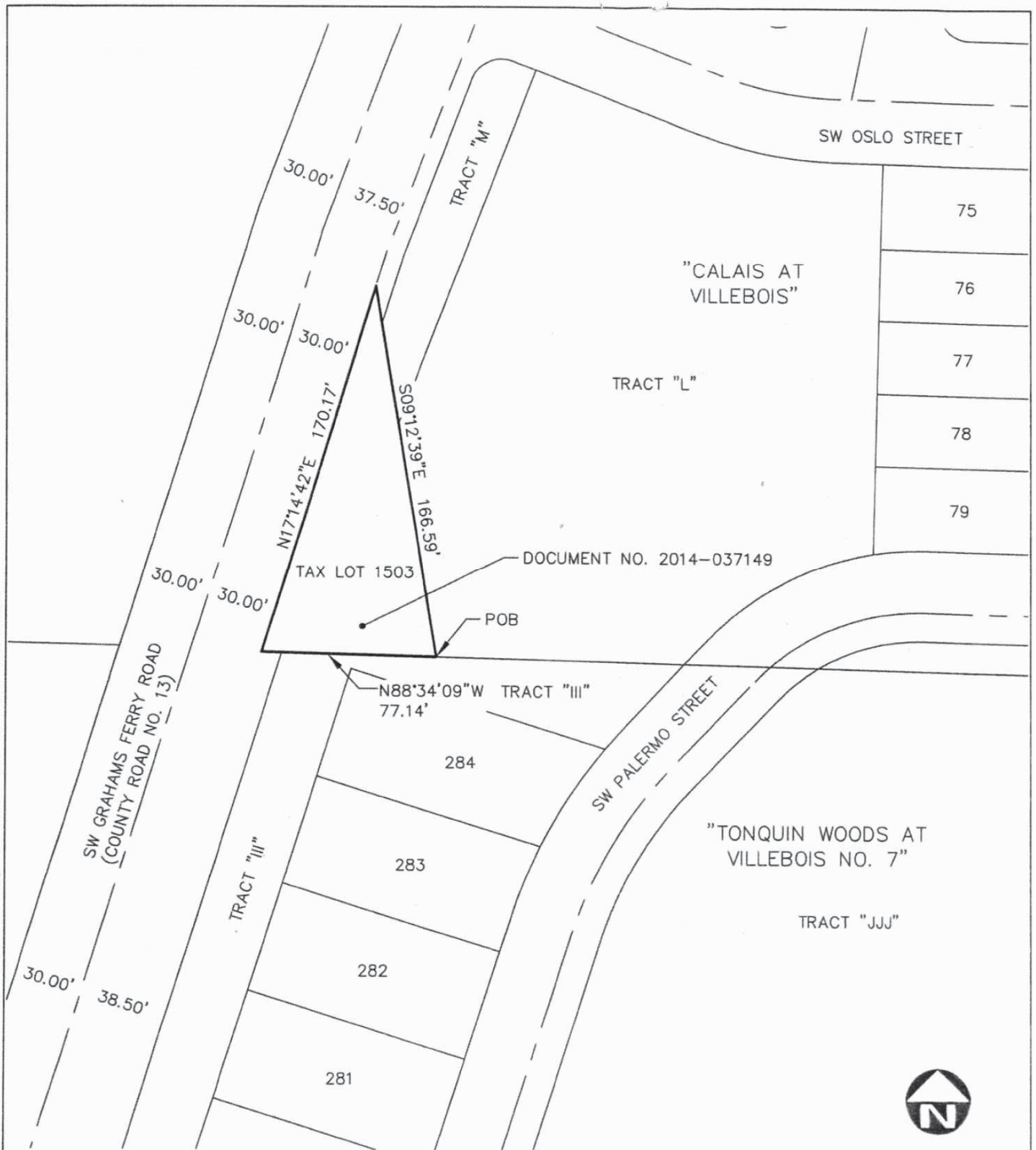


EXHIBIT "A"

DRAWN BY: BAA DATE: 10/14/2014
REVIEWED BY: TCJ DATE: 10/14/2014
PROJECT NO.: 103-005
SCALE: 1"=60'
PAGE 1 OF 1



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

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: Jan. 5, 2015	Subject: City Participation in EPA “Green Power Communities” and PGE “Clean Wind” programs Staff Member: Mark Ottenad, Public/Government Affairs Director Department: Administration	
Action Required <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 type="checkbox"/> Resolution Information or Direction <input type="checkbox"/> Information Only <input checked="" 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 Recommendations: Staff recommends participation in the EPA’s “Green Power Communities” program through participation in PGE’s qualifying “Clean Wind” program.		
Recommended Language for Motion: I move to approve the City’s participation in the “Green Power Communities” program.		
PROJECT / ISSUE RELATES TO:		
<input checked="" type="checkbox"/> Council Goals/Priorities: 3. Environmental Stewardship	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL

Does the City Council wish for the City and the greater Wilsonville community to participate in the “Green Power Communities” program by the U.S. Environmental Protection Agency (EPA) through participation in the qualifying “Clean Wind” program offered by Portland General Electric (PGE) and subsequent “Green Power Challenge” for the Wilsonville community?

EXECUTIVE SUMMARY

As a component of the City Councils’ goals for Environmental Stewardship, the City Manager has indicated an interest in the City of Wilsonville becoming designated by the EPA as a “Green Power Community.” Green Power Communities are “towns, villages, cities, counties, or tribal governments in which the local government, businesses, and residents collectively use green

power in amounts that meet or exceed EPA’s Green Power Community purchase requirements.” Locally, a participating “Green Power Community” purchases qualifying “Clean Wind” renewable electrical power from PGE. See Attachment B, *EPA’s Green Power Communities*.

Participation Requirements for Green Power Communities

The minimum requirements for Wilsonville to be designated as a “Green Power Community” are:

- 1) City Council approval of implementing the program in Wilsonville.
- 2) City to purchase at least 5 percent of the municipal government’s commercial electric usage from renewable energy sources such as PGE’s “Clean Wind” program. (The percentage amount to purchase is determined by city size and power usage.)
- 3) A total of 3 percent of business and residential electricity accounts within city limits must purchase renewable power. Currently Wilsonville residential/business participation surpasses the minimum threshold and is at 11 percent. PGE reports that 14 percent of all residential customers in PGE’s service territory participate in the “Clean Wind” program.

PGE proposes running a community-wide “Green Power Challenge” campaign to increase awareness and support by signing-up an additional 200 residents and 20 businesses.

The attached proclamation implements the “Green Power Challenge” for the Wilsonville community during the months of February and March 2015.

Levels of Participation

PGE’s Clean Wind program offers various levels of participation—Bronze, Silver, Gold and Platinum—of utilizing renewable power. Each participation level is accompanied by various marketing/promotional benefits. For details of the benefits, see Attachment C, *Levels/Benefits Matrix: Commercial & Industrial Customer Benefits, PGE Clean Wind Renewable Power*.

The City Manager recommends consideration of the Silver level as the minimum level of participation. The City Council may elect to increase the level of the City’s participation.

Costs and Benefits to City for Participation

Based on the City of Wilsonville’s annual commercial usage (12-month usage ending 6/2014) of 11.9 million kWh, and a minimum threshold for participation of 5%, the minimum annual purchase necessary for Green Power Community designation is 596,595 kWh. In order to purchase this amount of via PGE’s Clean Wind program, the total additional annual cost or premium to be paid is \$1,790.

The complete set of participation levels and potential costs to City are summarized below:

Clean Wind Award Level	Monthly Premium	Annual Premium
100% Platinum	\$2,982.97	\$35,795.67
6.9% Gold	\$205.83	\$2,469.90
5% Silver	\$149.15	\$1,789.78
5% Bronze	\$149.15	\$1,789.78

As part of a community-wide Green Power Challenge, the City is expected to promote the PGE Clean Wind program locally to residents and businesses and encourage their participation. Staff

members of the City Manager's office are able to accommodate promotion of the program as part of the City's larger, on-going outreach efforts through utilizing publications like the all-city newsletter, *The Boones Ferry Messenger*, and utility bill-stuffers and helping to organize promotional events in conjunction with other City and community events.

Participation in the EPA Green Power Communities program and the PGE Clean Wind program each provide marketing promotional benefits to the City. The EPA promotion includes:

- Being highlighted on EPA's website (www.epa.gov/greenpower/communities)
- Using the EPA Green Power Partner mark on marketing materials and websites.
- Becoming eligible for EPA's Green Power Community of the Year Award
- Receiving two Green Power Community signs for outdoor display

PGE provides additional marketing benefits directly proportional to the level of participation in the Clean Wind program. For details on the specific benefits by participation level, see Attachment D, PGE Clean Wind Proposal Prepared for City of Wilsonville, and Attachment E, Sample PGE ad.

Additionally, participating businesses of a Green Power Community are eligible for PGE-funded marketing promotions in print and online "Green Power Oregon" coupons that are produced in association with "The Chinook Book," a popular source for offers from businesses with a sustainability focus. See Attachment F, PGE "Green Power Oregon" Coupons & Offers webpage.

BACKGROUND INFORMATION

As the world, the U.S., the state and even the greater Metro region grapples with how to deal with the issue of climate change brought about by "greenhouse gas" carbon-producing activities, increasing attention is being paid to lower-carbon emitting, "clean," renewable energy sources that are more sustainable in the long-run.

On the national level, the EPA is advancing the Green Power Communities program to incentivize and promote sustainable energy sources. Locally, PGE is supporting interested jurisdictions in obtaining Green Power Community status by facilitating local "Green Power Challenges" and providing the option for municipalities and residents and businesses of the community to purchase renewable power through the PGE "Clean Wind" program.

According to the EPA, of the 53 Green Power Communities in the U.S., 11 are located in Oregon, with eight of those ranking in the top-15 for the amount of renewable power purchased.

Regional City Participants of Note

According to PGE, over 100 local-area governmental units and businesses are now participating in green power programs; a total of 109,000 customers are participating. The cities of Beaverton, Milwaukie, Portland and Hillsboro are participating at the Platinum level; Gresham and Salem are at the Gold level. Hillsboro has received national recognition by the EPA as using a "higher percentage of sustainable power than any other 'Green Power Community' in the nation." See Attachment G, Article: "Hillsboro is the greenest of any 'Green Power Community' in the nation, EPA says."

Wilsonville Businesses Participating in PGE's Clean Wind Program

A total of 10 percent of Wilsonville residents (zip code 97070) and 0.6 percent of the 1,593 business accounts are enrolled in PGE's renewable power program. Participating businesses include:

- | | |
|------------------------------|------------------------------------|
| 1. Animal Care Clinic, Inc. | 6. Mentor Graphics Corp |
| 2. CBS Outdoor | 7. The Better Bean Company |
| 3. Chemi-Green Solutions LLC | 8. Tiffany Home Design Group, Inc. |
| 4. David C Bany | 9. Washington Federal |
| 5. Lamb's Markets | 10. Xerox |

CURRENT YEAR BUDGET IMPACTS

The annual cost to the City to participate in the PGE "Green Power Challenge" program at the recommended Silver level is \$149 per month or \$1,790 per year.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 12/15/2014

The current fiscal year budget may absorb the estimated electrical rate increase without issue. Next fiscal year's budget can be designed to accommodate the Clean Wind premium.

LEGAL REVIEW / COMMENTS

Reviewed by: MEK Date: 12/15/2014

The City Council has the authority to authorize the City's participation in the program at a level deemed appropriate.

CITY MANAGER COMMENT

City participation in the EPA "Green Power Communities" and PGE Clean Wind programs is in alignment with City Council goal number three, "Environmental Stewardship," by providing the City's electrical power consumption be produced by sustainable, environmentally friendly wind-power generation. Additionally, Wilsonville joins with other local jurisdictions to participate in the program, which also provides regional recognition and marketing promotions benefits.

ATTACHMENTS

- A.** City of Wilsonville Proclamation, "'Green Power Challenge,' for the Wilsonville Community," Jan. 5, 2015
- B.** Flyer: *EPA's Green Power Communities*, April 2014
- C.** Levels/Benefits Matrix: *Commercial & Industrial Customer Benefits, PGE Clean Wind Renewable Power*
- D.** PGE Clean Wind Proposal Prepared for City of Wilsonville, Sept. 2014
- E.** Sample PGE marketing advertisement for qualifying Clean Wind program participants
- F.** PGE "Green Power Oregon" Coupons & Offers webpage
- G.** Article: "Hillsboro is the greenest of any 'Green Power Community' in the nation, EPA says," *The Oregonian / OregonLive.com*, Sept. 22, 2014

PROCLAMATION
“Green Power Challenge” for
the Wilsonville Community



WHEREAS, The City of Wilsonville is committed to sustainability in the operation of municipal facilities and seeks to promote an ethic of environmental stewardship throughout the community; and

WHEREAS, The U.S. Environmental Protection Agency has established a “Green Power Communities” program that recognizes and encourages the use of renewable energy as a means to bring about a prosperous future where energy is clean, abundant, reliable and affordable; and

WHEREAS, Using electricity derived from clean energy sources like wind, solar and geothermal is a key strategy in advancing sustainability throughout the world, the nation, the state and the city; and

WHEREAS, Sustainably produced energy on the regional level helps to support local job-creation, improve domestic energy security and reduce carbon emissions, the primary cause of global climate change;

WHEREAS, Residents and businesses of Wilsonville have an ability to promote sustainability in energy consumption by electing to choose the Portland General Electric (PGE) “Clean Wind” program or other renewable energy option; and

WHEREAS, The City of Wilsonville is participating in the PGE “Clean Wind” renewable energy program and seeks to encourage community-wide participation in a “Green Power Challenge” campaign by setting a goal of enrolling in PGE renewable power programs an additional 200 residents and 20 businesses;

NOW THEREFORE, I, Tim Knapp, as Mayor of the City of Wilsonville hereby do proclaim the months of February and March 2015 as:

“GREEN POWER CHALLENGE FOR THE WILSONVILLE COMMUNITY”

and urge residents and businesses to consider choosing an electrical power plan based on renewable energy sources.

Dated this 5th day of January 2015.

Tim Knapp, Mayor, City of Wilsonville

EPA's

Green Power Communities

An Environmental Choice for Your Community



What Is Green Power?

Cities and towns across the country are increasingly recognizing the roles they can play in fighting climate change. Many of these leading local governments are partnering with the U.S. Environmental Protection Agency (EPA) to become Green Power Communities (GPCs), in which the local government, businesses, and residents collectively buy green power in amounts that meet or exceed EPA's GPC green power use requirements.

Become an EPA Green Power Community

There are two pathways to becoming a Green Power Community:

A. For any locality:

1. The local government must join the Green Power Partnership as a Partner and meet EPA minimum usage requirements. The local government can be a town, village, city, county, or tribal government.
2. The local government (or its designee) initiates a community-wide green power campaign to encourage local businesses and residents to use green power.
3. Once the community has met the green power usage requirement, the local government submits the GPC Partnership Agreement.

B. For localities that have implemented Community Choice Aggregations (CCA), also known as Municipal Aggregations:

1. A CCA locality must meet or exceed the established GPC minimum green power usage requirements as a result of its CCA purchase.
2. An appropriate representative from the CCA locality's local government submits the GPC Partnership Agreement. Note that the CCA locality will not be listed separately as a Green Power Partner unless it makes a qualifying green power procurement for its own municipal electricity consumption.

Clean Renewable Energy

Green power is electricity generated from environmentally preferable renewable resources, such as solar, wind, geothermal, low-impact biomass, and low-impact hydro resources.

An Environmental Choice

Conventional electricity is one of the most significant environmental impacts in your community. Purchasing or using on-site green power is one of the easiest ways for a community to reduce its carbon footprint.

Supporting Domestic Energy Supply

Using green power helps to accelerate the development of new, domestic renewable energy sources, while playing an important role in the security of America's energy supply.

Join Now and Position Your Community for the Future



Benefits for Green Power Communities

Why Buy Green Power?

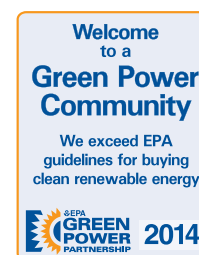
- A green power purchase is an easy and effective way for a community to reduce its carbon footprint.
- A local government purchase of green power can demonstrate civic leadership and spur local residents and businesses to follow suit.
- Using green power can create positive publicity and enhance your community's public image, including increasing citizen pride.
- Purchasing green power can be a stepping stone for more sustainable action within a community.

EPA's Green Power Partnership is ready to assist you in achieving your environmental goals through a green power purchase. The Green Power Partnership offers the following assistance to communities that join the Partnership.

Publicity and Recognition

EPA actively promotes and recognizes Green Power Communities as environmental leaders. Your community can benefit from EPA's recognition and publicity efforts by:

- Being highlighted on EPA's website (www.epa.gov/greenpower/communities)
- Using the EPA Green Power Partner mark on marketing materials and websites.
- Becoming eligible for EPA's Green Power Community of the Year Award
- Receiving two Green Power Community signs for outdoor display



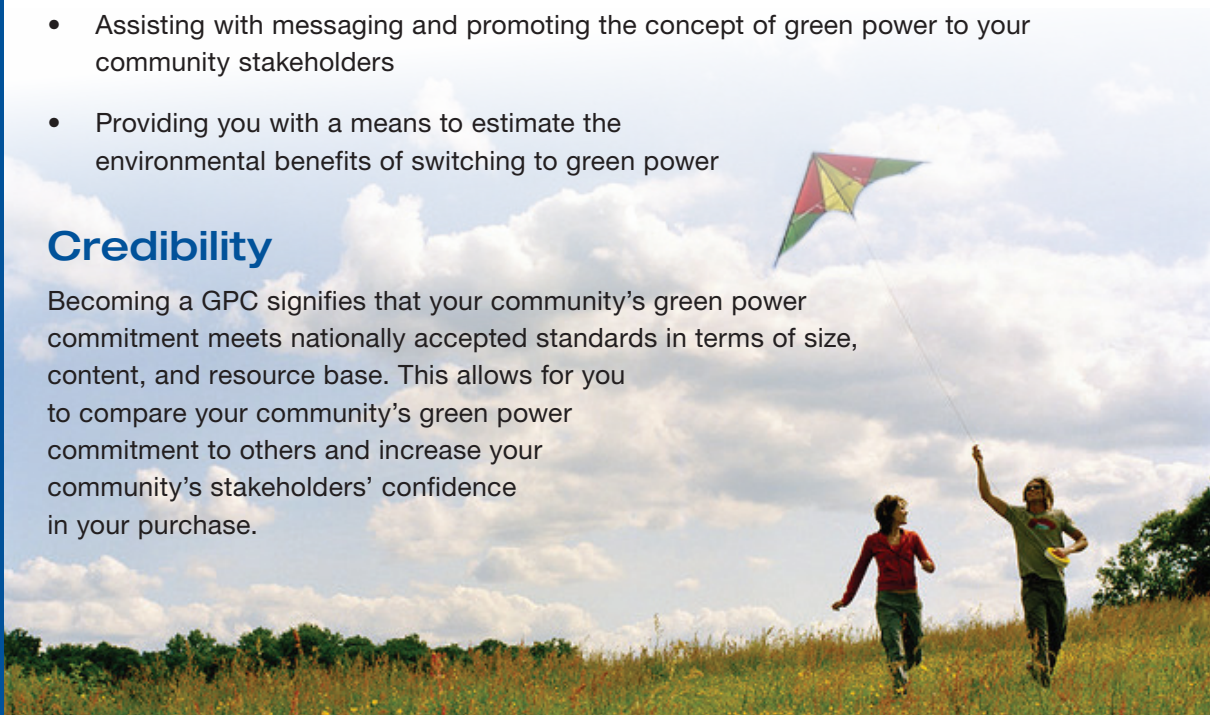
Tools and Resources

EPA offers communities a variety of tools and resources located on the EPA website. EPA's tools and resources can be invaluable by:

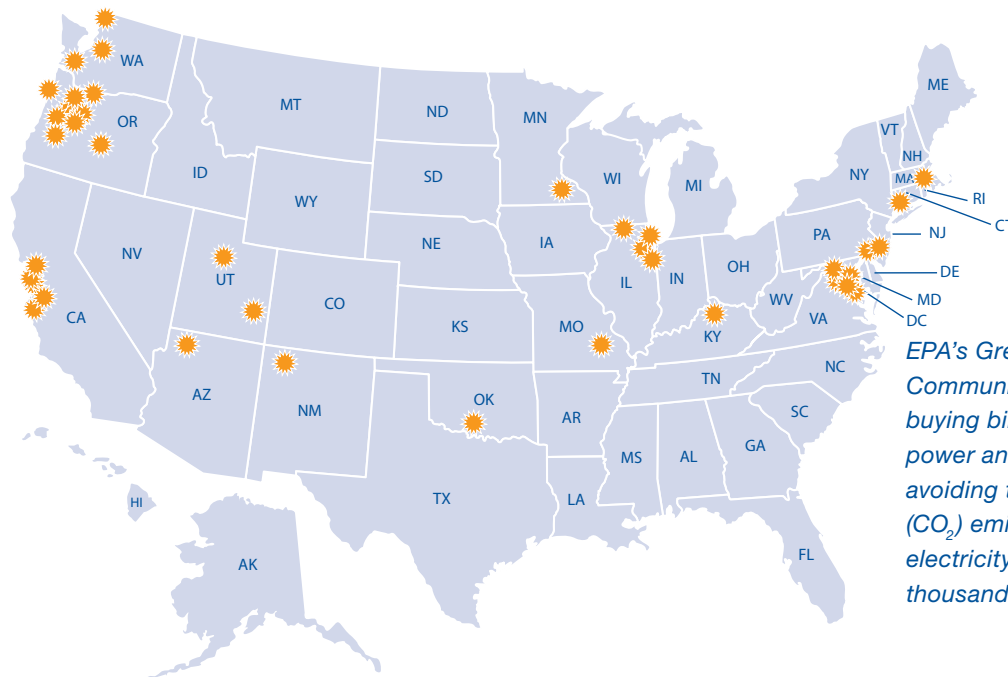
- Offering relevant and timely answers to procurement questions
- Fostering peer-exchange opportunities for communities to share information on best practices and lessons learned about green power procurement
- Assisting with messaging and promoting the concept of green power to your community stakeholders
- Providing you with a means to estimate the environmental benefits of switching to green power

Credibility

Becoming a GPC signifies that your community's green power commitment meets nationally accepted standards in terms of size, content, and resource base. This allows for you to compare your community's green power commitment to others and increase your community's stakeholders' confidence in your purchase.



GPCs Across the Country



EPA's Green Power Communities are collectively buying billions of kWh of green power annually, equivalent to avoiding the carbon dioxide (CO₂) emissions from the electricity use of hundreds of thousands of homes.

Santa Clara, California

Since 2008, the City of Santa Clara, California, has been a proud EPA Green Power Community. With seven percent of residents and businesses in the community purchasing green power, Santa Clara is near the top of the list of EPA Green Power Communities using the most kilowatt-hours of green power annually and is home to EPA's top green power user, Intel Corporation. In February 2007, the City Council issued a challenge to its residents to use clean power; people responded, and ever since, enrollment in green power programs has been climbing.



Washington, D.C.

In 2011, Washington, D.C., became the largest EPA Green Power Community and was one of two winners of the first-ever GPC Challenge, using more than 750 million kilowatt-hours of green power annually, equal to more than eight percent of total electricity consumption. D.C. repeated its success in the second and third annual GPC Challenge, using more than 1 billion kilowatt-hours annually. "This is a huge honor for Washington, D.C., and we are proud to be recognized by the U.S. Environmental Protection Agency," said Mayor Vincent Gray. "The purchase of green power by our citizens and businesses is cleaning our air and supporting growth of the clean energy economy."



Oak Park, Illinois

Oak Park, IL is recognized as a regional leader in green power use for its Community Choice Aggregation (CCA) program. In 2011, Oak Park set a national precedent with its CCA program by aggregating the community electricity load and purchasing green power from an alternate electricity supplier while still receiving transmission and distribution service from its existing provider. Oak Park was the first municipality in Illinois to choose a 100 percent green power portfolio standard for its residents and small business operators who participate in the CCA program. The program boasts an impressive 95 percent participation rate.



Cornwall, Connecticut

In 2010 the Town of Cornwall, Connecticut, became the first EPA Green Power Community in New England. The Town's green power campaign was led by the Cornwall Energy Task Force, which, through a grassroots effort, was able to motivate more than 30 percent of the local households to switch to green power. In recognition of the Task Force's accomplishments promoting clean energy and environmentally-friendly actions, they were honored by the Governor at an event in Hartford in 2009.



Launch Your Green Power Campaign Today

Join other leading U.S. communities by launching a green power campaign today. Before signing the GPC Partnership Agreement, communities must be collectively purchasing or producing green power on-site in amounts that meet EPA requirements. The table below outlines the respective EPA Green Power Community usage requirements based on the community's electricity use. Working with your local utility or power provider, determine the amount of electricity used within the community boundary (city limits). The community must collectively use green power in amounts that meet or exceed the corresponding percentage for the matching baseload electricity use level.

Green Power Community Usage Requirements

If your community's annual electricity use in kilowatt-hours is...	Your community must, at a minimum, use this much green power to qualify as a GPC...
≥ 100,000,001 kWh	3% of your use
10,000,001-100,000,000 kWh	5% of your use
1,000,001-10,000,000 kWh	10% of your use
≤ 1,000,000 kWh	20% of your use

About EPA's Green Power Partnership

The Green Power Partnership is a voluntary program that encourages organizations to buy green power as a way to reduce the environmental impacts associated with purchased electricity use. The Partnership currently has more than 1,500 Partners voluntarily using billions of kilowatt-hours of green power annually. Partners include a wide variety of leading organizations such as Fortune 500® companies, small and medium sized businesses, local, state, federal, and tribal governments, and colleges and universities.

For More Information:

www.epa.gov/greenpower/communities/index.htm

Mollie Lemon

Green Power Partnership

lemon.mollie@epa.gov

202-343-9859

EPA's Green Power Community Challenge

The U.S. Environmental Protection Agency (EPA) hosts an annual national, year-long campaign to encourage communities coast to coast to use renewable energy and fight climate change. As part of the campaign, Communities compete to see which one can achieve the highest green power percentage of total electricity use and which one can use the most green power. The winning communities are declared in September.

Year	Most Green Power	Highest Percentage
2010-2011	Washington, DC	Brookeville, MD
2011-2012	Washington, DC	Oak Park, IL
2012-2013	Washington, DC	Oak Park, IL

How Does the Challenge Work?

Over the course of a year, GPCs track and report their collective green power use and green power percentage of total electricity use. GPCs are ranked according to the two award categories on EPA's website on a quarterly schedule.

What Will Happen During the Challenge?

The Challenge begins in September of each year. EPA will update the rankings in December, and April and June of the following year. Communities will be able to review the standings and make changes to their purchases until September 1, when the final green power use is determined. Throughout the Challenge, EPA is available to provide technical and outreach assistance to participants to help them increase their green power usage rates.

The winning GPCs will receive recognition from EPA, including being featured on the GPP website.

Commercial & Industrial Customer Benefits

PGE Clean WindSM Renewable Power

Complimentary Publicity and Recognition

Awards

	Platinum	Gold	Silver	Bronze
Personalized Ad <i>Ad will appear in a publication such as Portland Monthly, Portland Business Journal or a regional issue of national magazines</i>	■			
Press release <i>Timing to be coordinated with your PR goals; usually release is sent within one month of your enrollment.</i>	■			
Exclusive 100% renewable window decal	■			
Eligible for profile in PGE Renewable Report newsletter with coupon potential	■	■		
Profile on GreenPowerOregon.com <i>PGE's green community website. Profile will be posted within three months of your enrollment.</i>	■			
Recognition at customized employee event <i>PGE provides a customized event to educate your employees on your commitment to buy green power</i>	■	■		
Inclusion in page dominant Business Journal and Portland Monthly ads <i>Platinum level receives premium recognition, Gold receive secondary recognition, Silver get tertiary mention. Limit 25 characters maximum. See the back of this page for more details.</i>	■	■	■	
Engraved recognition plaque – Presented at annual customer recognition event	■	■	■	
Invitation to annual customer recognition event <i>Previous VIP presenters of awards include State Senators, Leading CEOs</i>	■	■	■	■
One-time listing in “welcome new customers” ad in newspaper				■
Listing in Renewable Report newsletter – Circulation more than 100,000 customers <i>Listing also appears on PortlandGeneral.com and GreenPowerOregon.com</i>	■	■	■	■
Marketing toolkit: Online photos, Web graphics and marketing messages	■	■	■	■
Eligible for inclusion in PGE's Green Community coupon book/mobile coupons	■	■	■	■
Annual CO₂ offset certificate – Delivered annually in 1st Quarter	■	■	■	■

Attachment C, p. 1

Commercial & Industrial Award Levels

PGE Clean WindSM Renewable Power

	Platinum*	Gold	Silver	Bronze
Points Needed to Achieve Levels	25,000*	12,500	7,500	2,500

*To reach the highest Platinum level, you must also be at 100% Renewable.

Green Actions	Points Given
Every 1,000 kWh/A Purchased	10
100% of Annual Usage	1,000
75% of Annual Usage	500
50% of Annual Usage	200
Employee/Customer Enrollment Program	500
Business Referral	100
Recycling program at work or BEST	100
Commuter Program	100
Energy Efficiency Walk-Through	100
Branch Location Enrollments	500
Qualifying LEED® Projects	500
Four or more of the above	500

Business Journal/Portland Monthly Ad:

- This ad runs three to six times a year in each publication.
- Platinum level customers receive premium recognition, with Gold level customers receiving secondary recognition and Silver level customers receiving tertiary mention.
- There is a 25-character limit to each organization name listed



Portland General Electric

Portland General Electric

Prepared for: City of Wilsonville

Clean WindSM

Proposal

September 17, 2014

You have the power to make a difference.

Thank you for considering Clean Wind power. Clean Wind is 100 percent new wind power with the same reliability you depend on from PGE. This carbon-free power comes from wind farms in the northwest and is endorsed by such groups as the Renewable Northwest Project, Northwest Energy Coalition and Natural Resources Defense Council.



Gold_level benefits for your green leadership*

With a 6.9% purchase of Clean Wind (including 2 locations) PGE will provide you with a range of marketing tools related to your level of commitment, including:

- *Inclusion in ads recognizing Wilsonville Green City Challenge*
- *Window decals and web graphics*
- *Eligible for profile in PGE Renewable Report newsletter*
- *Annual CO2 offset certificate*
- *Invitation to annual customer recognition event*
- *Promoting your purchase of renewable energy to your employees and residents*



Reduce your carbon footprint

If you purchase Clean Wind at the Gold level, your company will be avoiding more than 1.1 million pounds of CO₂ from entering the atmosphere, which has the same environmental impact as taking 105 cars off the road for one year.



Join the No. 1 renewable power program in America

Citizens in Oregon are signing up for green power in near record numbers — PGE is currently ranked 1st in the entire nation for sales of renewable power.

*See benefits sheet for more details

Clean Wind Proposal



Clean Wind matters to your customers

In your ZIP code alone, 11 percent of PGE customers are buying renewable energy. Clean Wind provides you with a simple way to demonstrate your concern for the environment and commitment to renewable energy.



Made in the Northwest

Your purchase of Clean Wind helps support wind farms here in Oregon, Washington and Idaho. Local wind farms create jobs, income streams for farms and increased tax revenues for rural counties.

Basic Service

12 Month Usage Ending 6/2014:
Averaged Monthly Usage:

11,931,891
994,324

Clean Wind Award Level

	Annual Premium	Monthly Premium	kWh Purchased Year	kWh Purchased Month	Addtl. Branch Locations 100% Needed
100% Platinum	\$35,795.67	\$2,982.97	11,931,891	994,324	All
6.9% Gold	\$2,469.90	\$205.83	823,300	68,608	10
5% Silver	\$1,789.78	\$149.15	596,595	49,716	1
5% Bronze	\$1,789.78	\$149.15	596,595	49,716	0



Clean Wind is Green-e certified



Clean Wind can help you meet your LEED® certification goals

Customer Name	Annual Commercial kWh Usage	kWh Required (5%) EPA GPLC
City of Wilsonville	11,931,891	596,595



PortlandGeneral.com/CleanWind

Disclaimer: You do not need to purchase this product to continue to receive safe, reliable power from PGE. You may buy similar products and services from other providers.

WE'D LIKE TO THANK THE FOLLOWING. Or rather, the leading.



Yet more thriving businesses are choosing Clean WindSM power from PGE. Proving once more that doing good and doing well aren't mutually exclusive. Join them and their loyal customers at PortlandGeneral.com/CleanWind or 503-464-2035.

PLATINUM

**Burgerville · City of Beaverton · City of Milwaukie · Dave's Killer Bread
EasyStreet Online Services · Organically Grown Company
Portland Timbers · Wieden+Kennedy**

GOLD

Ajinomoto · Alpha and Omega Semiconductor · BrucePac · City of Gresham · City of Hillsboro
City of Salem · Elephants Delicatessen · Epson Portland, Inc. · ESCO · EVRAZ · Food Front · Intel
Kaiser Permanente · Lamb's Markets · Legacy Good Samaritan Hospital · Legacy Meridian Park Hospital
Legacy Mount Hood Medical Center · Linde Group · Metro · Multnomah County · National College of Natural Medicine
New Seasons Market · NORPAC Foods, Inc. · OHSU · OMSI · ON Semiconductor · Portland Streetcar
Precision Castparts · Sanyo Solar · Oregon Siltronic · Staples, Inc. · Stimson Lumber · Tektronix
The Standard · Tokyo Electron (TEL) · TriQuint Semiconductor · U.S. Bank National Association
VA Medical Hospital · Vestas Portland HQ, LLC · ViaWest, Inc. · Willamette University · Xerox · Yahoo!

SILVER

A to Z Wineworks, LLC · American Honda Motor Co, Inc. · College Housing Northwest
Computer Forms, Inc. · Deschutes Brewery · Grand Central Baking Company · Green Zebra Grocery · Mercy Corps
Our Lady of the Lake · Shorenshtein Realty Services · Stacy and Witbeck, Inc. · Suburban Door Company
The Ecotrust Building · The Yeon Building · Torpet, LLC · Toyota Motor Sales USA, Inc.
Tuality Healthcare · University of Portland · World Foods

“Green Power Oregon” Coupons & Offers webpage

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calculator

Number One Renewable Program in America

PGE thanks our customers for this historic achievement!

Latest National Renewable Energy Laboratory ranking for number of renewable power customers and most renewable energy sold.

Exclusive Coupons & Offers

As a PGE renewable customer you're helping change the way electricity is being made, while contributing to a bright, sustainable energy future for Oregon.

PGE and some of your fellow renewable customers want to thank you by extending a changing selection of special offers and extras. We hope they will save you some money, and that you'll support these businesses for sharing your commitment to the environment. Simply select and then print out the coupons below. We also offer [mobile coupons](#) for your phone.

- ▶ **Ace Hardware:** \$5 off your next purchase
- ▶ **Artemis Foods:** \$5 off your next order
- ▶ **Baby & Me:** 20% off your next purchase
- ▶ **Bella Cupcake:** Free cupcake with purchase
- ▶ **Bike Gallery:** \$5 off your next purchase
- ▶ **Birds & Bees Nursery:** 20% off purchase
- ▶ **Burgerville:** Free breakfast burrito with purchase
- ▶ **Car2Go:** Free membership and 30 minutes
- ▶ **DAYA Foundation:** 50% off 12 classes
- ▶ **Dove Vivi:** \$3.50 off a whole pizza
- ▶ **Edible Arrangements:** \$5 off any purchase
- ▶ **Folly:** \$20 off any purchase of \$100 or more
- ▶ **Game Trader:** Free game with purchase
- ▶ **Governor's Cup:** \$1 off beverage with purchase
- ▶ **Grand Central Bakery:** \$5 off your next purchase
- ▶ **Green Drop Garage:** \$25 off oil change and safety inspection
- ▶ **Green Zebra:** \$5 off your next purchase
- ▶ **Here We Go Again:** \$5 off any purchase of \$15 or more
- ▶ **Hopworks Urban Brewery:** 10% off your bill
- ▶ **Hotlips Pizza:** \$5 off a pizza
- ▶ **Kids at Heart:** 15% off your purchase
- ▶ **Kure Juice Bar:** \$2 off your next purchase
- ▶ **Miller Paint:** \$10 off your next purchase
- ▶ **Mirador Community Store:** Save 20% off your first \$25 of purchases
- ▶ **Next Adventure:** 20% off your next purchase
- ▶ **Northwest Portland Guest House:** \$25 off private room
- ▶ **Nature's Pet:** \$5 off your next purchase
- ▶ **OMSI:** \$2 off admission
- ▶ **Paloma Clothing:** \$20% off
- ▶ **Powell's Books:** \$5 off your purchase of \$25 or more
- ▶ **Presents of Mind:** 20% off your next purchase
- ▶ **Salt & Straw:** 2 for 1
- ▶ **Silk & Stone:** 30% off your next treatment
- ▶ **Sown:** 10% off your next purchase
- ▶ **South Salem Cycleworks:** \$5 off tune-up
- ▶ **Switch Shoes & Clothing:** Save 20% off your next purchase
- ▶ **Tea Chal Te:** 2 for 1
- ▶ **Tidee Didee:** 3 weeks of free diaper service with purchase
- ▶ **Zupans:** \$10 off your next purchase

Featured Coupons

\$2 OFF

\$10 OFF

Note: PGE does not determine the offer or discount these businesses choose to provide.

<http://greenpoweroregon.com/benefits/coupons-offers.aspx>

Hillsboro is the greenest of any 'Green Power Community' in the nation, EPA says

By **Luke Hammill** | lhammill@oregonian.com

September 22, 2014

http://www.oregonlive.com/hillsboro/index.ssf/2014/09/hillsboro_is_the_greenest_of_a.html

Solar panels produced by Solarworld AG in a field near to the company's plant in Freiberg, Germany. SolarWorld's U.S. operations are based in Hillsboro. (*Bloomberg/file photo*)



Hillsboro uses a higher percentage of sustainable power than any other "Green Power Community" in the nation, according to the results of an Environmental Protection Agency competition announced Monday.

The city took first place in one of two categories in the EPA's fourth-annual **Green Power Community Challenge** because just over 50 percent of its total electricity use comes from green power. That's a far higher share than the second-place town – Brookeville, Md., which came in at just over 40 percent.

Fifty-three communities nationwide competed in the challenge. To qualify, a municipality had to be certified as an EPA "Green Power Community" for meeting the agency's minimum standards for power usage. Green power is electricity from renewable sources such as wind, solar or low-impact hydropower.

Hillsboro also took second place in the other category, which ranked communities for their total green power usage. Hillsboro used over 1 billion kilowatt-hours of green power in 2013-14. Only Washington, D.C. used more – almost 1.2 billion kilowatt-hours. But only 12.7 percent of the electricity used in the nation's capital came from green sources, ranking it 21st in the category Hillsboro won.

Portland ranked third in the total usage category, with 610 million kilowatt-hours of green power in 2013-14, and took 33rd in the other ranking – 8 percent of its power is green, according to the EPA.

Beaverton, Gresham, Bend, Salem, Medford, Corvallis, Hood River, Cannon Beach and Milwaukie also competed in the challenge. The rankings are available at [the EPA's website](#).

Hillsboro's use of over 1 billion kilowatt-hours of green power is equal to avoiding the carbon emissions of more than 150,000 passenger vehicles per year, the city said in a news release. It's also enough to power over 98,000 homes per year.

"This is a great achievement for the City of Hillsboro and a testament to our community's commitment to voluntarily seek out ways to become more sustainable," said Hillsboro Mayor Jerry Willey in a written statement. "My family knows the value of green power firsthand from our experience installing solar power panels on our roof, and our purchase of green power through our electricity supplier, Portland General Electric."

-- Luke Hammill

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: January 5, 2015	Subject: Resolution No. 2508 An Intergovernmental Agreement Governmental Exemption from Established Privilege Tax for Use of City Right-of-Ways and Providing Alternative Consideration in Lieu of the Tax Staff Member: Barbara Jacobson; Michael Kohlhoff Department: Legal
Action Required <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	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable <hr/> Comments: <div style="height: 80px;"></div>
Staff Recommendation: Approve Resolution No. 2508	
Recommended Language for Motion: I move to adopt Resolution No. 2508.	
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>	
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)
<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Whether to approve an Intergovernmental Agreement with Clackamas County to serve in lieu of imposition of a traditional franchise agreement or privilege tax.

EXECUTIVE SUMMARY:

The City has been working with Clackamas County to arrive at terms for an Intergovernmental Agreement (IGA) that would allow for the City and Clackamas County to share a fiber network.

The City and Clackamas County have found many areas of mutual benefit in sharing data network resources that could also benefit the school district and other local government entities. This IGA would govern the relationship of the parties, and would be allowed pursuant to proposed Ordinance No. 765, which is scheduled for second reading on January 5. WC 3.560 provides that if a franchise agreement is used, any franchise fee would offset any privilege tax due to the City so there is not a double collection. If Ordinance No. 765 is passed on second reading, the Ordinance will allow execution of this IGA as an acceptable alternative to the traditional franchise agreement, allowing for an agreed upon different classification of consideration than a straight fee percentage on gross revenues. This IGA provides consideration of mutual promises and conditions that are intended to benefit both governmental entities, including cost and facility sharing. City staff believes this IGA is nondiscriminatory and that it is in the best interest of the City for the two governmental bodies to join forces to provide needed fiber connections within Wilsonville to certain educational, medical, and governmental entities. A copy of the IGA is attached hereto.

The proposed amendment to the Code is intended to recognize that other government entities are a different classification from private entities that are based primarily on gross revenues from users they serve, and the circumstances of government entity use can provide for advancing the public interest through the use of the City's right-of-ways based upon alternative consideration to the percentage franchise fee, privilege tax on gross revenues, or per line charge for simply passing through the City.

EXPECTED RESULTS:

More flexibility for the City in providing, receiving, and sharing the benefits of new fiber technology with Clackamas County.

TIMELINE:

Approval requested to enter into the IGA on January 5, 2015, assuming passage of Ordinance 765. IGA allows for reversion to standard franchise agreement should Ordinance 765 be successfully challenged.

CURRENT YEAR BUDGET IMPACTS:

There are no negative impacts anticipated.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 12/22/14

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 12/19/14
Legal Department authored report.

COMMUNITY INVOLVEMENT PROCESS:

Ordinance public hearing only.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

More flexibility to achieve greater benefits for the community, specifically the entities listed and others to be determined by the parties at a later date.

ALTERNATIVES:

Do not amend the Ordinance and require Clackamas County to enter into a franchise agreement.

CITY MANAGER COMMENT:

ATTACHMENTS

A. Resolution No. 2508

RESOLUTION NO. 2508

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WILSONVILLE AND CLACKAMAS COUNTY FOR SHARING DATA NETWORK RESOURCES

WHEREAS, the City of Wilsonville is a dark fiber provider to government agencies, nonprofits, businesses, and medical facilities within the City limits; and

WHEREAS, the City of Wilsonville and Clackamas County desire to enter into an Intergovernmental Agreement for sharing data network resources, a copy of which is marked as **Exhibit 1**, attached hereto and incorporated by reference as if fully set forth herein.

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

1. The City Council authorizes the City Manager to enter into the above-referenced IGA on behalf of the City of Wilsonville.
2. This Resolution becomes effective upon the date of adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 5th day of January, 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

Attachments:

Exhibit 1: Intergovernmental Agreement on Sharing Data Network Resources

INTERGOVERNMENTAL AGREEMENT ON
SHARING DATA NETWORK RESOURCES
BETWEEN THE CITY OF WILSONVILLE AND CLACKAMAS COUNTY

This Agreement is entered into by and between the City of Wilsonville, a municipal corporation of the State of Oregon (the "City"), and Clackamas County, a political subdivision of the State of Oregon (the "County") (collectively, the "Parties"), pursuant to ORS 190.003 to 190.110, which allows units of government to enter into agreements for the performance of any or all functions and activities which such units have authority to perform.

RECITALS

WHEREAS, the City of Wilsonville is a dark fiber provider to government agencies, nonprofits, businesses, and medical facilities within the City limits; and

WHEREAS, the City and Clackamas County have found many areas of mutual benefit in sharing data network resources; and

WHEREAS, continued intergovernmental cooperation between the City and County in data transport and the provision of access to fiber resources benefit the citizens and taxpayers of the City and County; and

WHEREAS, the Parties desire to formalize this practice of cooperation through an Intergovernmental Agreement;

NOW, THEREFORE, the City and County agree as follows:

AGREEMENT

I. Purpose

The Parties agree that they are mutually interested in and will work together to share resources in their respective data networks. This Agreement gives the City consideration for their investment in fiber infrastructure and it gives the County access to a variety of City facilities that support the County's fiber network. This Agreement is entered into in lieu of the City's regular form franchise agreement for use of City right-of-way, as allowed by W.C. 3.410 and W.C. 3.560.

II. Shared Resources

A. The City will:

- (1) Waive back fees for use of right-of-way.

(2) Waive regularly imposed franchise fees or right-of-way use fees for use of City right-of-way for County fiber cables and conduits. (County will still be required to obtain engineering and public works permits, which may or may not require payment of a fee.)

(3) Provide the County with three (3) pair of fiber on the City's fiber network, at no charge, for the following institutions: Providence, Clackamas Community College, and a third yet to be identified public entity. Clackamas County and not the City will then be entitled to charge these entities for services provided.

(4) Allow the County free use of up to 6u of space in the City's data room for its network equipment. The City will provide, at its expense, power for this equipment, including a backup generator with automatic transfer switch.

(5) Provide County easements, at no charge, for the County's fiber facilities on City property at locations approved by the City.

B. The County will:

(1) In consideration of the City's waiver of franchise fees and provision of resources, as set forth above, the County will provide the City with five (5) pair of fiber on the CBX fiber network, at no charge. The five public sites will be identified by the City as the need arises. Once identified, the City and not Clackamas County will then be entitled to charge these entities for services provided.

(2) (a) The County agrees that it will notify the City in advance of any infrastructure builds being done within the City limits and, where appropriate, will include the City at the planning and design phases and offer the City the opportunity to partner in the build so that the City can extend its network at the lowest possible cost.

(b) The City agrees that it will notify the County in advance of any infrastructure builds being done within the City limits and, where appropriate, will include the County at the planning and design phases and offer the County the opportunity to partner in the build so that the County can extend its network at the lowest possible cost.

III. Equipment Ownership and Maintenance

A. Each party will provide, own, and maintain its respective equipment for network switching and management. Specifically, the County will own and maintain its network equipment in the City data room, and the City will own and maintain equipment for lighting the fiber provided by the County. The County will own and maintain the fiber used in its network. The City will own and maintain the fiber in its network. Where the City or the County utilize fiber constructed by the other entity, the maintenance of the

fiber and corresponding fiber infrastructure will fall to the owner of the fiber and infrastructure asset.

B. The City will make provisions for after-hours access to the City's data room by County staff or designated contractors for emergency maintenance of the County's equipment, and the County will make similar provisions for City access to City equipment on premises owned or managed by the County.

IV. OIT Connection

The City and County will work together in the build-out of the infrastructure run within the City to the OIT campus so that both the City and County have access thereto. The City will own two (2) inch-and-a-quarter conduits and will share ownership of two (2) vaults with the County and/or OIT. Although OIT may have an ownership interest in the vaults, an agreement with OIT must be in place with OIT that provides OIT is strictly prohibited from accessing the vaults once placed in the City right-of-way, except through the County or the City, before the vaults can be placed within the right-of-way. The County and the City will proportionately share the cost, in an amount to be agreed upon before construction begins.

V. Amendments to this Agreement

This Agreement may be amended at any time by mutual agreement of the Parties.

VI. Effectiveness and Termination

This Agreement shall have a term of ten (10) years, beginning on the effective date of the implementing Ordinance. After the expiration of the initial ten (10) year term, the Agreement shall automatically renew for an additional ten (10) year term unless either party gives notice to the other party of its intent to terminate the Agreement three (3) years before the Agreement expires. Termination of this Agreement shall not terminate any easements granted either Party.

VII. Severability

If any section, clause, or phrase of this Agreement is invalidated by any court of competent jurisdiction, any and all remaining parts of the Agreement shall be severed from the invalid parts and shall remain in full force and effect.

VIII. Contingency

If the County elects to begin work in the right-of-way for the OIT run before the thirty (30) day period required by law for any challenge to the City Ordinance authorizing this IGA passes, and that Ordinance is later successfully challenged, then the County agrees that this Agreement will be null and void and the County's right to use the City's

right-of-way for the OIT run, as described herein will be subject to the current Wilsonville City Code Ordinance No. 616.

CITY OF WILSONVILLE _____ By: Bryan Cosgrove As Its: City Manager ATTEST: By: _____ City Recorder	CLACKAMAS COUNTY _____ By: _____ As Its: Chair, Board of Commissioners ATTEST: By: _____ Recording Secretary
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I:\fiber proj\doc\iga data network sharing~city-cty

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: January 5, 2015	Subject: Resolution No. 2509 Adopting Bridge Memorandum Of Understanding Staff Member: Michael Kohlhoff Department: Legal	
Action Required <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	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: The Resolution provides for the City's prorate share of funding the facilitator through the end of 2016 for the Willamette Water Supply Program, which the City has been participating in over this last year.	
Staff Recommendation: Approve Resolution No.2509.		
Recommended Language for Motion: I move to adopt Resolution No. 2509.		
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

- 1). Should the City continue to participate in the discussions of the Willamette River Supply program?
- 2). Is the proportioned funding share for Wilsonville reasonable?

EXECUTIVE SUMMARY:

The Willamette Study Program ("WWSP") is a cooperative project to produce and transmit finished drinking water from the Willamette River Water Treatment Plant ("WRWTP") to Tualatin Valley Water District (TVWD") and Hillsboro and such other municipalities as may elect to participate in the program. As owner in the WRWTP and the City's rights of ways, the City of Wilsonville has a stake in further development of the plant and in any transmission in or

over city rights of ways. Wilsonville has been participating in the joint discussions concerning the WWSP and is participating currently in a joint master planning effort for the plant as the City will need to have the plant expanded for its own needs in the near term.

The MOU calls for continued cooperation by the parties to develop mutually acceptable future agreements or memorandum of understandings related to the ownership, finance, design and construction of water system facilities including the lower and potential future upper water treatment plants and the governance, use, operation, maintenance, repair, and replacement of those facilities (collectively referred to as the Future Agreements). The MOU provides through the exhibits timelines for reaching document goals and for the cost sharing of the facilitator to aid the parties in reaching a governance model by the end of 2016 to present to the respective participating governing bodies at that time.

The MOU preserves the right to withdraw on 90 days - notice subject to paying the cost of the facilitator through the effective date of withdrawal. The MOU preserves the parties right not to enter any future agreement. The MOU also preserves Wilsonville right to serve its user's during any construction without hindrance, except for temporary impacts during construction that are reasonably mitigated (which could be the case if Wilsonville was doing its own upgrade construction). Finally, the MOU recognizes that Wilsonville's governmental function in evaluating and issuing development applications or permits is not intended to be prevented or hindered.

Staff recommends the continued participation by the City in the ongoing discussions; that given the complexities and different entities involved, the facilitator has proven very helpful and the City's share of the facilitator's cost over the next two years is reasonable; and that with the withdrawal provision and non-binding provision as to future agreements, the MOU should be approved.

EXPECTED RESULTS:

A clearer picture of what Wilsonville's involvement in water supply and governance will be.

TIMELINE:

The staff members of the various entities in attendance at the Water Supply Program discussions are recommending adoption of the MOU and it should be adopted by the respective parties in January, 2015. Thereafter the respective time lines are set forth in the exhibits with completion of the governance agreement anticipated to be in the last quarter of 2016, most likely in December.

CURRENT YEAR BUDGET IMPACTS:

There is a contemporaneous supplemental budget request for January 5, 2015, that includes the amount of Wilsonville's share in this matter.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 12/22/14

LEGAL REVIEW / COMMENT:

Reviewed by: MEK

Date: 12/22/2014

Author of report.

COMMUNITY INVOLVEMENT PROCESS:

There have been two focus groups to discuss in general terms the use of public right of ways and alternative routes. TVWD is taking this feedback to its route planners and is also working with staff. TVWD maintains a web site with general status information of the Program.

Representatives of TVWD have made appearances before the City Council with status reports.

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

The construction of the transmission line will have impacts on the community. A benefit may be negotiated consideration for entry into the city and continued use of the rights of way. The consideration may be monetary or other forms such as infrastructure improvements or a combination. Plant benefits may be in the form of greater efficiencies and potential cost savings for rate payers, but information is insufficient at this time to make any accurate determination in this latter regard.

ALTERNATIVES:

Given the potential impacts, the complexity of the Project, the importance of the City understanding the rationale supporting future agreements in order to make the best decision as to whether to join in or not, and the relative small costs to pay for the facilitator and be a part of the on-going discussions, it did not seem prudent to abandon the City's participation at this time.

CITY MANAGER COMMENT:**ATTACHMENTS:**

- A. Resolution No. 2509
- B. Bridging MOU with exhibits.

RESOLUTION NO. 2509

A RESOLUTION ADOPTING BRIDGE MEMORANDUM OF UNDERSTANDING

WHEREAS, Wilsonville, Tualatin Valley Water District (TVWD), and Sherwood have been engaged in discussions with the cities of Beaverton, Hillsboro, Tigard, and Tualatin regarding planning and evaluation of use of the Willamette River to jointly meet future water system demands, the evaluation of existing water system assets, including the Lower Plant, and future water system assets such as the Upper Plant, the sizing and location of transmission pipeline(s) and reservoirs, and discussion concerning governance and operation of the Lower and Upper plants and other facilities; and

WHEREAS, the majority of discussions have been facilitated by Debra Nudelman of Kearns & West, Inc. and have led the parties to agree that facilitated discussions will need to continue until the end of 2016; and

WHEREAS, a Bridge Memorandum of Understanding is proposed for adoption by the parties to provide for the proposed topics outline, the online planning schedule, and the continued employment and cost-sharing of the Nudelman facilitation services;

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

Based on the above recitals, incorporated by reference as if fully set forth herein:

1. The Bridge Memorandum of Understanding (MOU), together with Exhibit 1, the Proposed Topics Timeline, Exhibit 2, the Online Planning Schedule, and Exhibit 3, the Willamette Governance Facilitation Cost Shares, a copy of which is marked Exhibit A, attached hereto and incorporated by reference as if fully set forth herein, is hereby adopted and the City Manager is authorized to execute the MOU on behalf of the City.
2. This Resolution becomes effective upon the date of adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 5th day of January, 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

Attachments:

Exhibit A – Bridge Memorandum of Understanding

BRIDGE MEMORANDUM OF UNDERSTANDING

This Bridge Memorandum of Understanding (MOU) is effective this ____ day of _____, 2014 by and between Tualatin Valley Water District, a domestic water supply district organized under ORS Chapter 264 (TVWD) the City of Wilsonville, an Oregon municipal corporation (Wilsonville), the City of Beaverton, an Oregon Municipal Corporation (Beaverton), the City of Hillsboro, an Oregon municipal corporation, acting by and through its Utilities Commission (Hillsboro), the City of Sherwood, an Oregon municipal corporation (Sherwood), the City of Tigard, an Oregon municipal corporation, (Tigard), and the City of Tualatin, an Oregon municipal corporation (Tualatin).

RECITALS

TVWD, the City of Wilsonville (Wilsonville) and the City of Sherwood (Sherwood) own varied interests in land, water rights, water system assets and capacity in water system assets as part of the existing Willamette River Water Treatment Plant (WRWTP) in Wilsonville.

The original design of the WRWTP Lower Plant allowed for expansion from its current capacity of 15 million gallons per day to produce up to 70 million gallons per day in the future. The real property upon which the Lower Plant is situated could accommodate a second water treatment plant, Upper Plant, with capacity to be determined.

TVWD, Wilsonville and Sherwood have been engaged in discussions with the cities of Beaverton, Hillsboro, Tigard and Tualatin regarding planning and evaluation of use of the Willamette River to jointly meet future water supply demands, the evaluation of existing water system assets including the Lower Plant and future water system assets such as the Upper Plant, the sizing and location of transmission pipeline(s) and reservoirs and discussion concerning ownership, governance and operation of the Lower and Upper Plants and other facilities.

A Master Plan for the WRWTP was completed in December, 2006. In order to facilitate the evaluation of existing and planning for future water system facilities, and to assist in future decision-making by the above named entities, all parties except Tualatin have entered into separate MOUs with TVWD to solicit and negotiate a contract with a consultant to update the Master Plan for the WRWTP and develop a Master Plan for the proposed Upper Plant (collectively referenced hereinafter as the “Master Plan”).

The Willamette Water Supply Program (WWSP) is a cooperative project to produce and transmit finished drinking water from the WRWTP to TVWD and Hillsboro and such other municipalities as may elect to participate in the program. All parties, except Wilsonville and Sherwood, have entered into an Intergovernmental Agreement regarding Predesign, Design, Public Affairs and Public Outreach in Furtherance of the Willamette Water Supply Program (Supply Agreement). The Supply Agreement is comprehensive in all aspects to accomplish tasks to achieve preliminary design of the WWSP and final design of the S.W. 124th Avenue Pipeline Project.

The Parties have been engaged in mutual and cooperative discussions regarding the WRWTP, the WWSP, the Master Plan and other issues relating to meeting the Parties' long-term need for finished drinking water. The purpose of this Bridge MOU is to reaffirm the Parties' commitment to continue to participate in the discussions with the goal of developing mutually acceptable Agreement(s) or MOUs related to ownership, finance, design and construction of water system facilities, including the Upper and Lower Plants and the governance, use, operation, maintenance repair and replacement of those facilities (collectively referred to as "Future Agreements"). The Parties recognize and acknowledge that each Party, based upon a determination of its own needs and resources, will evaluate the benefits of becoming a party to those Future Agreements and preserve the opportunity to fully participate with the other Parties if the individual Party finds it is in its best interests to do so.

THE PARTIES AGREES AS FOLLOWS:

1. **Participation.** The Parties recognize and agree that each Party may participate in some, all or none of the Future Agreements. To that end, the Parties anticipate that the Future Agreement(s), if any, will contain a provision that allows a Party to participate upon giving notice with participation to be effective at an agreed upon date.
2. **Tigard and Tualatin Participation.** All Parties recognize and agree that the Tigard and Tualatin Charters require voter approval prior to using the Willamette River as a drinking water source. All Parties recognize and agree that Tigard's or Tualatin's participation in this MOU does not evidence a decision to use the Willamette River as a drinking water source, nor does it require their respective city councils to authorize an election to vote on whether to use the Willamette River as a drinking water source. All Parties recognize and agree that Tigard and Tualatin intend to participate in this MOU in an effort to develop Future Agreements that will provide a mechanism for either to join with the other Parties, if a decision is made by their city councils and voters to use the Willamette River as a drinking water source.
3. **Future Agreements.** The Parties agree to continue to meet, discuss and develop the Future Agreement(s). Development of the Future Agreement(s) does not obligate a Party to approve and enter into Future Agreement(s). The obligation of this MOU is for all Parties to continue to work in good faith and cooperation to allow those Parties that so desire to achieve their water supply system goals and complete construction by 2025. Each Party specifically recognizes that ultimately it or another Party may decline to approve and participate in the future agreement(s) but, until that decision is made, each Party will continue to participate in a cooperative and timely manner.

- 3.1 **Governance Agreement.** All Parties agree to make reasonable and good faith efforts to develop a Governance Agreement that is mutually beneficial and suitable for submission and recommendation to the Parties governing bodies by the end of 2016. Among other things, the Governance Agreement shall provide methods for identifying and describing ownership of existing assets; construction and contribution of new assets; fair and equitable decision making; management, operation, maintenance, repair and replacement of assets; cost of service rate - making principles integration and system operation, so that existing assets and new assets work together in an efficient and effective manner; internal dispute resolution processes; progressive methods to achieve compliance with the Governance Agreement; and a provision to allow joinder of local government water providers including, but not limited to, a provision to address equitable cost recovery.
- 3.2 **Other Future Agreements.** Other Future Agreements may include, but not be limited to, topics such as the S.W. 124th Avenue Pipeline Project, the Transmission Pipeline Agreement, Reservoir Agreement, Willamette River Water Treatment Plant Agreement(s) and Right of Way Usage Agreements for City rights of way occupied by water facilities.
4. **Anticipated Schedule.** The Parties will make reasonable good faith efforts to complete the final draft of the Governance Agreement by December 31, 2016 and other Future Agreements as necessary to complete the Willamette Water Supply Program by 2025, as set forth in Exhibits 1 and 2, attached hereto and incorporated by reference as though fully set forth.
5. **Protocols for Development of the Governance Agreement.** The Parties goal is to develop a mutually acceptable Governance Agreement while recognizing that approval by a Party's governing body is completely discretionary. To reach this goal, each Party agrees:
 - 5.1 To share in the costs of facilitating the discussions for the Future Agreement(s) according to the current cost share formula attached hereto as Ex. 3 and incorporated by reference herein as though fully set forth. The estimated cost of future facilitation services is \$209,400, and the Parties agree to update and review the cost share formula if necessary. While a Party is not obligated to execute the Governance Agreement, it is obligated to pay its share of facilitation costs. Reimbursement of facilitation or negotiation costs will not be made.

- 5.2 To follow the facilitator's rules of conduct during project meetings and to provide information to all Parties as to the results of any discussion of issues between less than all Parties when such limited discussions could have an impact on the terms of the Governance Agreement.
 - 5.3 To use best efforts to avoid hindering the schedule to enable the water supply project to be built and on line by 2025.
 - 5.4 To commit staff to attend meetings as appropriate and staff members shall be prepared to discuss and apply the information from the HDR Preliminary Design, the WRWTP Master Plan Update, other studies and work product of the Parties or consultants regarding meeting topics.
 - 5.5 To identify information necessary to enable staff or the governing body of a Party to review, consider and make decisions in a timely manner.
6. **Cooperation By All Parties.** The Parties agree that each will cooperate with the other Parties as reasonably necessary to:
- 6.1 Provide advice and comment on the Willamette Water Supply Program as it affects a Party and its residents and customers.
 - 6.2 Provide advice, suggested solutions and comment on methods or strategies to protect a Party's interests or reasonable actions to mitigate impacts to the Party's interests.
 - 6.3 Recognize and assist in reasonable mitigation strategies during temporary construction activities within a Party's boundary that may impact the community.
 - 6.4 Assist in developing and implementing a public information and outreach process regarding WWSP activities to residents within the Party's boundary.
 - 6.5 To evaluate the Upper Plant and Lower Plant site configuration and, if requested, to assist in developing Upper Plant site layout alternatives for consideration by those Parties that will use water from the Upper Plant.
 - 6.6 If the preferred Upper Plant site layout requires acquisition of additional property, exchange of property or other action to accommodate the preferred alternative, the affected Parties will cooperate in contacting property owners and affected neighbors, provide detail of the WWSP site needs and otherwise cooperate to

facilitate discussions. However, nothing in this MOU is intended to prevent or hinder Wilsonville from performing its government function in evaluating and issuing development applications or permits.

- 6.7 The Parties to this Agreement recognize the position of Wilsonville and Sherwood as the only Parties currently using water from the WRWTP. Therefore, any water supply facilities that may be designed and constructed to divert and treat raw water and to convey finished drinking water from the Upper Plant or Lower Plant to a Party's service area must function in a manner that does not adversely impact or impair Wilsonville's or Sherwood's ability to obtain water and serve their respective users, except for temporary impacts during construction that are reasonably mitigated.

7. **General Provisions.**

- 7.1 **Future Agreements.** The Parties acknowledge that some or all of the terms and conditions of this MOU may be superseded or replaced by the Future Agreement(s).
- 7.2 **Withdrawal.** Effective 90 days after written notice to all other Parties, a Party may withdraw from this MOU. The withdrawing Party will be obligated to pay its share of facilitation costs under Section 5.1 through the effective date of withdrawal with no refund. The Parties may mutually agree to another withdrawal date.
- 7.3 **Assignment.** No Party to this MOU may assign its interest in this MOU (or any portion thereof) without the prior written consent of the other Parties.
- 7.4 **Counterparts.** This Agreement may be executed in any number of counterparts by the parties which shall constitute an agreement between and among the parties.
- 7.5 **Notices.** Any notice herein required and permitted to be given shall be given in writing, shall be effective when actually received, and may be given by hand delivery or by United States mail, first class postage prepaid, addressed to the parties as follows:

City of Wilsonville
Delora Kerber, P.E.
Public Works Director
29799 SW Town Center Loop E
Wilsonville, OR 97070

Tualatin Valley Water District
Mark Knudson, P.E., CEO
1850 S.W. 170th
Beaverton, Oregon 97003

City of Sherwood
Craig Sheldon
Public Works Director
15527 Southwest Willamette Street
Sherwood, OR 97140

City of Hillsboro
Kevin Hanway
Water Department Director
150 E. Main Street
Hillsboro, Oregon 97123

City of Beaverton
David Winship, P.E.
City Utilities Engineer
P.O. Box 4755
Beaverton, OR 97076

City of Tigard
Dennis Koellermeier
Public Works Director
13125 SW Hall Blvd.
Tigard, OR 97223

City of Tualatin
Jerry Postema
Public Works Director
City Administration
18880 SW Martinazzi Avenue #200
Tualatin, OR 97062

- 7.6 **Amendment.** This MOU may be amended only by mutual written agreement of all Parties, signed by an authorized representative of each Party.
- 7.7 **Books, Reports and Accounting.** TVWD, as the contracting party, shall maintain books and records which shall show all income, receipts, expenses and costs in connection with any Consultant contract and this MOU. All such books of account or other records may be examined and copies of books and records made by TVWD staff at reasonable times upon reasonable notice. TVWD will provide a report at least semi-annually showing receipts and expenditures hereunder.
- 7.8 **Waiver.** The failure of a Party to insist on the strict performance of any provision of this MOU or to exercise any right, power or remedy upon a breach of any provision of this MOU shall not constitute a waiver of any provision of this MOU or limit the Party's right thereafter to enforce any provision or exercise any right.
- 7.9 **Governing Law.** This MOU shall be governed by and interpreted in accordance with the laws of the State of Oregon.
- 7.10 **Time is of the Essence.** A material consideration of the Parties entering into this MOU is that the Parties will make all payments as and when due and will perform all other obligations under this MOU in a timely manner. Time is of the essence of each and every provision of this Agreement.

7.11 **Term.** This MOU shall be in effect until the earlier of the execution of the Governance Agreement or December 31, 2016.

THE UNDERSIGNED, PURSUANT TO AUTHORIZATION FROM THE GOVERNING BODY, HEREBY EXECUTES THIS MEMORANDUM OF UNDERSTANDING ON BEHALF OF HIS/HER RESPECTIVE ENTITY

CITY OF WILSONVILLE
An Oregon Municipal Corporation

By: _____
Its: _____

APPROVED AS TO FORM

City Attorney

CITY OF TUALATIN
An Oregon Municipal Corporation

By: _____
Its: _____

APPROVED AS TO FORM

City Attorney

CITY OF BEAVERTON
An Oregon Municipal Corporation

By: _____
Its: _____

APPROVED AS TO FORM

City Attorney

CITY OF TIGARD
An Oregon Municipal Corporation

By: _____
Its: _____

APPROVED AS TO FORM

City Attorney

TUALATIN VALLEY WATER DISTRICT
A Domestic Water Supply District

Chief Executive Officer

APPROVED AS TO FORM

District Counsel

CITY OF SHERWOOD
An Oregon Municipal Corporation

By: _____
Its: _____

APPROVED AS TO FORM

City Attorney

CITY OF HILLSBORO
An Oregon Municipal Corporation

By: _____
Its: _____

APPROVED AS TO FORM

City Attorney

Willamette Governance Group **Proposed Topics Timeline** **12.10.14**

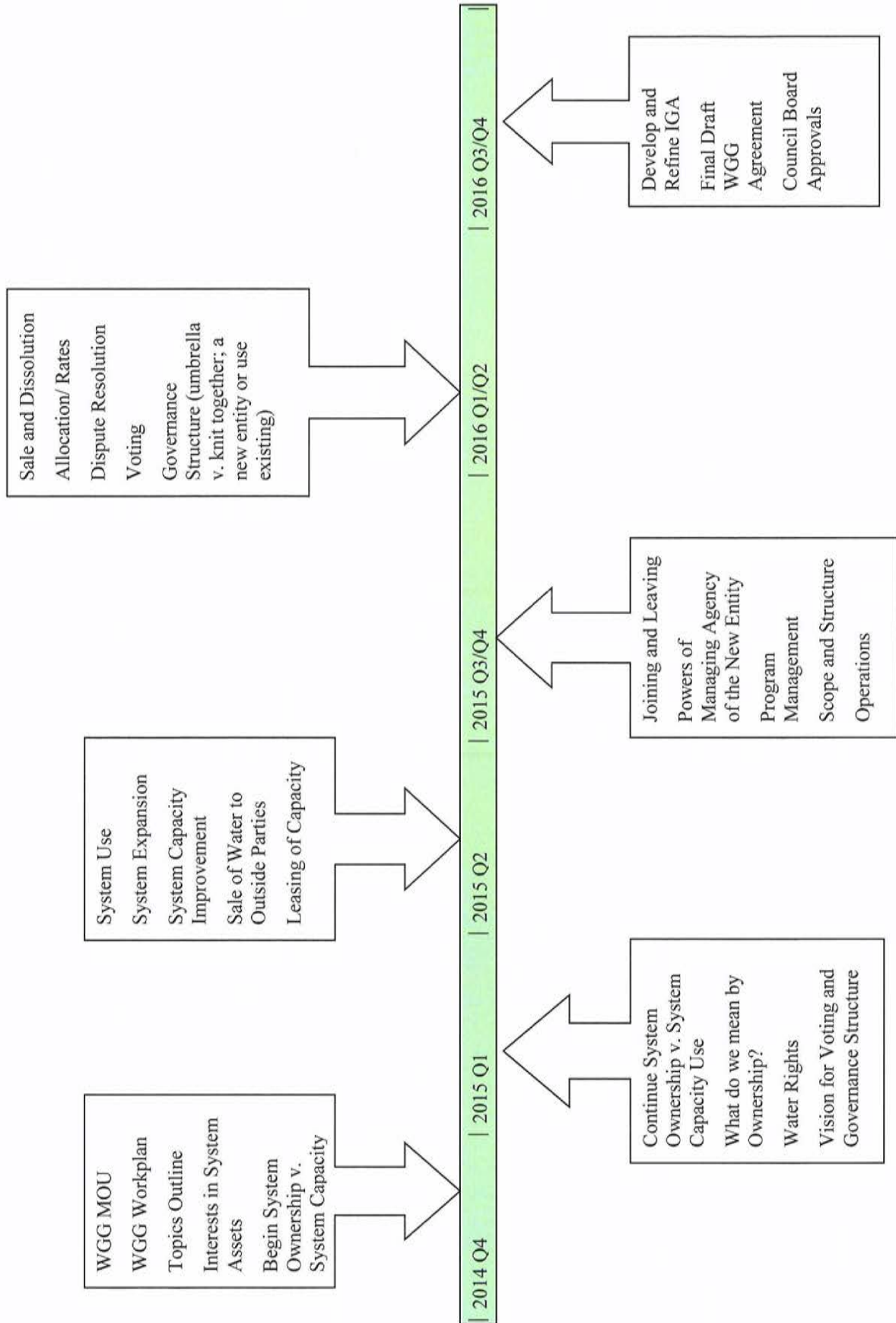
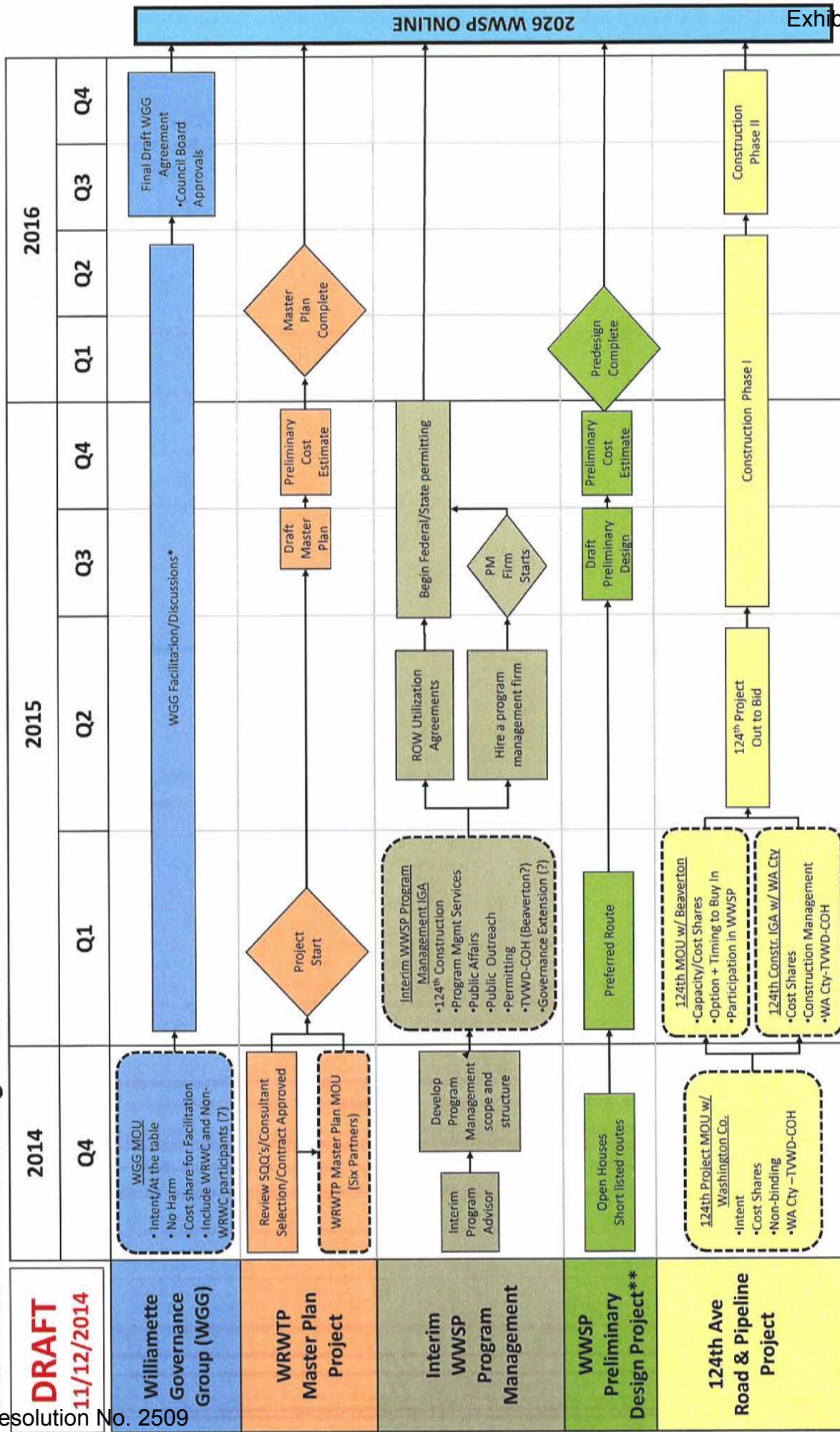


Exhibit 2

2026 WWSP Online Planning Schedule



* See WGG Topics Outline
 ** See Detailed Project Schedule

Willamette Governance Facilitation Cost Shares:

Exhibit 3

Current Cost Distribution (Total Project)

Facilitation Fee: \$ 209,400.00

	Connections	Portion of Connections	Connection Amount	Equal Amount
Beaverton	17,700	12.9%	\$ 13,550.87	\$ 14,957.14
Hillsboro	24,793	18.1%	\$ 18,981.17	\$ 14,957.14
Sherwood	5,610	4.1%	\$ 4,294.94	\$ 14,957.14
Tigard	18,035	13.2%	\$ 13,807.34	\$ 14,957.14
Tualatin	6,668	4.9%	\$ 5,104.93	\$ 14,957.14
TVWD	58,883	43.1%	\$ 45,080.00	\$ 14,957.14
Wilsonville	5,069	3.7%	\$ 3,880.76	\$ 14,957.14
Total Connections	136,758		\$ 104,700.00	\$ 104,700.00

Amount for Phase 3 of Governance Process (December 2014 through December 2016)

Total Amount	
\$ 28,508.01	Beaverton
\$ 33,938.31	Hillsboro
\$ 19,252.08	Sherwood*
\$ 28,764.49	Tigard*
\$ 20,062.07	Tualatin*
\$ 60,037.14	TVWD*
\$ 18,837.90	Wilsonville

\$ 209,400.00

* \$ 128,115.77 Amount to be Paid by WRWC

Estimate of Additional FY 2014-2015 Amount Using Cost Distribution

Facilitation Fee: \$ 58,650.00

	Connections	Portion of Connections	Connection Amount	Equal Amount
Beaverton	17,700	12.9%	\$ 3,795.41	\$ 4,189.29
Hillsboro	24,793	18.1%	\$ 5,316.36	\$ 4,189.29
Sherwood	5,610	4.1%	\$ 1,202.95	\$ 4,189.29
Tigard	18,035	13.2%	\$ 3,867.24	\$ 4,189.29
Tualatin	6,668	4.9%	\$ 1,429.82	\$ 4,189.29
TVWD	58,883	43.1%	\$ 12,626.27	\$ 4,189.29
Wilsonville	5,069	3.7%	\$ 1,086.95	\$ 4,189.29
Total Connections	136,758		\$ 29,325.00	\$ 29,325.00

Amount for Phase 3 of Governance Process (December 2014 through December 2016)

Total Amount	
\$ 7,984.69	Beaverton
\$ 9,505.65	Hillsboro
\$ 5,392.24	Sherwood*
\$ 8,056.53	Tigard*
\$ 5,619.10	Tualatin*
\$ 16,815.56	TVWD*
\$ 5,276.23	Wilsonville

\$ 58,650.00

* \$ 35,883.43 Amount to be Paid by WRWC

Estimate of FY 2015-2016 Amount Using Cost Distribution

Facilitation Fee: \$ 100,500.00

	Connections	Portion of Connections	Connection Amount	Equal Amount
Beaverton	17,700	12.9%	\$ 6,503.64	\$ 7,178.57
Hillsboro	24,793	18.1%	\$ 9,109.87	\$ 7,178.57
Sherwood	5,610	4.1%	\$ 2,061.32	\$ 7,178.57
Tigard	18,035	13.2%	\$ 6,626.73	\$ 7,178.57
Tualatin	6,668	4.9%	\$ 2,450.07	\$ 7,178.57
TVWD	58,883	43.1%	\$ 21,635.81	\$ 7,178.57
Wilsonville	5,069	3.7%	\$ 1,862.54	\$ 7,178.57
Total Connections	136,758		\$ 50,250.00	\$ 50,250.00

Amount for Phase 3 of Governance Process (December 2014 through December 2016)

Total Amount	
\$ 13,682.21	Beaverton
\$ 16,288.45	Hillsboro
\$ 9,239.90	Sherwood*
\$ 13,805.30	Tigard*
\$ 9,628.64	Tualatin*
\$ 28,814.39	TVWD*
\$ 9,041.11	Wilsonville

\$ 100,500.00

* \$ 61,488.23 Amount to be Paid by WRWC

Estimate of FY 2016-2017 Amount Using Cost Distribution

Facilitation Fee: \$ 50,250.00

	Connections	Portion of Connections	Connection Amount	Equal Amount
Beaverton	17,700	12.9%	\$ 3,251.82	\$ 3,589.29
Hillsboro	24,793	18.1%	\$ 4,554.94	\$ 3,589.29
Sherwood	5,610	4.1%	\$ 1,030.66	\$ 3,589.29
Tigard	18,035	13.2%	\$ 3,313.37	\$ 3,589.29
Tualatin	6,668	4.9%	\$ 1,225.04	\$ 3,589.29
TVWD	58,883	43.1%	\$ 10,817.91	\$ 3,589.29
Wilsonville	5,069	3.7%	\$ 931.27	\$ 3,589.29
Total Connections	136,758		\$ 25,125.00	\$ 25,125.00

Amount for Phase 3 of Governance Process (December 2014 through December 2016)

Total Amount	
\$ 6,841.11	Beaverton
\$ 8,144.22	Hillsboro
\$ 4,619.95	Sherwood*
\$ 6,902.65	Tigard*
\$ 4,814.32	Tualatin*
\$ 14,407.19	TVWD*
\$ 4,520.56	Wilsonville

\$ 50,250.00

* \$ 30,744.11 Amount to be Paid by WRWC