

AGENDA

WILSONVILLE CITY COUNCIL MEETING NOVEMBER 17, 2014 7:00 P.M.

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

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Richard Goddard
Councilor Julie Fitzgerald

CITY COUNCIL MISSION STATEMENT

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

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

- | | | |
|------------------|---|-----------|
| 5:00 P.M. | EXECUTIVE SESSION | [15 min.] |
| A. | Pursuant to ORS 192.660(2)(f) Exempt Public Records
ORS 192.660(2)(h) Litigation | |
| 5:15 P.M. | REVIEW OF AGENDA | [5 min.] |
| 5:20 P.M. | COUNCILORS' CONCERNS | [5 min.] |
| 5:25 P.M. | PRE-COUNCIL WORK SESSION | |
| A. | Tourism Update (Cosgrove / Ottenad) | [15 min.] |
| B. | Risk Management Elected Official Training (Troha) | [25 min.] |
| B. | Transit Integration Plan (Lashbrook) | [30 min.] |
| C. | Asset Management Benefits Presentation
(Kerber/Kraushaar) | [15 min.] |
| 6:50 P.M. | ADJOURN | |
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CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, November 17, 2014 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on November 4, 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. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Motion to approve the following order of the agenda and to remove items from the consent agenda.

7:05 P.M. MAYOR'S BUSINESS

- A. Upcoming Meetings

7:10 P.M. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

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

7:20 P.M. COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

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

7:30 P.M. CONSENT AGENDA

- 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). (staff – Weigel)
- B. Minutes of the October 20, 2014 Council Meetings. (staff – King)

7:35 P.M. PUBLIC HEARING

- 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 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. (staff – Brown)

- 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. (staff – Brown)
- 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. (staff – Brown)
- 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. (staff – Brown)
- 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”. (staff – Brown)
- 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). (staff – Retherford)
- 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. (staff – Rappold)
- H. **Ordinance No. 761** 1st Reading
An Ordinance Amending Wilsonville Code Section 4.022(.03)A. Appeal And Call-Up Procedures. (staff - Neamtzu)

8:45 P.M. 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 (staff – Kohlhoff/Griffith)
- 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 (staff – Kohlhoff/Griffith)
- C. **Ordinance No. 752** – 2nd Reading
An Ordinance Of The City Of Wilsonville Adding Section 3.022 Water Safety Regulations To The Wilsonville City Code (staff – Kohlhoff/Griffith)

9:00 P.M. NEW BUSINESS

- A. Transit Integration Plan (staff – Lashbrook)
- B. **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. (staff – Retherford)

9:30 P.M. CITY MANAGER’S BUSINESS

9:35 P.M. LEGAL BUSINESS

9:40 P.M. ADJOURN

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated. The Mayor will call for a majority vote of the Council before allotting more time than indicated for an agenda item.) Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if required at least 48 hours prior to the meeting. The city will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting:-Qualified sign language interpreters for persons with speech or hearing impairments. Qualified bilingual interpreters. To obtain services, please contact the City Recorder, (503)570-1506 or king@ci.wilsonville.or.us

“Visit Wilsonville” Tourism Development Strategy – Next Steps

October 2014



“Visit Wilsonville” DMO Organization

Initial research is showing that in Oregon most Destination Marketing Organizations (DMOs) are nonprofits with funding primarily by contracts with local governments, grants and business sponsorships. However, quite a few DMOs are agencies of local governments.

The City’s Tourism Development Strategy called for formation of a nonprofit DMO, with an option for the City to commence implementation of Visit Wilsonville DMO as a City committee and transition to being a nonprofit organization over a two- to three-year period.

Key tasks for moving forward:

1. Develop organizational charter or bylaws, including committee composition.
2. Confirm Council’s preference for Visit Wilsonville committee appointment.
3. Recruit potential committee members for appointment.

Visit Wilsonville Tourism Committee Composition

DMO boards appear to vary greatly in terms of both the number of and terms of directors; however, a number of DMOs have seats designated for various industry stakeholders, including local-government representatives. City staff are collecting sample bylaws and information from various jurisdictions, organizations and members of the Oregon Destination Marketing Organization.

Several experts have advised that the City’s DMO start initially with a range of 5 to 11 members as the Visit Wilsonville Steering Committee. Staff recommends consideration of 9 members of the board of management; this number is both manageable but is large enough to convene a quorum at meetings if not all members can attend.

Assuming that Visit Wilsonville starts with 9 committee members, the representatives could be:

1. **Lodging** (Holiday Inn or other lodging property)
2. **Dining/Tourism Attraction** (Family Fun Center/Bullwinkles or other)
3. **Tourism Attraction/Event Facility** (World of Speed or other)
4. **Outdoor Recreation/Event Facility** (Langdon Farms or other)
5. **Equestrian Tourism/Event Facility** (Country Classic or other)
6. **Agri-Tourism** (MARStewart Creative Group, Local Winery or other)
7. **Organized Sporting Events** (Willamette United Soccer or other)
8. **Clackamas County Tourism**
9. **Washington County Tourism**

Composition of the proposed advisory committee would align well with the Tourism Development Strategy that identified Priority Markets as: Horse show participants and organizers; Meetings and conventions participants and organizers; Northwest getaways; Sports tournaments participants; and I-5 motorists in transit.

Appointment Process of Visit Wilsonville Tourism Committee

Staff recommends the normal and customary method of City appointments to boards and commissions for the Visit Wilsonville DMO Board: Mayor appoints with City Council approval. Staff can commence recruitment of the Advisory Board at Council direction, and then convene the board to develop a more detailed plan of action.

From: Fitzgerald, Julie

Sent: Thursday, November 06, 2014 6:42 AM

To: Cosgrove, Bryan; Mayor Tim Knapp; Ottenad, Mark

Subject: Tourism Board

Hi All,

I read the page on the next step for tourism and I like it in general. I look forward to discussing it and getting people recruited.

I hope we will encourage the following:

1. by-laws with a provision to ask for resignation if attendance is below a certain degree;
2. a commitment to maintaining decorum so things go smoothly and service on the board is an honor and is a sought after role; and finally
3. at least two spots for citizens who are not tourism operators. That is to ensure that we have a way to address the quality of life for residents aspect of the mission and goals we developed.
4. Also, what about maintaining a goal that x% of the board need to be legal residents of Wilsonville?

Thanks!

Sent from my Windows Phone

*11/7/14
work session.*

King, Sandy

From: Fitzgerald, Julie
Sent: Monday, November 17, 2014 2:22 PM
To: Cosgrove, Bryan
Subject: RE: Tourism Board

Thank you

Sent from my Windows Phone

From: Cosgrove, Bryan
Sent: 11/17/2014 11:19 AM
To: Fitzgerald, Julie
Subject: FW: Tourism Board

Julie,

Please see Mark's notes below. Mark and I discussed your recommendations regarding the composition of the committee and most seem reasonable and achievable. The two that might create some problems are related to the requirement to have Wilsonville residents on the committee. It may well not be an issue as the proposed structure Mark laid out would, coincidentally, have three members who reside in Wilsonville. However, that might not always be the case. We modeled the committee composition off of other cities that have DMO's and the prevailing sentiment is that, residency requirements are antithetical to the purpose of the committee. Another way to achieve residency might be to recommend one or two at-large positions that HAVE to be Wilsonville residents.

Bryan Cosgrove,
City Manager

503.570.1504 (work)
503.754.0978 (cell)
cosgrove@ci.wilsonville.or.us
29799 SW Town Center Loop
Wilsonville, Oregon 97070

DISCLOSURE NOTICE: Messages to and from this E-mail address may be subject to the Oregon Public Records Law.

Everything can be taken from a man but one thing: the last of human freedoms - to choose one's attitude in any given set of circumstances, to choose one's own way.

Viktor E. Frankl

From: Ottenad, Mark
Sent: Monday, November 17, 2014 11:11 AM
To: Cosgrove, Bryan
Subject: RE: Tourism Board

Bryan,

A few notes:

I will be late tonight to CC work session due to ODOT Region 1 ACT Task Force meeting 2-5 pm in downtown. If you take this work session agenda item in the order listed (first agenda item), then I have some support for you.

I have transformed Julie's note below into a larger font, easier to read format (hard-copies in your box; attached here) that could be distributed.

I have also created an annotated version of Julie's note that addresses the key issues she raises; this annotated version appears below and is attached and in your box as hard-copy.

Thank you.

- Mark

Annotated for
CM

From: Fitzgerald, Julie
Sent: Thursday, November 06, 2014 6:42 AM
To: Cosgrove, Bryan; Mayor Tim Knapp; Ottenad, Mark
Subject: Tourism Board

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I hope we will encourage the following:

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2. a commitment to maintaining decorum so things go smoothly and service on the board is an honor and is a sought after role; and finally
3. at least two spots for citizens who are not tourism operators. That is to ensure that we have a way to address the quality of life for residents aspect of the mission and goals we developed.
4. Also, what about maintaining a goal that x% of the board need to be legal residents of Wilsonville?

Given that Visit Wilsonville DMO is primarily a business-development organization, requirements for non-tourism operators and residents could be problematic.

-
- ***Make DMO board larger for non-tourism operators?***
 - ***Residence requirement could be difficult to fulfill for business managers.***

October Staff Memo suggests Visit Wilsonville starts with 9 committee members, all representatives directly related to tourism, could be:

1. **Lodging** (Holiday Inn or other lodging property)
 2. **Dining/Tourism Attraction** (Family Fun Center/Bullwinkles or other)
 3. **Tourism Attraction/Event Facility** (World of Speed or other)
 4. **Outdoor Recreation/Event Facility** (Langdon Farms or other)
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 7. **Organized Sporting Events** (Willamette United Soccer or other)
 8. **Clackamas County Tourism**
 9. **Washington County Tourism**
-

Thanks!

Sent from my Windows Phone

From: Fitzgerald, Julie

Sent: Thursday, November 06, 2014 6:42 AM

To: Cosgrove, Bryan; Mayor Tim Knapp; Ottenad, Mark

Subject: Tourism Board

Hi All,

I read the page on the next step for tourism and I like it in general. I look forward to discussing it and getting people recruited. I hope we will encourage the following:: by-laws with a provision to ask for resignation if attendance is below a certain degree; a commitment to maintaining decorum so things go smoothly and service on the board is an honor and is a sought after role; and finally at least two spots for citizens who are not tourism operators. That is to ensure that we have a way to address the quality of life for residents aspect of the mission and goals we developed. Also, what about maintaining a goal that x% of the board need to be legal residents of Wilsonville? Thanks!

Sent from my Windows Phone



BEST WESTERN
Wilsonville Inn & Suites

29769 SW Boones Ferry Road
Wilsonville, OR 97070
(503) 570-9700
Fax: (503) 570-0467
gm.wilori@bhghotels.com

Dear City Council,

My understanding is that there has been some discussion regarding a regional sports park in Wilsonville and I would like to enthusiastically support this effort.

As a local hotelier I am very excited about this opportunity for my business, and the other small businesses in town who will benefit economically from this type of facility. Sports tournaments are a great source of revenue for my hotel and I believe that this park would only create more opportunities for my business to grow and be successful. I also support the use of transient lodging taxes to be used to study and develop these fields. This would be the best use of these taxes, and ultimately will create more heads in bed opportunities for the lodging facilities in Wilsonville.

I would strongly urge the council to support the feasibility study for the regional sports park and delay the implementation of the DMO concept until this opportunity is fully explored.

Stacy Kaiser

Best Western Wilsonville Inn & Suites
General Manager
503-570-9700
29769 Sw Boones Ferry Rd
Wilsonville, Or 97070

*Rec'd 11/17/14
ack*



November 17, 2014

Dear Mayor and City Councilors,

You are already in receipt of an Oct. 17 letter from the Chamber, signed by me as President, regarding a feasibility study for a regional sports park facility. I wanted to be at the council meeting tonight, but because of business travel I am unable to attend. I felt compelled to send this letter on behalf of my business and not as a member of the Chamber's board.

As the general manager of the Family Fun Center, I am very excited about the opportunity for this type of facility for by business but also for the Wilsonville community. Sports tournaments are a great revenue source for the Family Fun Center and I believe a sports park would create more opportunities for my business to grow and be successful. This facility would also provide children and families in the community a safe place to practice, compete, and play in tournaments, without having to travel hundreds of miles.

A sister property of ours is located in Tukwila, Washington. Tukwila has a regional sports park called Starfire Soccer Park which has both indoor and outdoor facilities. Every event that is hosted at that facility fills the Family Fun Center, fills all of the restaurants in the area, significantly increases business at all the retail establishments, and all of the hotels in the city are booked. It has a huge economic impact for Tukwila, and I would guess that a similar facility here would have the same impacts on Wilsonville.

I served on the Tourism Task Force and I feel strongly that the council should delay implementation of the DMO concept until this regional sports park opportunity is fully explored with a feasibility study. If the park is feasible, which I believe it is, then the TLT dollars should be steered to make that facility a reality.

Thanks for your time and service to our community.

Sincerely,

Darren Harmon,
General Manager

*Rec'd 11/17/14
sek*

King, Sandy

From: Steve Gilmore <Steve@wilsonvillechamber.com>
Sent: Monday, November 17, 2014 10:48 AM
To: Mayor Tim Knapp; Richard Goddard (richard.goddard@pgn.com); Scott Starr (sstarr@guildmortgage.net); Fitzgerald, Julie; Susie Stevens (Susie.stevens2012@gmail.com)
Cc: Cosgrove, Bryan; Eric Postma; Darren Harmon (DarrenH@Fun-Center.com); 'Doris Wehler (daweehler@gmail.com)'
Subject: FW: building new sports fields
Importance: High

Dear Mayor and City Council,

Below is an email from Wilsonville High School Athletic Director Dennis Burke to Doris Wehler regarding the need for sports fields in Wilsonville and their support of funding a feasibility study using Transient Lodging Tax dollars. Unfortunately, Mr. Burke is unable to attend the city council meeting tonight but wanted his comments included in the record in support of this facility.

Please let me know if you have any questions and thanks!

Steve

----- Forwarded message -----

From: Dennis Burke <burked@wlwv.k12.or.us>
Date: Mon, Nov 17, 2014 at 9:10 AM
Subject: Re: building new sports fields
To: Doris Wehler <daweehler@gmail.com>

Doris:

I will not be able to make it to the meeting tonight. We are having multiple conversations regarding the feasibility for a regional sports park.

Collectively, our coaching staff strongly supports that Transient Lodging Tax dollars be used for a feasibility study. The majority that provided feedback live in Wilsonville.

Some of the input received includes the following:

Wilsonville families and youth organizations need more fields and indoor facilities, including a universal field that is flexible from season to season.

Softball and girls lacrosse view this as a key to build numbers. The low turnout as kids move in to middle school and high school has led to some Title IX concerns. The high school is working on a plan to increase numbers and the connections with the community youth organizations are part of that plan.

Baseball and boys lacrosse would view it in similar ways, although numbers is not as big of an issue for the high school. The high school is concerned about shrinking numbers in the youth levels.

There is also support for a pool and fitness center, along with indoor courts for volleyball, basketball, and tennis. Of course, these facilities would transcend all age groups.

In support of a community pool, in the short term, we have a fairly strong swim team that averages just over 45 students, with a proud tradition that needs a home. In the long term, community opportunities for swim lessons, swim club teams, and ability to host related events, would bolster the numbers of people who would visit Wilsonville.

The high school hosts over 240 events per school year and has hosted a regional (multi-state) track meet, college lacrosse tournaments, 42 team cross country meet, 22 team track meet, basketball tournaments, wrestling tournament, lacrosse jamborees and tournaments, etc. We are asked to host large events throughout the year, such as the Mt Hood Challenge soccer tournaments in August. We are happy to host and if we had a regional park, we can expand on the tournament much to the benefit of our city and it's businesses.

Accessing the district facilities is limited due to growing programs and limited space and puts much pressure on finding ways to maintain and repair as we prepare for the next season.

Having available facilities for groups outside of the high school, namely, Wilsonville Youth Sports (recreation and/or competitive), would add to the quality of what our community has to offer to families. It would minimize the reliance on the schools as the recreational facilities and maximize community cooperation between agencies.

The number of sports tournaments and events continue to grow throughout the country. Providing quality community facilities will be tremendously beneficial to our community. We welcome a growing partnership with the city and support the development of such a positive project.

Sincerely,

Dennis Burke
Assistant Principal/Athletics & Activities Director
Wilsonville High School
503-673-7630

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: November 17, 2014	Subject: Transit Integration Project Recommendations Staff Member: Jen Massa Smith and Stephan Lashbrook Department: Transit	
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input 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: Project website: ridesmart.com/tip	
Staff Recommendation: Staff recommends Council adopt the Transit Integration Study Recommendations.		
Recommended Language for Motion: I move to approve the Transit Integration Study recommendations.		
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Transit Master Plan (TMP)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Whether or not to adopt a set of recommendations related to routes and services delivered by SMART.

EXECUTIVE SUMMARY:

The attached memorandum provides Transit Integration Project recommendations for SMART to:

- Develop a medical shuttle service that consolidates trips to the Tualatin area
- Reduce the out-of-town service area for general Dial-a-Ride trips
- Modify Route 2X to streamline commuter connections and improve mid-day service to the

Greater Portland area

EXPECTED RESULTS:

Proposed changes to the route 2X and the out-of-town medical service will enable resources to be used to provide more service to more people. A phased approach could create opportunities to leverage other nearby regional efforts as well as recommendations that are expected to stem from the 2015- 2016 Transit Master Plan update.

It should be noted that any change in routes or schedules will make some of our current customers unhappy. Staff intends to phase any changes over time, in order to give those customers plenty of time to find alternatives.

TIMELINE:

February 2015 - Final Report

Fall 2015 – Implement approved service changes

CURRENT YEAR BUDGET IMPACTS:

Project expenses were provided by a grant and are included in the FY14/15 adopted budget. Most implementation will actually occur after the current fiscal year, with generally positive financial results anticipated.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____ Date: _____

LEGAL REVIEW / COMMENT:

Reviewed by: _____ Date: _____

COMMUNITY INVOLVEMENT PROCESS:

Public outreach activities included:

- In-person or telephone interviews with key stakeholders
- Group presentations and workshops
- Informational materials distributed via mail, email, and at community events
- Rider and general public surveys
- Community web survey and online open house

POTENTIAL IMPACTS or BENEFITS TO THE COMMUNITY:

As with any change in public transit service, there will be some riders who benefit from the change and some who do not. SMART is striving to minimize negative impacts by incorporating travel training programs and a phased approach for new service implementation.

ALTERNATIVES:

CITY MANAGER COMMENT:

ATTACHMENTS:

A. SMART Strategies – Consultant Recommendations



MEMORANDUM

To: Jen Massa Smith, Steve Allen, and Stephan Lashbrook, SMART
From: Scott Chapman and Oren Eshel, Nelson\Nygaard
Date: October 30, 2014
Subject: Transit Integration Study Recommendations

This memorandum provides Transit Integration Study recommendations for SMART's out-of-town medical and I-5 corridor (Route 2X) services.

Out-of-Town Medical Service

Figure 1 summarizes recommendations for SMART's out-of-town medical service and describes a phasing approach:

1. Develop a medical shuttle service using one of the two vans (Van #1) currently operating the out-of-town medical dial-a-ride service. The shuttle would consolidate trips to the Tualatin area, which includes about half of current out-of-town medical destinations, and increase capacity and efficiency.
2. Pursue strategies to increase the efficiency and capacity of the second van, including reducing the out-of-town service area and targeting service in alternate geographic zones on different days. The aim would be to phase out the second van over time.
3. Explore use of Clackamas County's currently-operating Transportation Reaching People (TRP) program.¹ Through the TRP program, volunteer drivers provide seniors and persons with disabilities with door-to-door transportation, including to medical appointments. Volunteer drivers could serve some medical trips more efficiently and cost-effectively than a dial-a-ride service or medical shuttle. Expand the capacity of this program over time by recruiting additional drivers.
4. Utilize the Route 2X strategies to improve all-day access to major medical institutions for ambulatory passengers.

¹ <http://www.clackamas.us/socialservices/transportation.html>

Transit Integration Project | Recommendations
City of Wilsonville – South Metro Area Regional Transit (SMART)

Figure 1 Out-of-Town Medical Service Recommendations and Phasing

Service Element	Short-Term (FY 2015-2016)	Mid-Term (FY 2017-2019)	Long-Term (FY 2020+)
Primary Strategy			
Out-of-Town Medical Van #1	Develop a pilot shuttle service to consolidate trips to Tualatin area, at least three days per week (e.g., Mon-Wed-Fri). This could then be expanded to five days per week.	Continue to refine shuttle service route/stops and market the service to customers	Consider expanding to Saturdays (linked to available funding and phasing out second van)
Additional Considerations/Mitigation Strategies			
Out-of-Town Medical Van #2	Provide door-to-door service within a more constrained service area. Consider using geographic zones (e.g., specific days of the week) to pool trips and increase efficiency	Phase out the second van (service hours, days of week) based on viability of the volunteer program	
Volunteer Program	Explore use of County TRP program to enable volunteer drivers to serve some medical trips	Further develop volunteer program capacity	
Fixed-Route Integration	Route 2X improvements to downtown Portland improve access to major medical sites, with a transfer to TriMet services and/or other shuttle services, e.g., OHSU		

Route 2X I-5 Corridor Service

Figure 2 summarizes recommendations for SMART's I-5 corridor service (Route 2X) and describes a phasing approach.

1. **Short-Term:** Pursue Option 2 (hybrid) to extend service to downtown Portland in the short-term. This should result in a net operating savings for SMART.
 - Modify Route 2X to connect to Line 96 service in Tualatin during Line 96 operating hours (peak periods).
 - Extend Route 2X to downtown Portland during the midday period.
 - There would be no service to Barbur TC, however existing WES service (peak periods), existing SMART connections to TriMet in Tualatin, and improved TriMet connections in downtown Portland would help mitigate eliminating this stop.
2. **Mid-Term:** Continue discussions with TriMet around extending Line 96 to SMART Central, with implementation in the mid-term time frame or possibly sooner.
 - If TriMet is not able to extend service to SMART Central in the midday, continue the midday extension of Route 2X to downtown Portland, recommended for implementation in the short-term time frame.
 - Local service modifications would be required to integrate with the direct Line 96 service to SMART Central.
3. **Long-Term:** Monitor implementation of TriMet's Southwest Transit Enhancement Plan (likely mid-term or beyond) and Metro's Southwest Corridor Plan for future opportunities to improve regional transit connections and realize efficiencies.

Transit Integration Project | Recommendations
City of Wilsonville – South Metro Area Regional Transit (SMART)

Figure 2 I-5 Corridor (Route 2X) Recommendations and Phasing

Service Element		Time Period	Short-Term (FY 2015-2016)	Mid-Term (FY 2017-2019)	Long-Term (FY 2020+)
Option 1: Direct Service to Downtown Portland	Not Recommended				
Option 2/3: Hybrid - TriMet Line 96 Integration and SMART Infill of Line 96 Service Gaps	2X Out-of-Town	Peak Periods	Modify Route 2X to connect to Line 96 service at Tualatin P&R Work with TriMet on Line 96 extension to SMART Central	(a) If feasible, partner with TriMet to extend Line 96 to SMART Central (b) If not feasible, continue the short-term strategy	Connect to future Southwest Corridor service in Tualatin area
		Midday	Extend Line 2X Service to Downtown Portland, following Line 96 routing	(a) If feasible, partner with TriMet to fill in Line 96 service gap midday. (b) If not feasible, continue the short-term strategy	Connect to future Southwest Corridor service in Tualatin area
			Consider additional stops in South Waterfront (aerial tram; future MAX Orange Line, Streetcar Loop, buses to SE Portland)		
	2X Local	All	Incorporate planning for possible Line 96 extension into TMP Update	Line 96 extension would require modification of local service (restructuring could be coordinated with TMP Update).	
Option 4: Improve Connections to Regional Services	Not viable at this time			Monitor implementation of TriMet Southwest Service Enhancement Plan	Monitor implementation of TriMet Southwest Service Enhancement Plan and Metro's Southwest Corridor plan.

Asset Management Program

The relationship between

- Data collection
- Work orders
- Master Plans, and
- Capital projects

City Council Work Session

November 17, 2014



Overview

- What is it?
- Why is it important?
- Where is it applied?
- How is it done?
- Who will use this information?



What is it?

Definition -

Asset management is a systematic process of deploying, operating, maintaining, upgrading, and disposing of assets cost-effectively.



What is it?

5 Elements of an Asset Program

- Current state of the assets
- Required level of service
- Critical assets
- Minimum life cycle costs
- Long-term funding strategy



Why is it important?

- Many complex systems
- Aging infrastructure
- Inventory and understand assets
- Better understand O&M costs
- Identify maintenance, rehab, renewal and replacement needs
- Clarify picture of revenue needs



Why is it important?

- Project prioritization
- Ensure financial sustainability through utility rates
- Funding for capital projects
- Emergency planning and response



Where is it applied?

- Roads – signs, trees, irrigation, & pavement
- Street lights – poles & luminaires
- Facilities – buildings, shelters, & pump-houses
- Parks- sport fields, equipment, courts, lights, & irrigation



Where is it applied?

- Water – hydrants, valves, meters, PRVs, & turn outs
- Wastewater – valves, pipes, & manholes
- Storm water – catch basins, pipes, culverts, manholes & ponds
- Treatment plants programs implemented by Veolia and CH2M HILL



How is it done?

- Global Information System (GIS)
- Cartegraph
 - data collection
 - work orders
- Video taping of pipes
 - sanitary and storm
- Pavement Condition Index



Linked to GIS for Easy Asset Location



Inventory and Track Assets

Hydrant Information

Attributes

Serial No: 2414
 Manufacturer: M&H Valve Company
 Model: 929
 Branch Valve Depth: 2.5 ft
 Branch Valve Size: 8 in
 Isometer to Drive Depth: 5.5 ft
 Height of Connection: 0 in
 Status: ☒ In Service

Location

Street: FREEMAN DR
 Location Description: 4750 Freeman Dr @ 50
 Branch Valve Location: 1/2 north

Events

Save Hydrant

Installed: 01/25/2005

Activity	When Started	When Ended	Who	Completed	Work Order Number	Notes
Rebuild	01/25/2005	01/25/2005	Anderson, Jerry	<input checked="" type="checkbox"/>		Hydrant leaks
Maintenance	08/08/2006	08/08/2006	Anderson, Jerry	<input checked="" type="checkbox"/>		
Maintenance	01/21/2011	01/21/2011	Anderson, Jerry	<input checked="" type="checkbox"/>		

Attachments

Project Home / Attachments / Hydrant



Assets Inventoried to Date

- Signs
- Hydrants
- Storm Water Inlets/Outlets
- Park Elements



Create Work Orders Linked to Assets

Work Order Information

Features

Asset:
 Address Number:
 Route:
 In FEMA: ☐
 Details:

Go To Work Order

Associated Requests

Resource Entry

Assign To

Assigned To:
 Department:
 Entered By:

Status

Work Order Status: Planned
 Priority:
 Start Date:
 Stop Date:
 Request Entry Date: 11/06/2010 5:16:25 PM
 Request Interval:
 Notes:

Close Work Order

Planned Work Orders

Completed Work Orders

Labels

ID	Activity	Cost	Entry Date	Scheduled Hours	Overlaid Hours	Start Date	Stop Date

Total Cost:

New Work Order

Save Work Order

E-mail Work Order

View Work Orders Report

Assets to be Inventoried

- Facilities
- Water: pipes; valves; PRV; meters
- Sanitary: pipes; manholes;
- Street Trees, Lights & Pavement



Video Tape of Pipes



Who will use this information?

- Numerous City Departments
 - City Administration
 - Finance
 - Engineering
 - Public Works
 - Parks and Recreation
 - Library
 - SMART



Planning Documents



- Infrastructure Master Plans adopted into the Comprehensive Plan
- Identify needs to 1) rehabilitate system deficiencies, and 2) serve growth
- Resource - asset data for existing conditions
- Master Plans identify programs and capital projects that address needs (capital improvement plans)
- Rate and SDC updates
- Charbonneau Plan – Required capital improvement plan amendments



5-Year Capital Improvement Program

- Tool that assembles capital lists from the master plans
- Thoughtful alignment of project priorities, funding needs, and revenue timing
- Year-by-year tally – schedules proposed capital expenditures against expected revenues
- Allows an organized, transparent, and fiscally responsible approach to spending city funds on capital projects



Budgeting

- Annual budgets
 - Public Works Operations
 - System Development Charges
- 5 year budget forecast
- Work plans



Questions?





Rich. 11/17/14
acc.

**CITY OF WILSONVILLE/WILSONVILLE CHAMBER OF COMMERCE
FACT SHEET FOR: City of Wilsonville Sports Fields & Recreation Center
Nov. 17, 2014**

***Presented by: George Grace, Chairman of the Board – THE TOTAL DEVELOPMENT CENTER
Donna Grace, Executive Director – THE TOTAL DEVELOPMENT CENTER***

The TDC is a 501-c-3 non-profit organization founded in April 2000 with the mission to ***“help all kids succeed”*** by guiding them through middle school, high school, and into college and career. Our main emphasis is to provide youth physical & athletic development programs for boys & girls of all ages through community sports teams, clubs, and athletic camps.

TDC installed a 90,000 sq.ft. field on the campus of Horizon Christian H.S. in Tualatin, OR. in 2011. We have a 15-year lease/operations contract with Horizon Community Church to manage, maintain, and rent the field year round, with specific guidelines for the usage of Horizon Christian HS Athletic teams and the needs of the church.

‘WHO RENTS OUR FIELD?’

TDC rents the field to community sports teams, adult leagues, and various non-profits such as:

- Willamette United Soccer Club
- Portland Men’s Lacrosse Club
- NW Rippers Elite LAX clubs
- Girls LAX Clinic – Next Level Girls LAX
- Tigard HS Girls LAX
- Tigard Youth LAX clubs
- NW Diamond Baseball teams
- BSC Portland Soccer Clubs
- Trinity Sports Track Camps
- Tualatin Soccer Clubs
- Jordan Kent Kids Camps
- Portland Timbers – OYSA development teams
- Westside Timbers Soccer Clubs
- Comeback Sports Adult Leagues – co-ed soccer; flag football
- Oregon Outlaws LAX teams
- Pure LAX clinics
- Bridge City LAX clubs
- Valhalla Lax teams
- Big Foot LAX clubs
- COPA Multicultural soccer teams
- Warner Pacific Girls Soccer Team
- Lake Oswego Girls Soccer Teams
- Lifetime Kicking Academy Clinics

HOW DID 'TDC' FUNDRAISE TO INSTALL THE FIELD IN TUALATIN?

TDC partnered with three (3) private donors who formed their own LLC to pay for the complete installation of the current field on the Horizon Campus. This project included just the 90,000 sq. ft. turf field. The existing scoreboard, lights, 8' fencing, bleachers were already in place on the existing grass field. TDC worked with The CSD Council (Community Sports Development Council – www.csdcouncil.org) which provided to our non-profit materials and labor at a 50-60% discount.

'WHAT IS THE CURRENT FEE TO RENT THE FIELD?'

Effective 2014-2015 rates are \$60/hr. without field lights; \$75.00/hr. with field lights

The field is booked almost every weeknight from 6pm – 10pm and every Saturday from 8am – 10 pm year round. The field is NOT available on Sunday mornings because of the church parking lot needs, however, we book the field from 1:00 p.m. – 10:00 p.m. almost every Sunday afternoon and evening throughout the year.

'WHAT HAS BEEN YOUR REVENUE FROM FIELD RENTALS SINCE 2011 TO DATE?'

2011	\$13,735.00	Oct. – Dec. 2011 (field installed summer of 2011)
2012	\$27,557.00	
2013	\$72,313.00	
2014	\$63,768.00*	as of contracts issued Nov 2014*

Field Rental fees for past 3.5 yrs. of usage: \$177,373.00

WHAT ARE OUR FUTURE PLANS FOR TDC SPORTS?'

1. Install another 80,000 sq.ft. field on the campus of Horizon
2. Partner with Community Sports Development to install 17,000 sq.ft. **Arena Sports Fields** which can be installed on school playgrounds; church community centers; city community parks to handle practice fields for all the above mentioned sports teams; movie nights; concerts; mini-Olympics. These fields are "portable" and can be removed from existing sites when necessary.
3. TDC would like to partner with The City of Wilsonville in the installation and operations of additional sports fields for the betterment of our community, as well as to bring more revenue to the local merchants as a result of sports attractions! (see Star Fire Sports Complex)
4. Partner with The City of Wilsonville in developing a sports complex similar to **STAR FIRE SPORTS COMPLEX** in Tukwila, WA. (see attached information sheet).
5. TDC has designed a 50,000 sq.ft. indoor sports facility with a full turf field to accommodate all sports teams to have a dry and warm practice field, especially in the Fall & Winter months. We would sub-lease office space to sports trainers; after-school tutoring programs; mentoring programs and any other non-profit group that connects students and families to help them grow and develop into outstanding leaders in our communities.
6. TDC has a heart for "special needs" kids, such as **The Special Olympics**, and hope to provide programs inside the TDC Indoor Facility where all children with mental disorders or various handicaps can come and have fun, play a sport, and feel welcomed and loved!

In closing, there is an **immediate need for additional playing fields** for our kids today! Wilsonville is located just off I-5 and easily accessible for teams coming in from Salem, Eugene, Vancouver, and even baseball teams from Klamath Falls. When we host tournaments on our field, we direct these families (sometimes 300-400 on a weekend) to the closest food outlets, shopping centers, coffee shops, as well as lodging and recreational places such as Bullwinkles, The Holiday Inn, Best Western and more!

A fully designed Sports Complex with a beautiful COMMUNITY SWIMMING POOL – INDOOR SPORTS FIELDS – SOCCER/FOOTBALL/LACROSSE FIELDS; BASEBALL/SOFTBALL FIELDS; ONE LARGE CONCESSIONS FACILITY IN THE MIDDLE..... would make Wilsonville a destination spot for families to come to and enjoy....and leave their travel dollars right here for our own merchants and businesses!

The Starfire Campus

Starfire Sports is 54 acres of soccer heaven located minutes from Seattle in Tukwila, WA. The campus features exceptional grass and lighted, all-weather, year-round turf soccer fields. In addition, an 85,000 square foot Athletic Center houses two premier indoor fields, locker rooms, restaurants, retail and athletic training.

We are proud to be the official training facility of the **Sounders FC** and home to so many youth teams in our community.



STAR FIRE SPORTS COMPLEX

- 54 Acres in the city of Tukwila, Washington - visible and easily accessible just off I-5 North to Seattle.
- 12 Fields - 5 grass fields, 7 outdoor synthetic turf fields, 2 indoor turf fields. Indoor facility is 85,000 sq. ft.

Opened in April of 2005 when the city of Tukwila took over responsibility for Fort Dent, a county park formerly managed by King County. King County was in a severe budget cut mode and the city of Tukwila would probably have rejected operating the park which was costing King County \$500,000 in maintenance fees. The city was approached by a businessman, Chris Slatt, asking for a lease of this 54 acres in return for developing this park into a soccer complex. This was a public/private non-profit partnership that has worked well for the last 9 years. The lease was for 40 years.

Total Development has spoken with both the city management of Tukwila, and the manager of Star Fire, Mr. Ben Oliver. According to the people we talked to, they have a great working relationship and have been able to cooperate with each other, including how to work out parking for all the visitors that come to the Starfire campus. Since the opening of StarFire, Tukwila has seen a big increase in hotels, restaurants, shopping centers, and a recent addition of "Family Fun Centers" Bullwinkles!



BEST WESTERN
Wilsonville Inn & Suites

29769 SW Boones Ferry Road
Wilsonville, OR 97070
(503) 570-9700
Fax: (503) 570-0467
gm.wilor@bhghotels.com

Dear City Council,

My understanding is that there has been some discussion regarding a regional sports park in Wilsonville and I would like to enthusiastically support this effort.

As a local hotelier I am very excited about this opportunity for my business, and the other small businesses in town who will benefit economically from this type of facility. Sports tournaments are a great source of revenue for my hotel and I believe that this park would only create more opportunities for my business to grow and be successful. I also support the use of transient lodging taxes to be used to study and develop these fields. This would be the best use of these taxes, and ultimately will create more heads in bed opportunities for the lodging facilities in Wilsonville.

I would strongly urge the council to support the feasibility study for the regional sports park and delay the implementation of the DMO concept until this opportunity is fully explored.

Stacy Kaiser

Best Western Wilsonville Inn & Suites
General Manager
503-570-9700
29769 Sw Boones Ferry Rd
Wilsonville, Or 97070

*Rec'd 11/14/14
ack*



November 17, 2014

Dear Mayor and City Councilors,

You are already in receipt of an Oct. 17 letter from the Chamber, signed by me as President, regarding a feasibility study for a regional sports park facility. I wanted to be at the council meeting tonight, but because of business travel I am unable to attend. I felt compelled to send this letter on behalf of my business and not as a member of the Chamber's board.

As the general manager of the Family Fun Center, I am very excited about the opportunity for this type of facility for my business but also for the Wilsonville community. Sports tournaments are a great revenue source for the Family Fun Center and I believe a sports park would create more opportunities for my business to grow and be successful. This facility would also provide children and families in the community a safe place to practice, compete, and play in tournaments, without having to travel hundreds of miles.

A sister property of ours is located in Tukwila, Washington. Tukwila has a regional sports park called Starfire Soccer Park which has both indoor and outdoor facilities. Every event that is hosted at that facility fills the Family Fun Center, fills all of the restaurants in the area, significantly increases business at all the retail establishments, and all of the hotels in the city are booked. It has a huge economic impact for Tukwila, and I would guess that a similar facility here would have the same impacts on Wilsonville.

I served on the Tourism Task Force and I feel strongly that the council should delay implementation of the DMO concept until this regional sports park opportunity is fully explored with a feasibility study. If the park is feasible, which I believe it is, then the TLT dollars should be steered to make that facility a reality.

Thanks for your time and service to our community.

Sincerely,

Darren Harmon,
General Manager

*Rec'd 11/17/14
JCH*

King, Sandy

From: Steve Gilmore <Steve@wilsonvillechamber.com>
Sent: Monday, November 17, 2014 10:48 AM
To: Mayor Tim Knapp; Richard Goddard (richard.goddard@pgn.com); Scott Starr (sstarr@guildmortgage.net); Fitzgerald, Julie; Susie Stevens (Susie.stevens2012@gmail.com)
Cc: Cosgrove, Bryan; Eric Postma; Darren Harmon (DarrenH@Fun-Center.com); 'Doris Wehler (daweehler@gmail.com)'
Subject: FW: building new sports fields
Importance: High

Dear Mayor and City Council,

Below is an email from Wilsonville High School Athletic Director Dennis Burke to Doris Wehler regarding the need for sports fields in Wilsonville and their support of funding a feasibility study using Transient Lodging Tax dollars. Unfortunately, Mr. Burke is unable to attend the city council meeting tonight but wanted his comments included in the record in support of this facility.

Please let me know if you have any questions and thanks!

Steve

----- Forwarded message -----

From: Dennis Burke <burked@wlwv.k12.or.us>
Date: Mon, Nov 17, 2014 at 9:10 AM
Subject: Re: building new sports fields
To: Doris Wehler <daweehler@gmail.com>

Doris:

I will not be able to make it to the meeting tonight. We are having multiple conversations regarding the feasibility for a regional sports park.

Collectively, our coaching staff strongly supports that Transient Lodging Tax dollars be used for a feasibility study. The majority that provided feedback live in Wilsonville.

Some of the input received includes the following:

Wilsonville families and youth organizations need more fields and indoor facilities, including a universal field that is flexible from season to season.

Softball and girls lacrosse view this as a key to build numbers. The low turnout as kids move in to middle school and high school has led to some Title IX concerns. The high school is working on a plan to increase numbers and the connections with the community youth organizations are part of that plan.

Baseball and boys lacrosse would view it in similar ways, although numbers is not as big of an issue for the high school. The high school is concerned about shrinking numbers in the youth levels.

There is also support for a pool and fitness center, along with indoor courts for volleyball, basketball, and tennis. Of course, these facilities would transcend all age groups.

In support of a community pool, in the short term, we have a fairly strong swim team that averages just over 45 students, with a proud tradition that needs a home. In the long term, community opportunities for swim lessons, swim club teams, and ability to host related events, would bolster the numbers of people who would visit Wilsonville.

The high school hosts over 240 events per school year and has hosted a regional (multi-state) track meet, college lacrosse tournaments, 42 team cross country meet, 22 team track meet, basketball tournaments, wrestling tournament, lacrosse jamborees and tournaments, etc. We are asked to host large events throughout the year, such as the Mt Hood Challenge soccer tournaments in August. We are happy to host and if we had a regional park, we can expand on the tournament much to the benefit of our city and it's businesses.

Accessing the district facilities is limited due to growing programs and limited space and puts much pressure on finding ways to maintain and repair as we prepare for the next season.

Having available facilities for groups outside of the high school, namely, Wilsonville Youth Sports (recreation and/or competitive), would add to the quality of what our community has to offer to families. It would minimize the reliance on the schools as the recreational facilities and maximize community cooperation between agencies.

The number of sports tournaments and events continue to grow throughout the country. Providing quality community facilities will be tremendously beneficial to our community. We welcome a growing partnership with the city and support the development of such a positive project.

Sincerely,

Dennis Burke
Assistant Principal/Athletics & Activities Director
Wilsonville High School
503-673-7630

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2014-15

November

DATE	DAY	TIME	MEETING	LOCATION
11/17	Monday	7 p.m.	City Council Meeting	Council Chambers
11/24	Monday	6:30 p.m.	DRB Panel B	Council Chambers
11/26	Wednesday	6:30 p.m.	Library Board	Library
11/ 27 and 11/28	Thursday and Friday	Thanksgiving Day Holiday City offices closed		

December

DATE	DAY	TIME	MEETING	LOCATION
12/1	Monday	7 p.m.	City Council Meeting	Council Chambers
12/8	Monday	6:30 p.m.	DRB Panel A	Council Chambers
12/10	Wednesday	1 p.m.	Wilsonville Community Seniors	Community Center
12/10	Wednesday	6 p.m.	Planning Commission	Council Chambers
12/15	Monday	7 p.m.	City Council Meeting	Council Chambers
12/22	Monday	6:30 p.m.	DRB Panel B	Council Chambers
12/24	Wednesday	6:30 p.m.	Library Board	Library

COMMUNITY EVENTS & MEETINGS

WILSONVILLE LEAF DROP-OFF DAY – Sponsored by Republic Services and City

November 15th 9 a.m. to 2 p.m. at the City Hall Parking Lot

Bring leaves – NO yard debris – to the City Hall parking lot where City Staff will help unload. We suggested using large recyclable paper bags. Plastic bags will need to be emptied and are not recyclable. A donation of toiletries for the Wilsonville Community Sharing is suggested.

JOINT MEETING WITH TUALATIN CITY COUNCIL

December 2, 6:00 PM - 8:00 PM @ Wilsonville City Council Chambers

This is a joint work session between the Wilsonville City Council and the Tualatin City Council to discuss the Basalt Creek area.

FROG POND AREA PLAN TECHNICAL ADVISORY COMMITTEE MEETING

December 4, 2:30 PM - 4:30 PM @ Wilsonville City Hall Willamette River Meeting Room

The first significant round of citizen engagement is complete. Over the fall, the project team will be working on synthesizing the citizen input into a preferred alternative for land use, transportation, trails and infrastructure.

FROG POND AREA PLAN TASK FORCE MEETING

December 4, 6:00 PM - 8:00 PM @ Wilsonville City Hall Willamette River Meeting Room

The first significant round of citizen engagement is complete. Over the fall the project team will be working on synthesizing the citizen input into a preferred alternative for land use, transportation, trails and infrastructure. All are welcome to attend this meeting.

But wait, there's more

SECOND ANNUAL REINDEER ROMP – 5K WALK / RUN

December 6th – 8:45 a.m.

Both races begin at Town Center Park.

Participants who sign up before Thanksgiving will receive a race t-shirt, Reindeer antlers and a red nose in their swag bags.

Pre-registration for the 5k Walk / Run is \$10.00 (\$15.00 day of race), while the Kids Dash is free.

Sign up today on the parks and recreation website:

www.WilsonvilleParksandRec.com



HOLIDAY FUN FEST

December 17, 4-6 p.m.

Wilsonville Community Center

Join Wilsonville Parks and Recreation for this annual Holiday themed event. "Gingerbread houses", cookies & cocoa and a visit from Santa highlight the afternoon party. The event itself is free but there is a charge of \$5 per house built. 2014 Wednesday, December 17, 4 to 6 pm at the Wilsonville Community Center.

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: November 17, 2014	Subject: Resolution No. 2497 Wetland Mitigation Credit Purchase for Kinsman Road Extension Project – CIP #4004 Staff Member: Zachary Weigel, P.E., Civil Engineer Department: Community Development
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 checked="" 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 approval of Resolution No. 2497.	
Recommended Language for Motion: I move to approve Resolution No. 2497.	
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:

A City of Wilsonville resolution approving the purchase of 4.45 acre-credits from the Mud Slough Mitigation Bank, LLC in the amount of \$251,715.10 for wetland mitigation associated with the Kinsman Road Extension project.

EXECUTIVE SUMMARY:

The Kinsman Road Extension project consists of building a new segment of Kinsman Road between Boeckman Road and Barber Street. The location of the new roadway will permanently impact approximately 4.45 acres of emergent and forested wetlands. Compensatory mitigation of the impacted wetlands is required in accordance with OAR 141-085-0680.

Replacement of the impacted wetland function within the project corridor or in the immediate vicinity is not possible due to the lack of enhancement opportunities. In lieu of onsite mitigation, the compensatory mitigation will be provided through the purchase of equivalent acre-credits from the Mud Slough Mitigation Bank, LLC. This bank will provide functional replacement for the area of wetlands permanently impacted by the Kinsman Road Extension on a regional basis.

EXPECTED RESULTS:

The Kinsman Road Extension project will improve the City's transportation grid, provide an alternate route, and reduce traffic on existing streets in the area (such as Boones Ferry, Boberg, and Wilsonville Roads.

Purchase of the mitigation credits will allow the Oregon Department of State Lands (DSL) to issue a Removal-Fill permit for the Kinsman Road Extension project. Once the permit is issued, the City can continue with property acquisition and final design for the project.

TIMELINE:

Removal-Fill permit issuance is expected to occur in December 2014. Property acquisition is expected to begin in January 2015 with construction beginning as soon as January 2016.

CURRENT YEAR BUDGET IMPACTS:

Project #4004 is funded through Street System Development Charges and Federal funding for the FY 2014-15 budget, which includes \$1,256,850.00 for design, permitting, and property acquisition. The \$251,715.10 for purchase of wetland mitigation bank credits is included as part of the permitting costs for this year's budget.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____ Date: _____

LEGAL REVIEW / COMMENT:

Reviewed by: MEK _____ Date: 11/05/2014 _____

The Resolution is approved as to form. By using the wetland bank credits alternative rather than needing to mitigate on site limits the amount of land to be acquired which should streamline the process.

COMMUNITY INVOLVEMENT PROCESS:

The City's Joint Permit Application through DSL was subject to a 30 day public comment period. Comments were received from Sherilynn Young, but were not in regards to the purchase of mitigation bank credits. Mrs. Young's concerns were addressed in an update to the City's Joint Permit Application.

The City will be scheduling a project open house within the next 9 months prior to the start of final design.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

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

ALTERNATIVES:

City staff reviewed multiple alternative roadway alignments to reduce the permanent impacts to wetlands. The location of existing BPA transmission lines, existing industrial development, railroad tracks, and existing street layout limited the location of new Kinsman Road segment within the wetlands. City staff also reviewed a no build alternative by trying to add capacity to existing roadways in lieu of building the Kinsman Road segment, but found that the roadway extension is needed.

City staff reviewed alternatives to construct wetland mitigation adjacent to the project site in lieu of purchasing mitigation credits. City staff determined that on-site replacement of the impacted wetland function was not possible due to the lack of nearby enhancement opportunities.

CITY MANAGER COMMENT:**ATTACHMENTS**

None

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 (CAPITAL IMPROVEMENT PROJECT #4004).

WHEREAS, the City has planned, designed, and budgeted for the completion of Capital Improvement Project #4004, known as the Kinsman Road Extension project (the Project); and

WHEREAS, purchase of the credits mitigate the permanent impacts to emergent and forested wetlands created by construction of the Project as required by OAR 141-085-0680; and

WHEREAS, purchase of the credits will satisfy the requirements of the Joint Permit Application as administered by Oregon Department of State Lands (DSL) and the U.S. Army Corp of Engineers (USACE); and

WHEREAS, purchase of credits is the preferred method of permanent wetland impact mitigation by the USACE for this project; and

WHEREAS, purchase of the credits is necessary for DSL to issue a Removal-Fill permit and to continue with property acquisition and final design of the Project.

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

1. The City Council authorizes the City Manager to purchase, on behalf of the City of Wilsonville, 4.45 acre-credits from the Mud Slough Mitigation Bank LLC for a stated value of \$251,715.10.
2. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 17th day of November 2014, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Goddard

Councilor Fitzgerald

Councilor Stevens

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, October 20, 2014. Mayor Knapp called the meeting to order at 7:10 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Council President Starr - Excused
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
Delora Kerber, Public Works Director
Nancy Kraushaar, Community Development Director
Kerry Rappold, Natural Resources Coordinator
Susan Cole, Finance Director
Barbara Jacobson, Assistant City Attorney
Kristin Retherford, Economic Development Coordinator

Motion to approve the order of the agenda.

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

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

A. Renewal of City Attorney Employment Contract

Mayor Knapp explained Mr. Kohlhoff has been the City's attorney for the past thirty-four years, and during that time he has mentored Councilors, staff and City Managers to build both the elected and staff into a team to function effectively. Mr. Kohlhoff's annual review consists of a survey that is sent to Council members, department managers, and the City's standing Boards and Commissions. The rankings are combined and the overall results were excellent.

Councilors expressed their appreciation for Mr. Kohlhoff's guidance, expertise, and dedication and for the advice he has provided to the City.

Motion: Councilor Fitzgerald moved to approve the extension of Mr. Kohlhoff's contract as City Attorney from October 1, 2014 to October 1, 2015 at a base salary of

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\$136,018.74 and a total compensation of \$148,875.23, as outlined in the employment agreement. Councilor Stevens seconded the motion.

Vote: Motion carried 4-0.

B. Upcoming Meetings

Mayor Knapp reported on the meetings he attended on behalf of the City including the Regional Mayor's Monthly meeting where the Urban Growth Report was discussed, JPACT, and the annual Greater Portland, Inc. summit.

COMMUNICATIONS

A. Metro Councilor Dirksen, Update on Metro Activities

Metro Councilor Dirksen spoke about the upcoming land use decisions and whether there was enough developable land in the Metro region to accommodate 20 years of growth. By the end of 2014 Metro Council will decide what kind of growth the region can expect in the coming decades. The decision on whether the Urban Growth Boundary will be expanded must be completed by the end of 2015, and the decision will be reviewed by the Oregon Land Conservation and Development Commission. The Councilor also spoke about activities taking place in Metro's regional parks, programs, and facilities.

B. Wilsonville Sister City Presentation, Joelle Scrbacic, Wilsonville High School teacher

Joelle Scrbacic, Japanese teacher at Wilsonville High School stated a student contingent traveled to Kitakata, Japan this past year marking the 26th year of the relationship between Kitakata and Wilsonville. The following students provided an overview of the trip and shared their experiences of the time spent in Kitakata with their host families.

- Katharine Hart, Wilsonville High School 2014 graduate
- Emma Miselin, Senior.
- Nathan Dillon, Junior.
- Kevin Payne, Senior
- Abby Humphrey, Junior

The students presented a gift sent from the mayor of Kitakata to Mayor Knapp. Mayor Knapp hoped the students experiences encourage them to take part and support the program in ways that will enable the exchange program to continue, grow, and succeed.

C. Introduce New Finance Director Susan Cole

Mr. Cosgrove introduced Susan Cole; the City's new Finance Director and shared some of Susan's background.

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CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

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

Francis James, Creekside Woods, spoke about the challenges and conflicts residents of Creekside Woods are having with Guardian Management. He requested help in resolving the issues with management.

Mary Joyce VanWechel, voiced her support of the performing theater arts in Wilsonville, and expressed the need for a performing arts place larger than the Frog Pond Grange Hall to showcase the talent in Wilsonville.

Michael Gibson, spoke on behalf of the Wilsonville Theater Company and advocated for a performing arts center in Wilsonville.

Councilor Goddard indicated he served on the Oregon Community Foundation Metro Leadership Council, and the organization provides grants for small arts and culture organizations around the Portland metropolitan area. He wanted to make sure the Wilsonville art community knew that grant program was available and encouraged them to apply for a grant next year.

Theonie Gilmore, Wilsonville Culture Committee, agreed with the prior comments and expressed her appreciation for the support communicated for the arts and the need for a performing art center in Wilsonville.

Tony Helbling, President of Positive Aurora Airport Management group, talked about the economic benefits the Aurora Airport brought to the surrounding communities, including Wilsonville. He said the flight tower will be completed and commissioned by the end of the year, and noted that ninety-seven percent of the heavy lift helicopter capacity was in Oregon with two of the three companies located at the Aurora Airport.

Mayor Knapp declared a recess at 8:50 p.m. and reconvened the meeting at 8:55 p.m.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Councilor Goddard – (*Library Board Liaison*) announced the date of the next Library Board meeting.

Councilor Fitzgerald – (*Development Review Panels A & B Liaison*) announced the next meeting dates of both DRB Panels. She thanked the Library Board for the recent fundraising event.

Councilor Stevens – (*Planning Commission; CCI; Wilsonville Seniors Liaison*) commented the Planning Commission as the CCI, will host a public open house on the Sanitary Sewer Collection Master Plan October 30th. In addition the Commission held an open house on a draft of the Coffee Creek Industrial Form Based Code and Pattern Book. An online survey is being conducted for the Frog Pond Planning Area, citizens can provide their input on that planning

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process via the City's website. The Councilor reported the Wilsonville Community Seniors "Spa Day" was very successful, as was the Harvest Festival held at the Stein Boozier Barn, and that the Fall Leaf Drop Off is scheduled for November 15th.

CONSENT AGENDA

A. Minutes of the September 29, 2014 and October 6, 2014 Council Meetings.

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

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

Vote: Motion carried 4-0

PUBLIC HEARING

A. **Ordinance No. 753** – 1st reading
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 8, Environment To Add A Stormwater Section And To Make Other Modifications.

Mr. Kohlhoff read the title of Ordinance No. 753 into the record by title for first reading.

Mayor Knapp opened the public hearing at 9:05 p.m.

The staff report was prepared by Kerry Rappold and Delora Kerber.

Chapter 8 of the City Code was originally developed to address policies related to Water Conservation, Sanitary Sewer Use, Industrial Pretreatment Regulations, Solid Waste, and Business Recycling with the expectation that a section on stormwater would be added at a later date. Thus, Section 8.500 was reserved for the policies related to stormwater.

With the completion of the 2012 Stormwater Master Plan, Chapter 8 is being amended to incorporate Stormwater policies identified in the Plan. In addition, the amendments to Chapter 8 will provide the City the ability to enforce the National Pollution Discharge Elimination System (NPDES) Stormwater Permit requirements.

Due to the addition of the stormwater section, other portions of Chapter 8 needed to be modified to provide clarity between sanitary sewers and stormwater sewers. Modifications include adding the word "sanitary" where appropriate, adding or revising definitions, and relocating requirements to a more appropriate section of the Chapter.

Other modifications of note include:

Section 8.210(9) - Removing the requirement of providing a cover for outside storage areas. Standards related to outside storage areas are being developed and will be addressed in the near future.

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Section 8.206(12) - Adding language about property owner responsibility for the maintenance, repair and replacement of the sanitary sewer lateral. This clarifies an unwritten policy.

Industrial Pretreatment Response Plan - Changing the suggested amounts in the base penalty matrix set forth in Section III – Assessment of Administrative Fines. This was done to match the amounts assessed by Clackamas County Water Environment Service (WES).

The revision to Chapter 8 will ensure the City's ability to enforce the NPDES Stormwater Permit requirements and provide clarification to other miscellaneous unwritten policies related to sanitary sewers.

Benefits to the community include: improved level of awareness of the requirements of the NPDES Stormwater Permit; ability to enforce the NPDES Stormwater Permit; codification of current unwritten policies related to sewer lateral; and updating the Pretreatment Enforcement Matrix.

Ms. Kerber indicated the majority of the changes deal with the incorporating policies included in the Stormwater Master Plan, into the City Code.

Mr. Rappold added this section helps the City to be compliant with the NPDES Stormwater Permit requirements.

Mr. Kohlhoff pointed out Council raised questions about three provisions in the ordinance during the work session and that staff would review and follow up on those provisions. Any language changes necessary would be brought to Council on second reading of the ordinance.

Mayor Knapp invited public comment, hearing nothing he closed the public hearing at 9:09 p.m.

Motion: Councilor Stevens moved to approve Ordinance No. 753 on first reading. Councilor Goddard seconded the motion.

Mayor Knapp asked how the following scenario would be dealt with: someone trespassing and discharging into a sewer inappropriately, which can happen on commercial properties. For example if a motor home parks on a parking lot and dumps a holding tank into a stormwater outlet on a parking lot and there is no one to witness the act, how is enforcement posed under the proposed ordinance?

Mr. Kohlhoff stated a discharge of sewage is a violation and is a criminal trespass. Stormwater release would depend on whether there was flood damage and flooding from stormwater may result in civil actions as well.

Mr. Cosgrove said owning property comes with inherent risks and it is the property owners' responsibility to protect their property.

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Ms. Kerber pointed out Section 8.504(4) addresses the issue. The section reads, "It is unlawful to discharge in or onto any natural outlet or stormwater sewer inlet (catch basin, grate, roof downspout, etc.) within the City of Wilsonville, or in any area under the jurisdiction of said City, any sewage or other polluted water." The language is general in the fact that it is not to be done, the challenge is if that is occurring on property it would take investigation to determine who was doing the illegal dumping. Section 8.504(2) speaks to the Oregon Department of Environmental quality and the regulations associated with the NPDES permit and contaminates to stormwater.

Vote: Motion carried 4-0.

CONTINUING BUSINESS

- A. **Ordinance No. 749** – 2nd reading
An Ordinance Of The City Of Wilsonville Amending Chapter 10 Of The Wilsonville Code By Amending Section 10.240 Control Of Dogs To Adopt 2014 Changes To Clackamas County Code 5.01.

Mr. Kohlhoff read Ordinance No. 749 into the record by title only on second reading.

Ms. Jacobson noted on first reading Council voted to adopt the amended Clackamas County Dog Control Ordinance, containing 2014 amendments, and incorporating those changes into Chapter 10 of the Wilsonville City Code. During Council discussion, Mayor Knapp raised the issue of whether enforcement would be with Clackamas County courts or Wilsonville Municipal Court. Ms. Jacobson identified the changes to the ordinance language shown in italics. Ms. Jacobson read the changes into the record.

1. **Chapter 10 ANIMALS** is hereby amended by adding amended language to **Section 10.240(5)** and new **Sections (6) and (7)**, as follows (amended text is shown in *italics*):

"(5) Additional provisions concerning Control of Dogs, as set forth in Clackamas County Code Chapter 5.01, *as amended in 2014*, will continue to apply, are enforceable within the City, and are incorporated by reference herein. ~~*Future amendments to Section 5.01 may be approved for enforcement within the City by Resolution of the City Council.*~~"

"(6) Citations for violations of this Chapter 10, including the incorporated provisions of Clackamas County Code Chapter 5.01, *as amended in 2014*, shall generally be prosecuted in Wilsonville Municipal Court; provided, however, that citations concerning animal licensing, dangerous animals, and animal impoundment shall be prosecuted in Clackamas County Court and citations involving a combination of these offenses may all be prosecuted in Clackamas County Court to avoid multiple prosecutions in different courts.

"(7) Before a citation is issued into Wilsonville Municipal Court for "Dog as Continuous Annoyance," as defined in Clackamas County Code Section 5.01.020, *as amended*, the City of Wilsonville will follow the conciliation and mediation processes set forth in the Clackamas County Code, using Clackamas County mediation services, if available."

Councilor Fitzgerald asked for clarification on the funding issue. She recalled Clackamas County increased the dog licensing fee to help fund the conciliation and mediation processes.

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Ms. Jacobson stated that was correct, the County also imposed licensing requirements on various animals that had been exempt and the County will continue to provide resources to fund the mediation program.

Mayor Knapp asked what the term "if available" referred to in paragraph (7).

Mr. Kohlhoff said the intent was if Clackamas County did not have the funding for the conciliation and mediation processes then that would not be a requirement; but the services would be used if they were available. The reason they might not be available is funding issues.

Motion: Councilor Stevens moved to adopt the revised version of Ordinance No. 749 on second reading. Councilor Fitzgerald seconded the motion.

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

NEW BUSINESS

A. **Resolution No. 2489**

A Resolution Of The City Of Wilsonville Authorizing Acquisition Of Property Interest Related To The Planned Future Construction Of Road, Sewer And Trail Improvements On Boeckman Road East Of Canyon Creek Road.

Mr. Kohlhoff read the title of Resolution No. 2489 into the record.

Ms. Retherford presented the staff report.

Begin staff report. "The property located at 7550 SW Boeckman Road will be impacted by three upcoming capital projects including Transportation System Plan Project W-4F (Boeckman Road Widening), for Bicycle and Pedestrian Master Plan Project R3 (Boeckman Creek Regional Trail), and CIP Project No. 2045 (Boeckman Creek Sewer Line Replacement and Frog Pond Expansion). While some of these projects won't occur for a number of years, the property owners are currently interested in selling their property which makes acquisition of the property for these future projects timely.

Staff has obtained an appraisal of the property establishing a value of \$550,000 and the owners have provided a separate appraisal establishing a value of \$625,000. Resolution No. 2489 seeks Council authorization to acquire this property per the terms of the Purchase and Sale Agreement. However, two items need to be completed prior to the signing of the Purchase and Sale Agreement, the remaining repair item, and clearing the neighbors access easement.

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This property acquisition is not identified in the City's fiscal year 2014-15 budget, and a supplementary budget adjustment will be needed. Two proposed funding strategies for Council consideration are identified as Option A and Option B.

Option A includes \$93,750 to be funded from Urban Renewal Program Income, which is the result of income received from the sale or rental of property acquired by the Urban Renewal Agency and is not the issuance of new additional debt. Urban Renewal Program Income can only be used for project purposes within the urban renewal area that produced the program income.

Option B uses the same funding sources as Option A, except there is no URA funding included.

This property acquisition is not identified in the City's fiscal year 2014-15 budget and a supplementary budget adjustment is needed in an amount not to exceed \$625,000, to come from funds identified in Option A or B as shown below.

Option A

Sewer SDC	15%	\$ 93,750
Sewer Ops	25%	\$156,250
Street SDC	25%	\$156,250
Urban Renewal	15%	\$ 93,750
Parks SDC	20%	\$125,000
	100%	\$625,000

Option B

Sewer SDC	20%	\$125,000
Sewer Ops	30%	\$187,500
Street SDC	30%	\$187,500
Parks SDC	20%	\$125,000
	100%	\$625,000

The amount of the purchase price, the conditions of sale, and the timing to purchase now rather than later is a business decision, not a legal decision. Whether to also purchase "AS IS" or subject to typical warranties provided with the residential disclosure form is also a business decision, but could subject the City to liability in the event significant repairs were discovered."
End of staff report.

Mr. Kohlhoff recommended amending the language in paragraph three of the Resolution to read: "3. The City Manager or designee is authorized to execute documents necessary to complete this acquisition as necessary and customary in real estate transactions including but not limited to the final Purchase and Sale Agreement." He said the parties have come to terms on the major issues and the access easement will be completely released. The funding option would need to be selected by Council.

Ms. Retherford explained a supplemental budget would be necessary to fund the purchase.

The Mayor asked if Council wished to approve the resolution, and if so, how they wanted to fund the purchase.

Mr. Kohlhoff indicated the items should be taken in reverse order, select the funding option first, and then approve the resolution.

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Councilor Goddard did not want to use Urban Renewal funding, and had reservations on whether the property acquisition was necessary at this time.

Motion: Councilor Stevens moved to authorize Option A as the acquisition funding strategy. Councilor Fitzgerald seconded the motion.

Councilor Fitzgerald said the Council discussed the opportunity to use URA funds at an earlier meeting. Based on that discussion the Councilor was in favor of Option A, because given our current circumstances with obligations for the sewer fund and sewer SDCs this gives us a little flexibility and it is a moderate amount of funds and the timing was good for this decision.

Councilor Stevens agreed with Council Fitzgerald's statement, being able to use URA funding provides a buffer for the other areas, streets, sewer, and operations. The Boeckman Road Bridge is an important project from a safety standpoint.

Councilor Goddard agreed the dip is an issue and needs to be corrected; however, he would like to see a less expensive alternative to achieve the same end which is to allow the City to move forward with the project, but not require the use of public dollars to purchase private property that isn't needed to support the project. The Councilor would like to know when the Boeckman Road bridge project would be included in the CIP plan.

Mr. Kohlhoff offered that Steve Adams from Engineering had made a presentation on access alternatives to the Campbell property. With the level of the bridge, access to the Campbell property would not be likely to occur at all, even coming around from the north and underneath the bridge. The City Engineer was of the opinion that it would not be safe or pragmatic.

Mayor Knapp recalled the staff reports Mr. Kohlhoff referenced and found them persuasive. Access to the Campbell property would be virtually impossible to construct from a practical standpoint. He understood the owners are interested in selling their property at this time which provides an opportunity for the City to acquire a necessary piece of property to facilitate the planned construction improvements on Boeckman Road and bridge over this low spot. That is a reasonable and prudent thing for the City to do rather than a condemnation proceeding at a future date.

While we don't have firm answers on the future construction dates and impacts, it is a reasonable business decision. Many of those comments go to the second question Council had not yet asked, which is whether or not to make the purchase. The Mayor supported Funding Option A which used Urban Renewal funds since it was an appropriate nexus for Urban Renewal by facilitating development in a growing area of Wilsonville and providing public infrastructure to allow for private development.

Vote: Motion carried 3-1
Councilor Goddard voting 'No'.

Councilor Fitzgerald asked for clarification on the language for the motion adopting Resolution No. 2489.

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Mr. Kohlhoff suggested amending the language in Resolution 2489 in Paragraph 3, to read: "The City Manager or designee is authorized to execute documents necessary to complete this acquisition as necessary and customary in real estate transactions including but not limited to the final Purchase and Sale Agreement." (New language underlined).

Paragraph 4 would now read: "City Council authorizes staff to fund this acquisition based on Option A as outlined in Exhibit B, attached hereto".

Motion: Councilor Fitzgerald move to approve Resolution No. 2489 authorizing Option A as the acquisition funding strategy and adding the language to Paragraph 3.
Councilor Stevens seconded the motion.

Councilor Goddard commented looking forward to a road improvement project that affected this property, if, through some detailed engineering, it was determined access could be provided to the Campbell property, whose responsibility would it be provide access to the property. Did the City bear some responsibility for maintaining an access, or is it the property owners responsibility to find a way to get to their property.

Mr. Kohlhoff said if there was no access it would be a taking and under Oregon law an access would have to be provided. He thought the City would have to provide access if a bridge was constructed; however if Resolution No. 2489 was adopted the City would own the property.

Councilor Godard asked whose appraisal was being used to determine the offer price of the property. Mr. Kohlhoff indicated this had been a topic of an executive session.

Councilor Fitzgerald confirmed the access issue had been based on research and presentations by the City Engineering staff. The Councilor supported the Resolution since it was a prudent decision for the City and made good financial and planning sense. In addition the project is an important and necessary construction improvement for that dip.

Mayor Knapp recalled a significant amount of discussion and information brought by staff to the Council when they considering approaches to this question. While some of that information was done in executive session, all the appropriate questions were asked and answers were received from staff to enable those Councilors present to make informed judgments.

Vote: Motion carried 4-0

CITY MANAGER'S BUSINESS

A. Quarterly Goals Update

Ms. Retherford spoke a region wide industrial lands program initiated through the Port of Portland, and a number of affiliate organizations, were looking at the supply of industrial land in the region and identifying large lots for future development, and site readiness. Clackamas

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County initiated their own project as a follow on to that, and two sites in Wilsonville - the Elligsen property and Xerox property - worked through that process.

The City is also starting the same process with Washington County, Washington County identified fifteen sites to look at and perform the same sort of site concept planning and economic analysis to see what the market demand will be for these areas and what kind of uses are most appropriate for these sites.

Out of the fifteen locations in Washington County, four are in Wilsonville. Three are Coffee Creek sites and one is in the Basalt Creek area along Boones Ferry Road. Letters have been sent to the property owners in Coffee Creek to ask if they are interested in participating in the project. Coffee Creek I was concept planned in this way in 2012, and now the other three Coffee Creek sites will be similarly planned. The reports will provide information on what infrastructure is needed to serve which properties, which properties will have the greatest anticipated market demand the soonest, and what the best use will be for these properties.

Mr. Cosgrove advised the Aquatic Center Task Force will be giving their recommendation to the Council in December. A report on branding and marketing will also be presented to Council in December.

LEGAL BUSINESS – There was no report.

ADJOURN

The Mayor adjourned the Council meeting at 10:07 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: November 17, 2014	Subject: Adoption of the 2014 Oregon State Specialty Codes (Structural, Mechanical, Plumbing, Fire and Residential) Staff Members: Martin Brown, Building Official Department: Community Development	
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: 11/17/14 <input type="checkbox"/> Ordinance 2 nd Reading Date: 12/1/14 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input checked="" 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 Ordinance Nos. 754, 755, 756, 757 & 758.		
Recommended Language for Motion: I move to approve Ordinances No. 754, 755, 756, 757 & 758.		
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:

Housekeeping amendments to Chapter 9 of the Wilsonville Code related to updates of the State Fire Code.

EXECUTIVE SUMMARY:

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. Fee schedules in all four proposed ordinances remain unchanged.

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 attached here as Exhibits A, B, C, D, and E 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.

The fee schedules listed in the proposed ordinances are unchanged from current fee schedules and no increase is proposed.

EXPECTED RESULTS:

The City Council's discussion and adoption of the 2014 editions of the Specialty Codes and Fire Code will satisfy the City's legal obligation with the State Building Codes Division and TVF&R to enforce the current editions of the adopted codes.

TIMELINE: Not Applicable

CURRENT YEAR BUDGET IMPACTS: None

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____ Date: _____

LEGAL REVIEW / COMMENT:

Reviewed by: MEK _____ Date: 10/28/2014 _____
Ordinances 754, 755, 756, 757, and 758 are approved as to form.

COMMUNITY INVOLVEMENT PROCESS: N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Adopting the current State Specialty Codes will keep the Building Inspection Program in compliance with State statutes and administrative rules. Furthermore, adopting the proposed building code standards will provide current safeguards for health, welfare, comfort and security for the residents in or community.

ALTERNATIVES: N/A

CITY MANAGER COMMENT:

ATTACHMENTS: None

ORDINANCE NO. 754

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 9.000 OF THE WILSONVILLE CODE (STRUCTURAL SPECIALTY CODE); AND REPEALING ORDINANCE NO. 683.

WHEREAS, the City desires to amend the City's Structural Specialty Code, Wilsonville Code Chapter 9, Section 9.000, and to adopt building permit fees in accordance therewith.

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. The "STATE OF OREGON STRUCTURAL SPECIALTY CODE", 2012 Edition, published by the International Code Council, and as so amended and supplemented by the 2014 Edition of the State of Oregon Structural Specialty Code and Fire and Life Safety Code, being one and the same (Structural Specialty Code, 2014 Edition), is hereby adopted as the Code of the City of Wilsonville for regulating the erection, construction, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City of Wilsonville providing for issuance of permits and collection of fees thereof; providing penalties for violation of such code; and each and all regulations, provisions, penalties, conditions, and terms of such "STRUCTURAL SPECIALTY CODE", 2014 Edition, together with Sections 116, 3401.2, Appendix J, thereof which Sections and Appendices are included by local option and are hereby expressly adopted by reference and made a part of the City's Code as if fully set forth herein. A copy of the Structural Specialty Code 2014 Edition, including the Sections and Appendices referenced above shall be marked Exhibit "A" and designated as the Structural Specialty Code for the City and shall be kept in the office of the Building Official of the City of Wilsonville.

Section 2. That Chapter 9, Section 9.000, of the Wilsonville City Code is hereby amended to include the provisions of Ordinance No. 754 and repeal Ordinance No. 683.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance, and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses and phrases be declared unconstitutional.

Section 4. The City hereby adopts the Fee Schedule as shown in the attached "Exhibit B" and declares that such fees may be adjusted annually to reflect the increase in the Portland/Salem area consumer price index. Notice of any fee increase shall comply with OAR 918-020-0220.

Section 5. That this ordinance shall be and is hereby declared to be in full force and effect thirty (30) days from this date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof of the 17th day of November, 2014, and scheduled for second reading at a regular meeting thereof on the 1st day of December, 2014, commencing at the hour of 7 p.m. at the Wilsonville City Hall.

Sandra C. King, City Recorder

ENACTED by the City Council of the City of Wilsonville, on the 1st 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 Goddard	_____
Councilor Starr	_____
Councilor Fitzgerald	_____
Councilor Stevens	_____

Exhibit B
City of Wilsonville
Non-Residential, Apartment Houses* and Condominium
Structural Building Permit Fee Schedule

Effective January 1, 2015

Total Valuation
of Work to Be Performed

Fees

\$1.00 to \$500.00	\$48.20 minimum fee
\$501.00 to \$2,000.00	\$48.20 the first \$500.00, plus \$2.54 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$86.30 for the first \$2,000.00, plus \$10.15 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$319.75 for the first \$25,000.00, plus \$7.60 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$509.75 for the first \$50,000.00, plus \$5.08 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 and up	\$763.75 for the first \$100,000.00, plus \$4.24 for each additional \$1,000.00 or fraction thereof.

Definition of Valuation: The determination of value or valuation under any of the provisions of the State Structural Specialty Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. The most recent edition of the International Code Council, printed by the International Code Council, shall be used in determining the valuation. This edition is currently the April 2014 Edition.

Inspections made outside of normal business hours	\$51.30 hour/2-hour min charge + state surcharge
Re-inspection fee assessed	\$51.30 each + state surcharge

Non-Residential, Apartment Houses and Condominium Fee Schedule

Page 2

Inspections for which no fee is specifically indicated	\$51.30 hour/1/2 hour min charge + state surcharge
Investigation Fee	\$102.60 + state surcharge
Additional plan review required by changes, additions, or revisions to approved plans	\$51.30 hour/1/2 hour min charge
Research Fee	\$50.00 per hour
Plan Check Fee	65% of the building permit fee
Fire/Life Safety Review Fee	40% of the building permit fee
State Surcharge	12% of the building permit fee (or current state rate)
Partial Permit Fee	\$250.00 for each partial permit + state surcharge
Certificate of Occupancy	\$100.00 (no new permit required)
Change of Use	\$100.00
Temporary Certificate of Occupancy (Exceptions R-3 and U Occupancies)	\$300.00
City Sidewalk/Approach Inspection	\$150.00
Erosion Control Fee	\$128.25 per acre or portion thereof. A separate plumbing permit for site Utilities will be issued based upon the total developed length of the plumbing system (see Plumbing permit fee schedule)

Non-Residential, Apartment Houses and Condominium Fee Schedule

Page 3

Site Work/Grading Permit Fee

This permit fee is based on the valuation of the site work being constructed, less the valuation of any site utilities work. (Refer to the commercial Permit Fee Schedule). A separate plumbing permit for site utilities will be issued based upon the total developed length of the plumbing system (see Plumbing Permit Fee Schedule).

Deferred Submittals

A fee equal to 65% of the permit fee, calculated using the value of the particular deferred portion(s) of the project, with a minimum fee of \$150) (Commercial, Industrial, Multi-Family). Exempt permits from deferred submittals: plumbing, mechanical, fire alarm, fire sprinkler, tenant improvement, residential.

Prescriptive Solar Installation

\$105.00 + state surcharge for installations falling under the Oregon Solar Installation Specialty Code.

*Apartment Houses containing (3) or more Dwelling Units

ORDINANCE NO. 755

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.

WHEREAS, the City of Wilsonville desires to amend its Mechanical Specialty Code, Wilsonville Code Chapter 9, Section 9.100 and to adopt fees in accordance therewith.

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. The "STATE OF OREGON MECHANICAL SPECIALTY CODE", 2012 Edition, published by the International Code Council, and as so amended and supplemented by the 2014 Edition of the State of Oregon Mechanical Specialty Code 2014 Edition, Code is hereby adopted as the Mechanical Specialty Code of the City of Wilsonville for regulating the erection, construction, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City of Wilsonville providing for issuance of permits and collection of fees thereof; providing penalties for violation of such code; and each and all regulations, provisions, penalties, conditions, and terms of such "MECHANICAL SPECIALTY CODE", 2014 Edition, and Sections 102.3, thereof, which are to be included by local option, are hereby expressly adopted by reference and made a part of the City Code; are marked Exhibit A, hereby referred to, adopted and made a part hereof as if fully set forth herein as the City's Mechanical Specialty Code. A copy of the above referenced Exhibit A shall be marked and designated as the City of Wilsonville Mechanical Specialty Code and shall be kept in the office of the Building Official of the City of Wilsonville.

Section 2. That Chapter 9, Section 9.100, of the Wilsonville City Code is hereby amended to include the provisions of Ordinance No. 755 and Ordinance No. 684 is repealed.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance, and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses and phrases be declared unconstitutional.

Section 4. The City hereby adopts the Fee Schedule as shown in the attached "Exhibit B" and declares that such fees may be adjusted annually to reflect the increase in the Portland/Salem area consumer price index. Notice of any fee increase shall comply with OAR 918-020-0220.

Section 5. That this ordinance shall be and is hereby declared to be in full force and effect thirty (30) days from this date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof of the 17th day of November, 2014, and scheduled for second reading at a regular meeting thereof on the 1st day of December, 2014, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

Sandra C. King, City Recorder

ENACTED by the City Council of the City of Wilsonville, on the 1st 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 Goddard _

Councilor Starr _

Councilor Fitzgerald _

Councilor Stevens _

"Exhibit B"

City of Wilsonville
Residential Mechanical Permit Fee Schedule
Effective January 1, 2015

<u>Type of Equipment</u>	<u>Fees</u>
Minimum Permit Fee	\$44.60
Air Handling Unit	\$23.05
Air Conditioning Unit	\$18.45
Alteration of existing HVAC system	\$18.45
Boiler/Compressors	\$18.45
Fire/Smoke Dampers/Duct Smoke Detectors	\$13.85
Heat Pump	\$18.45
Furnace Install/Replace	\$23.05
Suspended, Recessed and Floor Heaters	\$18.45
Vent for appliance other than furnace	\$13.85
Refrigeration: Absorption Units/Chillers/Compressors	\$13.85
Appliance Vent	\$ 9.20
Dryer Exhaust	\$ 9.20
Hoods Type I/Fire Suppression System/Exhaust Fans	\$ 9.20
Exhaust System Apart from Heating or A/C	\$13.85
Fuel Piping: One to Four Outlets	\$ 6.15
Each Additional Outlet Over Four Outlets	\$ 1.54
Process Piping	\$13.85
Decorative Fireplace	\$13.85
Insert Type:	\$13.85
Woodstove/Pellet Stove	\$13.85
Other: Appliance Alteration	\$13.85
Other: Appliance New	\$13.85
Plan Check Fee	25% of subtotal
State Surcharge (or Current State Rate)	12% of subtotal
Inspections made outside of normal business hours	\$51.30 hour/2-hour min charge
Re-inspection fee assessed under provisions of Section 116.6	\$51.30 each + state surcharge
Inspections for which no fee is specifically indicated	\$51.30 hour/1/2 hour min charge
Investigation Fee	\$102.60 + state surcharge
Additional plan review required by changes, additions, or revisions to approved plans	\$51.30 hour/1/2 hour min charge

City of Wilsonville
Commercial Non-Residential, Apartment Houses* and Condominiums
Mechanical Permit Fee Schedule
Effective January 1, 2015

**Total Valuation
of Work to Be Performed**

Fees

\$1.00 to \$5000	\$61.55 Minimum
\$5,001 to \$10,000	\$61.55 for the first \$5000.00, plus \$1.23 for each additional \$1,000.00 or fraction thereof.
\$10,001 to \$100,000	\$123.05 for the first \$10,000, plus \$3.44 for each additional \$1,000.00 or fraction thereof.
\$100,001 to \$1,000,000	\$432.65 for the first \$100,000.00, plus \$1.54 for each additional \$1,000.00 or fraction thereof.
\$1,000,001 and up	\$1,818.65 for the first \$100,000.00, plus \$1.54 for each additional \$1,000.00 or fraction thereof.

Plan Check Fee	25% of subtotal
State Surcharge (or Current State Rate)	12% of subtotal
Inspections made outside of normal business hours	\$51.30 hour/2-hour min charge
Re-inspection fee assessed under provisions of Section 116.6	\$51.30 each + state surcharge
Inspections for which no fee is specifically indicated	\$51.30 hour/1/2 hour min charge
Investigation Fee	\$102.60 + state surcharge
Additional plan review required by changes, additions, or revisions to approved plans	\$51.30 hour/1/2 hour min charge

*Apartment Houses more than 3 Dwelling Units

ORDINANCE NO. 756

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.

WHEREAS, the City desires to amend its Plumbing Specialty Code, Wilsonville Code Chapter 9, Section 9.200 and to adopt fees in accordance therewith.

NOW THEREFORE THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. The "PLUMBING SPECIALTY CODE", 2009 Edition, published by the International Association of Plumbing and Mechanical Officials, and as so amended and supplemented by the 2014 Edition of the Oregon State Plumbing Specialty Code Statutes and Administrative Rules, being one and the same, is hereby adopted as the Plumbing Specialty Code of the City of Wilsonville for regulating the erection, construction, demolition, occupancy, equipment, use, height, area and maintenance of all plumbing systems as regulated by the Plumbing Specialty Code in the City of Wilsonville providing for issuance of permits and collection of fees thereof; providing penalties for violation of such code; and each and all regulations, provisions, penalties, conditions, and terms of such "PLUMBING SPECIALTY CODE", 2014 Edition, are marked Exhibit A, referred to, adopted and made a part hereof as if fully set out in this ordinance as the City's Plumbing Specialty Code. A copy of the above referenced "Exhibit A" shall be marked and designated as the Official City of Wilsonville Plumbing Specialty Code and shall be kept in the office of the Building Official of the City of Wilsonville.

Section 2. That Chapter 9, Section 9.200, of the Wilsonville City Code is hereby amended to include the provisions of Ordinance No.756 and Ordinance No. 697 is repealed.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed

this ordinance, and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses and phrases be declared unconstitutional.

Section 4. The City hereby adopts the Fee Schedule as shown in the attached "Exhibit B" and declares that such fees may be adjusted annually to reflect the increase in the Portland/Salem area consumer price index. Notice of any fee increase shall comply with OAR 918-020-0220.

Section 5. That this ordinance shall be and is hereby declared to be in full force and effect thirty (30) days from this date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof of the 17th day of November, 2014, and scheduled for second reading at a regular meeting thereof on the 1st day of December, 2014, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

Sandra C. King, City Recorder

ENACTED by the City Council of the City of Wilsonville, on the 1st 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 Goddard _
Councilor Starr _
Councilor Fitzgerald _
Councilor Stevens _

EXHIBIT B
City of Wilsonville
Plumbing Permit Fee Schedule
Effective January 1, 2015

<u>Type of Fixture and/or Appurtenances</u>	<u>Fees</u>
Single Family Dwelling (1/2) Bath	\$128.25
Single Family Dwelling (1) Bath	\$256.50
Single Family Dwelling (2) Bath	\$311.65
Single Family Dwelling (3) Bath	\$348.80
All Other Plumbing Connections / Site Utilities as Listed On Plumbing Permit Application:	\$ 14.90 each
<i>with the exception of:</i>	
Sanitary Sewer	
-1st 100 ft/fraction thereof	\$50.80
-each additional 100 ft/portion	\$50.80
Water Service	
-1st 100 ft/fraction thereof	\$50.80
-each additional 100 ft/portion	\$50.80
Storm and Rain Drain	
-1st 100 ft/fraction thereof	\$50.80
-each additional 100 ft/portion	\$50.80
Footing Drain	
-1st 100 ft/fraction thereof	\$50.80
-each additional 100 ft/portion	\$50.80
Minimum Permit Fee	\$41.00
Residential Fire Suppression System (multi-purpose)	
0-2,000 square feet	\$65.00
2,000-3,600 square feet	\$90.00
3,601-7,200	\$101.00
7,201 and greater	\$173.00

Medical Gas Systems	
\$1.00 to \$5,000	Minimum fee \$123.00
\$5,000 to \$10,000	\$123.00 for the first \$5,000 and \$2.55 for each additional \$100 or fraction thereof, to and including \$25,000
\$10,000 to \$25,000	\$251.35 for the first \$10,000 and \$2.55 for each additional \$100 or fraction thereof, to and including \$25,000
\$25,000 to \$50,000	\$642.25 for the first \$25,000 and \$2.46 for each additional \$100 or fraction thereof, to and including \$50,000
\$50,000 and up	\$1,255.80 for the first \$50,000 and \$2.05 for each additional \$100 or fraction thereof
Plan Check Fee	25% of Subtotal
State Surcharge (Current)	12% of Subtotal
Inspections made outside of normal business hours	\$51.30/hr 2-hr minimum + state surcharge
Re-inspection fee assessed under provisions of Section 108.8	\$51.30 + state surcharge
Inspections for which no fee is specifically indicated	\$51.30 hour/1/2 hour min charge + state surcharge
Investigation Fee	\$102.60 + state surcharge
Additional plan review required by changes, additions, or revisions to approved plans	\$51.30 hour/1/2 hour min charge + state surcharge

ORDINANCE NO. 757

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 SPECIALITY CODE); AND REPEALING ORDINANCE NO. 696

WHEREAS, the City desires to amend its Oregon Residential Specialty Code, Wilsonville Code Chapter 9, Section 9.400 and to adopt fees in accordance therewith.

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. The "OREGON RESIDENTIAL SPECIALITY CODE", 2009 Edition, published by the International Code Council, and as so amended and supplemented by the 2014 Edition of the State of Oregon Residential Specialty Code, being one and the same, is hereby adopted as the Oregon Residential Specialty Code of the City of Wilsonville for regulating the erection, construction, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City of Wilsonville providing for issuance of permits and collection of fees thereof; providing penalties for violation of such code; and each and all regulations, provisions, penalties, conditions, and terms of such "OREGON RESIDENTIAL SPECIALITY CODE", 2014 Edition, are marked Exhibit A, referred to, adopted, and made a part herein as if fully set forth herein as the City's Oregon Residential Specialty Code. A copy of the above referenced Exhibit A shall be marked and designated as the City of Wilsonville Oregon Residential Specialty Code and shall be kept in the office of the Building Official of the City of Wilsonville.

Section 2. That Chapter 9, Section 9.400, of the Wilsonville City Code is hereby amended to include the provisions of Ordinance No. 757 and Ordinance No. 696 is repealed.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance, and each section, sub-section, sentence, clause or phrase thereof, irrespective of

the fact that any one or more sections, sub-sections, sentences, clauses and phrases be declared unconstitutional.

Section 4. The City hereby adopts the Fee Schedule as shown in the attached "Exhibit B" and declares that such fees may be adjusted annually to reflect the increase in the Portland/Salem area consumer price index. Notice of any fee increase shall comply with OAR 918-020-0220.

Section 5. That this ordinance shall be and is hereby declared to be in full force and effect thirty (30) days from this date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof of the 17th day of November, 2014, and scheduled for second reading at a regular meeting thereof on the 1st day of December, 2014, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

Sandra C. King, City Recorder

ENACTED by the City Council of the City of Wilsonville, on the 1st 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 Goddard ____
Councilor Starr ____
Councilor Fitzgerald ____
Councilor Stevens ____

EXHIBIT B

City of Wilsonville

Residential Structural Fee Schedule

* Apartment Houses and Condominiums *see the Non-Residential Structural Fee Schedule*

Effective January 1, 2015

Total Valuation of Work to Be Performed

Fees

\$1.00 to \$500.00	\$48.20 minimum fee
\$501.00 to \$2,000.00	\$48.20 for the first \$500.00, plus \$2.25 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$81.95 for the first \$2,000.00, plus \$8.98 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$288.49 for the first \$25,000.00, plus \$6.74 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$456.99 for the first \$50,000.00, plus \$4.49 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 and up	\$681.49 for the first \$100,000.00, plus \$3.75 for each additional \$1,000.00 or fraction thereof.

Definition of Valuation: The determination of value or valuation under any of the provisions of the State Structural Specialty Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. The most recent edition of the International Code Council Building Valuation Data Table, printed by the International Code Council, shall be used in determining the valuation. This edition is currently the April 2014.

Inspections made outside of normal business hours	\$51.30 hour/2-hour min charge + state surcharge
Re-inspection fee assessed under provisions of Section 108.8	\$51.30 each + state surcharge

Inspections for which no fee is specifically indicated	\$51.30 hour/1/2 hour min charge + state surcharge
Investigation Fee	\$102.60 + state surcharge
Additional plan review required by changes, additions, or revisions to approved plans	\$51.30 hour/1/2 hour min charge + state surcharge
Plan Check Fee	65% of the building permit fee
State Surcharge	12% of the building permit fee (or current state rate)
City Sidewalk/Approach Inspection	\$100.00
Residential Fire Sprinkler (Stand Alone)	
0-2,000 square feet	\$65.00
2,001-3,600 square feet	\$90.00
3,601-7,200 square feet	\$101.00
7,201 and greater	\$173.00
Research Fee	\$50.00 per hour
Processing fee for plans exempted from a plan review By OAR. 918-480-0130	\$100.00
Partial Permit Fee	\$250.00 for each partial permit + state surcharge
Temporary Certificate of Occupancy (Exceptions R-3 and U Occupancies)	\$300.00
Erosion Control Fee/per lot	\$128.25
Prescriptive Solar Installation	\$103.00 + state surcharge for installations falling under the Oregon Solar Installation Specialty Code.

EXHIBIT C
City of Wilsonville
PLUMBING PERMIT FEE SCHEDULE
Effective January 1, 2015

<u>Type of Fixture and/or Appurtenances</u>	<u>Fees</u>
Single Family Dwelling (1/2) Bath	\$125.00
Single Family Dwelling (1) Bath	\$256.50
Single Family Dwelling (2) Bath	\$311.65
Single Family Dwelling (3) Bath	\$348.80
All Other Plumbing Connections / Site Utilities as Listed On Plumbing Permit Application:	\$14.90 each
<i>with the exception of:</i>	
Sanitary Sewer	
-1st 100 ft/fraction thereof	\$50.80
-each additional 100 ft/portion	\$50.80
Water Service	
-1st 100 ft/fraction thereof	\$50.80
-each additional 100 ft/portion	\$50.80
Storm and Rain Drain	
-1st 100 ft/fraction thereof	\$50.80
-each additional 100 ft/portion	\$50.80
Footing Drain	
-1st 100 ft/fraction thereof	\$50.80
-each additional 100 ft/portion	\$50.80
Minimum Permit Fee	\$41.00
Residential Fire Suppression System (Multi-Purpose)	
0-2,000 square feet	\$65.00
2,001 – 3,600 square feet	\$90.00
3,601 – 7,200	\$101.00
7,201 and greater	\$173.00

Medical Gas Systems	Minimum fee \$123.00
\$1.00 to \$5,000	\$123.00 for the first \$5,000
\$ 5,000 to \$10,000	and \$2.55 for each additional \$100 or fraction thereof, to and including \$25,000.
\$10,001 to \$25,000	\$251.35 for the first \$10,000 and \$2.55 for each additional \$100 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$642.25 for the first \$25,000 and \$2.46 for each additional \$100 or fraction thereof, to and including \$50,000.
\$50,001 and up	\$1,255.80 or the first \$50,000 and \$2.05 for each additional \$100 or fraction thereof.
Plan Check Fee	25% of Subtotal
State Surcharge	12% of Subtotal (Or current State Rate)
Inspections made outside of normal business hours	\$51.30/hr 2-hr minimum
Re-inspection fee assessed under provisions of Section 108.8	\$51.30 + state surcharge
Inspections for which no fee is specifically indicated	\$50.00 hour/1/2 hour min charge
Investigation Fee	\$102.60 + state surcharge
Additional plan review required by changes, additions, or revisions to approved plans	\$50.00 hour/1/2 hour min charge

EXHIBIT D

City of Wilsonville

Residential Mechanical Permit Fee Schedule

**Apartment Houses and Condominiums see the Commercial Mechanical fee schedule*

Effective January 1, 2015

<u>Type of Equipment</u>	<u>Fees</u>
Air Handling Unit	\$23.05
Air Conditioning Unit	\$18.45
Alteration of existing HVAC system	\$18.45
Boiler/Compressors	\$18.45
Fire/Smoke Dampers/Duct Smoke Detectors	\$13.85
Heat Pump	\$18.45
Furnace Install/Replace	\$23.05
Suspended, Recessed and Floor Heaters	\$18.45
Vent for appliance other than furnace	\$13.85
Refrigeration: Absorption Units/Chillers/Compressors	\$13.85
Appliance Vent	\$ 9.20
Dryer Exhaust	\$ 9.20
Hoods Type I/Fire Suppression System/Exhaust Fans	\$ 9.20
Exhaust System Apart from Heating or A/C	\$13.85
Fuel Piping: One to Four Outlets	\$ 6.15
Each Additional Outlet Over Four Outlets	\$ 1.54
Process Piping	\$13.85
Decorative Fireplace	\$13.85
Insert Type:	\$13.85
Woodstove/Pellet Stove	\$13.85
Other: Appliance Alteration	\$13.85
Other: Appliance New	\$13.85
Plan Check Fee	25% of subtotal
State Surcharge (Current Rate)	12% of subtotal (or current
state rate)	
Minimum permit fee	\$44.60
Inspections made outside of normal business hours	\$51.30 hour/2-hour min charge
Re-inspection fee assessed under provisions of Section 116.6	\$51.30 each + state surcharge
Inspections for which no fee is specifically indicated	\$51.30 hour/1/2 hour min charge
Investigation Fee	\$102.60 + state surcharge
Additional plan review required by changes, additions, or revisions to approved plans	\$51.30 hour/1/2 hour min charge

ORDINANCE NO. 758

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".

WHEREAS, the City of Wilsonville is within the fire protection district of the Tualatin Valley Fire and Rescue, a Rural Fire Protection District (TVF&R), and the City has previously adopted the TVF&R Fire Code as the City Fire Code, Wilsonville code 9.300; and

WHEREAS, TVF&R proposes to adopt the State Fire Code as its fire code under its Ordinance 14-02, and the City of Wilsonville has reviewed and received a copy of Ordinance 14-02, marked Exhibit "A" and a copy is on file in the office of the Building Official of the City of Wilsonville; and

WHEREAS, ORS 478.924 requires City Council approval of Ordinance 14-02 before it has legal authority within the City; and

WHEREAS, the City Council finds there is a need for updating fire codes and to prescribe regulations governing conditions hazardous to life and property including maintenance and supports the adoption of Ordinance 14-02; and

WHEREAS, the City's Building Official has certain enforcement duties regarding certain provisions of the fire code as they relate to new construction in addition to the City's Building and Specialty Codes; and

WHEREAS, certain provisions of Ordinance 14-02 and the City's Building and Specialty Codes address identical areas and there may be a need, from time to time, to provide interpretations and determinations among the various specialty codes, and given the historical experiences in this area, the City Council finds the public safety, health, and welfare is best served for resolving conflicting provisions by requiring interpretations under the Building and Specialty Codes to be given the greater weight in any final determination.

NOW THEREFORE THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. Pursuant to ORS 478.924, the 2014 Fire Prevention Code as published by Tualatin Valley Fire and Rescue, a Rural Fire Protection District, as Ordinance 14-02, is hereby adopted by the City of Wilsonville as the City's Fire Code subject to Section 2 below, and WC 9.300 is hereby amended in accordance with the provisions of this ordinance.

2. In the event that identical provisions are in the City's Fire Code (Ord. 14-02 of TVF&R) and the City's Building and Specialty Codes, which require interpretation for enforcement by the City's Building Official and are in conflict, the greater weight shall be given to the interpretation of the provisions of the Building and Specialty Codes in any final determination.

3. A copy of the City Fire Code and TVF&R Ord. 14-02 shall be on file in the office of the Building Official for the City of Wilsonville.

4. Ordinance No. 685 is hereby repealed.

SUBMITTED to the Wilsonville City Council and read for the first time at the regular meeting thereof of the 17th day of November 2014, and scheduled for the second reading on December 1, 2014, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

Sandra C. King, City Recorder

ENACTED by the City Council of the City of Wilsonville, on December 1, 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 Goddard _

Councilor Starr _

Councilor Fitzgerald _

Councilor Stevens _

ORDINANCE 14-02

AN ORDINANCE ADOPTING FIRE CODES AND STANDARDS FOR TUALATIN VALLEY FIRE AND RESCUE, A RURAL FIRE PROTECTION DISTRICT, PROVIDING FOR A REASONABLE LEVEL OF LIFE SAFETY AND PROPERTY PROTECTION FROM THE HAZARDS OF FIRE, EXPLOSION OR DANGEROUS CONDITIONS IN NEW AND EXISTING BUILDINGS, STRUCTURES, AND PREMISES AND TO PROVIDE SAFETY TO FIREFIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS, AND REPEALING ORDINANCE 10-02 AND 14-01.

WHEREAS, Tualatin Valley Fire & Rescue, A Rural Fire Protection District, has developed uniform fire regulations for the jurisdictions served; and

WHEREAS, Tualatin Valley Fire and Rescue, A Rural Fire Protection District, hereinafter referred to as the District, finds it necessary to adopt regulations that establish a minimum level of fire safety, thus does hereby adopt the following regulations; and now, therefore;

IT IS ORDAINED AS FOLLOWS:

TITLE AND FILING:

This ordinance, including the codes hereby adopted, shall be filed in the records of the District and in the office of Washington, Multnomah, and Clackamas County Clerks and Oregon State Fire Marshal's office as prescribed by ORS 478.940. A copy shall be posted at each fire station within the District. From the date on which this ordinance shall take effect, provisions thereof shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. The whole of this ordinance shall be known as the Fire Prevention Code and may be referred to as the Fire Code and shall be enforced by the Fire Marshal's Office created by Ordinance 91-02.

SCOPE:

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations as authorized by ORS 478.910.

SECTION I – ADOPTION OF THE DISTRICT'S FIRE CODE:

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, except as amended under Sections II and III below, the Oregon Fire Code adopted by the Oregon State Fire Marshal, as it may be amended from time to time, is hereby adopted as the District's Fire Code.

SECTION II – ENFORCEMENT OF FIRE CODE

Notwithstanding provisions in the Oregon Fire Code authorizing or requiring inspections of buildings and premises or testing of fire protection systems and equipment, e.g., Sections 106, or provisions providing for enforcement of the Code, such inspections, testing, and enforcement of the Code shall be discretionary by the Chief and other individuals charged by the Chief with such activities. The District recognizes that it has limited financial resources with which to provide fire, rescue, and other services and functions and is forced to make public policy decisions as to allocation of District resources. Although the District places a high

priority on prevention, inspection, and maintenance of fire systems, due to financial limitations, it is the Board's policy to require inspections only so often as necessary to provide a reasonable level of fire and life safety. Accordingly, although the Fire Chief and other individuals charged by the Chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the Fire Chief. It is the intention of the District to make clear that the District's duty to perform the inspections and testing, or to take enforcement actions as set forth in the Code, is limited to providing a reasonable level of fire and life safety. Such actions are discretionary.

SECTION III – AMENDMENTS TO THE OREGON FIRE CODE:

The Oregon Fire Code is hereby amended as follows:

1. The following new SECTION 907.7.6 is added:

907.6.5.3 Alarm Verification. Supervising Stations shall not retransmit alarm signals to Public Fire Service Dispatch and Communications Centers until an attempt is made to verify the accuracy of the alarm signal at the Protected Premises. Verification attempt shall be made within 90 seconds of receipt of alarm signal. If the Protected Premises is contacted and can confirm that no fire or emergency condition exists, then the alarm signal shall not be retransmitted. In all other situations, the alarm signal shall be immediately retransmitted. This section modifies the retransmission requirements of NFPA 72. Nothing in this section is intended to permit delay of notification devices and evacuation at the Protected Premises.

Exception: Waterflow alarms and Manual Pull Station alarms shall be immediately retransmitted without verification where they can be distinguished by the Supervising Station from other alarm initiating devices at the Protected Premises.

SECTION IV – PENALTIES

Any person who violates any of the provisions of these regulations hereby adopted or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statements, specification or plans submitted and approved thereunder and from which no appeal has been taken, or shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction within the time affixed herein, shall severally, for each and every such violation and non-compliance respectively, be guilty of a violation of the Fire Prevention Code as provided in ORS 478.930, punishable upon conviction as prescribed by ORS 478.990. All fines or punishments authorized upon conviction shall include the costs to the District to remedy the violation including costs of towing, storage, or removal of the hazard or obstruction if necessary.

The Chief or designated representative may bring a complaint in law or in equity to alleviate a violation of this ordinance as well as in addition to the rights to enforce said ordinance under the provisions of ORS 478.930 and ORS 478.990.

SECTION V – FIRE CODE BOARD OF APPEALS

As authorized by ORS 479.180, the District may establish a board of appeals. Such board of appeals may be implemented through bylaws and other procedures adopted by ordinance of the District. In the event that the District Board adopts a board of appeals, the provisions of this ordinance, where appropriate, are subject to the board of appeals procedures.

SECTION VI – REPEAL OF CONFLICTING ORDINANCES

The provisions of this ordinance, i.e., the Fire Code, shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. An existing fire code ordinance has been approved within each city and county within the District. The District desires that the existing fire code continue in effect until such time as the cities and counties within the District have approved this new Fire Code pursuant to ORS 478.924. Accordingly, all former ordinances or parts thereof, which are conflicting or inconsistent with the provisions of this ordinance or of the code or standards hereby adopted, are hereby repealed, effective on the effective date of this ordinance; provided, however, that Ordinance 10-02 or 14-01 shall continue in effect in each city or county which has approved it until the city or county approves this Ordinance 14-02. Further, prosecutions or violations under repealed ordinances may continue after the effective date of this ordinance.

SECTION VII – VALIDITY

The District hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the Codes or Standards hereby adopted be declared for any reason to be invalid, it is the intent of the District that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

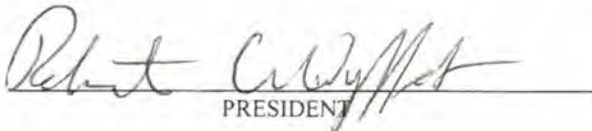
SECTION VIII – DATE OF EFFECT

The Board of Directors of the Fire District finds and determines that it is necessary and expedient that the provisions of this ordinance become effective 30 days following adoption, as authorized by ORS 198.570.

First reading by Title only this 22nd day of July, 2014.

Second reading by Title only this 26th day of August, 2014.

PASSED by the District this 26th day of August, 2014.


PRESIDENT


SECRETARY-TREASURER

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: November, 2014	Subject: Ordinance No. 759 Vacation of a Portion of Vlahos Drive Staff Member: Kristin Retherford Department: Community Development	
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	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 Ordinance No. 759 to vacate a portion of Vlahos Drive.		
Recommended Language for Motion: I move to adopt Ordinance No. 759.		
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input checked="" type="checkbox"/> Council Goals/Priorities Council Goal B "Ensure efficient, cost-effective and sustainable development and infrastructure.	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Whether to vacate a portion of Vlahos Drive that is no longer needed for a public purpose.

EXECUTIVE SUMMARY:

The Canyon Creek Road Extension project is under construction and will provide another north-south minor arterial on the eastside of Wilsonville. As a part of this project, a portion of Vlahos Drive is being realigned 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.

EXPECTED RESULTS:

Vacation of a portion of Vlahos Drive.

TIMELINE:

Construction for the Canyon Creek Road South and demolition of the vacated portions of Vlahos Drive will be completed in November 2014.

CURRENT YEAR BUDGET IMPACTS:

None.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 10/23/14

Road vacation has no fiscal impact.

LEGAL REVIEW / COMMENT:

Reviewed by: _____ Date: _____

COMMUNITY INVOLVEMENT PROCESS:

Not Applicable

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

N/A

ALTERNATIVES:

Not Applicable

CITY MANAGER COMMENT:

ATTACHMENTS:

- Ordinance No. 759.

ORDINANCE NO. 759

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).

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Wilsonville is duly authorized and lawfully empowered to construct certain planned public improvement projects; and

WHEREAS, the City-approved Canyon Creek Road South Project provides for the extension of Canyon Creek Road south of Boeckman Road, along the west side of the Renaissance Homes southward, to connect with Town Center Loop East and a new connection with Vlahos Drive; and

WHEREAS, the existing street configuration has changed slightly and Vlahos Drive has been redesigned to curve to the northwest to intersect with the new Canyon Creek Road; and

WHEREAS, the new alignment of Vlahos Drive has been constructed, rendering a portion of the old alignment no longer be needed for public right-of-way; and

WHEREAS, this portion of the old alignment of Vlahos Drive has been demolished and the right-of-way needs to be vacated; and

WHEREAS, the portion of Vlahos Drive to be vacated contains approximately 12,561 square feet and is described more fully in **Exhibit A** attached hereto and incorporated by reference as if fully set forth herein; and

WHEREAS, as required by **ORS 271.120**, the City Council finds that the public interest will not be prejudiced by vacation of the public right-of-way due to the fact that new transportation facilities have been provided consistent with the City's Transportation System Plan.

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

1. Findings, Determinations, and Conclusions. The City Council adopts, as its findings, determinations, and conclusions, the above Recitals and incorporates them by reference as if fully set forth herein.

2. Order. The portion of the public right-of-way known as Vlahos Drive, as more fully described in **Exhibit A**, situated in the northwest and southwest one-quarters of Section 13 in Township3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, is hereby declared vacated, subject to conditions of approval and title passing as set forth in the Street Vacation Staff Report Findings, **Exhibit B**.

3. Certification. The City recorder is directed to certify this Ordinance and make the applicable filings in accordance with ORS 271.150.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof of the 17th day of November, 2014, and scheduled for second reading at a regular meeting thereof on the 1st day of December, 2014, commencing at the hour of 7 p.m. at the Wilsonville City Hall.

Sandra C. King, City Recorder

ENACTED by the City Council of the City of Wilsonville, on the 1st 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, 2010.

TIM KNAPP, Mayor

SUMMARY OF VOTES:

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

Attachments:

Exhibit A – Legal Description of Vacated Right of Way

Exhibit B – Staff Report

LEGAL DESCRIPTION
Vlahos Drive Right-of-Way Vacation
City of Wilsonville, Oregon

(RIGHT-OF-WAY VACATION)

A parcel of land situated in the Northwest and Southwest one-quarters of Section 13 in Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon; said parcel being that portion of Vlahos Drive lying southerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Beginning at a point 37.50 feet right of Proposed Canyon Creek Road Centerline Station 4+00.00, said point being the beginning of a 667.50 foot radius curve to the left, having a central angle of $17^{\circ}39'51''$, the radius point of which bears $N31^{\circ}49'21''W$, 667.50 feet;

Thence northeasterly along the arc of said curve to the left (the long chord of which bears $N49^{\circ}20'44''E$, 205.79 feet) 205.79 feet to a point 37.50 feet right of Proposed Centerline Station 5+94.23;

Thence easterly, in a straight line, to a point 49.80 feet right of Proposed Centerline Station 6+06.25;

Thence southeasterly, in a straight line, to a point 112.73 feet right of Proposed Centerline Station 6+08.61, said point being the beginning of a 335.00 foot radius curve to the left, having a central angle of $35^{\circ}44'10''$;

Thence southeasterly along the arc of said curve to the left (the long chord of which bears $S70^{\circ}58'39''E$, 205.57 feet) 208.94 feet to a point on the existing southerly right-of-way line of Vlahos Drive, said point being 308.36 feet right of Proposed Centerline Station 6+56.27.

The parcel of land to which this description applies contains 12,561 square feet, more or less.

The stationing used to describe this parcel is based on the Proposed Centerline of Canyon Creek Road, being more particularly described as follows:

Beginning at Proposed Canyon Creek Road Centerline Station 0+00.00, said point bears S64°01'45"E, 823.84 feet, from a found 3-inch brass disk in a monument box at the west one-quarter corner of said Section 13 per U.S.B.T. Entry 2009-145, said point also being the intersection of the existing centerline of Town Center Loop East with the existing centerline of Vlahos Drive as shown on Survey Number 2014-024, Clackamas County Survey Records;

Thence N24°34'18"E, along the existing centerline of Vlahos Drive, 114.15 feet to Proposed Centerline Station 1+14.15 and the beginning of a 400.00 foot radius curve to the right, having a central angle of 36°27'21";

Thence northeasterly along the existing centerline of Vlahos Drive and the arc of said curve to the right (the long chord bears N42°47'59"E, 250.24 feet) 254.51 feet to Proposed Centerline Station 3+68.66 and the beginning of a 630.00 foot radius reverse curve to the left, having a central angle of 59°14'42";

Thence leaving the existing centerline of Vlahos Drive northeasterly along the arc of said reverse curve to the left (the long chord of which bears N31°24'18"E, 622.80 feet) 651.43 feet to Proposed Centerline Station 10+20.09;

Thence N01°46'57"E, 74.12 feet to Proposed Centerline Station 10+94.21 and the beginning of a 558.00 foot radius curve to the right, having a central angle of 11°26'11";

Thence northeasterly along the arc of said curve to the right (the long chord of which bears N07°30'03"E, 111.19 feet) 111.38 feet to a point on curve at Proposed Centerline Station 12+05.59, also being a point on the existing centerline of Canyon Creek Road as shown on Survey Number 2014-024, Clackamas County Survey Records;

Thence continuing northeasterly along the existing centerline of Canyon Creek Road and the arc of a 558.00 foot radius curve to the right, having a central angle of 6°35'29" (the long chord of which bears N16°30'53"E, 64.16 feet) 64.19 feet to Proposed Centerline Station 12+69.78 and the beginning of a 558.00 foot radius reverse curve to the left, having a central angle of 18°01'40";

Thence northeasterly along the existing centerline of Canyon Creek Road and the arc of said reverse curve to the left (the long chord of which bears N10°47'47"E, 174.85 feet) 175.57 feet to Proposed Centerline Station 14+45.35;

Thence N01°46'57"E, along the existing centerline of Canyon Creek Road, 601.90 feet to Proposed Centerline Station 20+47.25 and the beginning of a 558.00 foot radius curve to the left, having a central angle of 13°32'10";

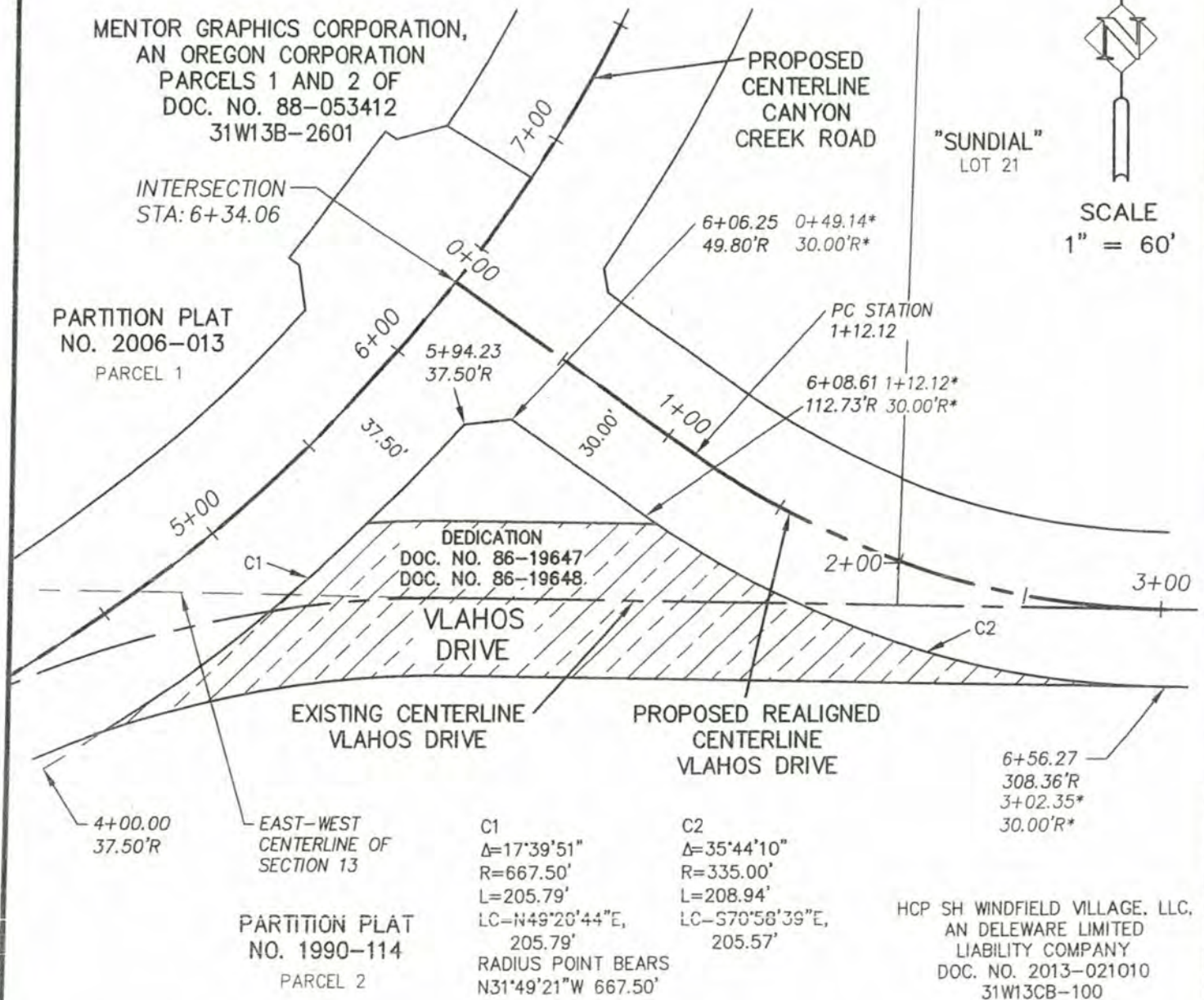
Thence northwesterly along the existing centerline of Canyon Creek Road and the arc of said curve to the left (the long chord of which bears N04°59'08"W, 131.52 feet) 131.83 feet to Proposed Centerline Station 21+79.08 and the beginning of a 558.00 foot radius reverse curve to the right, having a central angle of 63°19'29";

Thence northeasterly along the existing centerline of Canyon Creek Road and the arc of said reverse curve to the right (the long chord of which bears N19°54'32"E, 585.80 feet) 616.72 feet to Proposed Centerline Station 27+95.80 and the Point of Termination, said point bears N35°47'58"E, 2662.19 feet from a found 3-inch brass disk in a monument box at the west one-quarter corner of said Section 13 per U.S.B.T. Entry 2009-145 as shown on said Survey Number 2014-024;

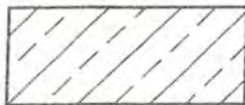
This centerline stationing and basis of bearings of this legal description is the same as that shown on Survey Number 2014-024, Clackamas County Survey Records.



VLAHOS DRIVE VACATION
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



LEGEND



PROPOSED RIGHT-OF-WAY
VACATION AREA
+/- 12,561 SQ. FT.

HHPR Harper
Houf Peterson
Righellis Inc.

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

* = PROPOSED VLAHOS DRIVE CENTERLINE STATIONING

Ordinance No. 759

CITY COUNCIL WORK MEETING STAFF REPORT

Meeting Date: November 17, 2014	Subject: Ordinance No. 760 Amending Ordinance No. 747 to Include Stormwater Management Definitions in the 2014 Wilsonville Public Works Standards Staff Member: Kerry Rappold, Natural Resources Program Manager Department: Community Development	
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	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 the City Council adopt Ordinance No. 760.		
Recommended Language for Motion: I move to approve Ordinance No. 760 on first reading.		
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input checked="" type="checkbox"/> Council Goals/Priorities Goal 3 – Environmental Stewardship; Goal 6 – Well Maintained Infrastructure; Goal 10 – Safe Healthy and Aesthetically Pleasing Community	<input checked="" type="checkbox"/> Adopted Master Plan(s) Stormwater Master Plan - 2013	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Consideration of an ordinance amending Ordinance No. 747 to include stormwater management-related definitions in the City of Wilsonville 2014 Public Works Standards.

EXECUTIVE SUMMARY:

The City of Wilsonville Public Works Standards (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 stormwater management definitions were not included in the final version of the 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.

EXPECTED RESULTS:

The City Council will be asked to adopt the proposed stormwater management definitions, which will be added to Section 101.4.00 (Definitions) of the Public Works Standards.

TIMELINE:

The amending ordinance will be presented to City Council for consideration. If approved, a second reading of the ordinance is scheduled for the December 1, 2014 meeting. Thirty-days after adoption, the stormwater management definitions will be implemented as part of the 2014 Public Works Standards.

CURRENT YEAR BUDGET IMPACTS: N/A**FINANCIAL REVIEW / COMMENTS:** *[Item must be sent to Finance for review.]*

Reviewed by: SCole Date: 11/5/14

No financial impact.

LEGAL REVIEW / COMMENT: *[Item must be sent to City Attorney for review.]*

Reviewed by: _____ Date: _____

COMMUNITY INVOLVEMENT PROCESS:

Staff conducted community outreach as part of developing the recently adopted standards.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

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.

ALTERNATIVES:

N/A

CITY MANAGER COMMENT:

ATTACHMENTS

- A. City of Wilsonville 2014 Public Works Standards – Section 101.4.00 Definitions (redline version included to illustrate the added definitions)
- B. Ordinance No. 760

ORDINANCE NO. 760

AN ORDINANCE AMENDING ORDINANCE NO. 747 TO INCLUDE STORMWATER MANAGEMENT-RELATED DEFINITIONS IN THE CITY OF WILSONVILLE 2014 PUBLIC WORKS STANDARDS.

WHEREAS, the City's current Public Works Standards were updated in 2014 and adopted by Ordinance No. 747 on September 15, 2014; and

WHEREAS, standard engineering practice is to review, revise and update design and construction standards to maintain compliance with the periodic changes to national and state design requirements, guidelines, and specifications; and

WHEREAS, updating the Public Works Standards and being in conformance with national and state guidelines is critical in producing high quality construction, limiting maintenance cost for the City, and limiting the City's exposure to legal liability; and

WHEREAS, the Public Works Standards provide design requirements, material specifications, construction procedures and specifications, testing standards, and acceptance and maintenance requirements for construction of all publicly maintained roadways and pathways, and stormwater, sanitary, and water systems to be used by developers, design engineers, and contractors; and

WHEREAS, the Public Works Standards for designing and constructing public facilities are intended to protect public health, safety, and welfare; and

WHEREAS, it is to the benefit of the City of Wilsonville, developers, design engineers, and contractors to have all specifications and design requirements relating to publicly maintained infrastructure located within a single source of information; and

WHEREAS, definitions related to stormwater management were not included in the Public Works Standards adopted by Ordinance No. 747; and

WHEREAS, the stormwater management definitions clarify and inform the terminology included in the Public Works Standards; and

WHEREAS, after providing due public notice, as required by City Code and State Law, a public hearing was held before the City Council on November 17, 2014, at which time the City Council gathered additional evidence and afforded all interested parties an opportunity to present oral and written testimony concerning the Public Works Standards; and

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

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

1. FINDINGS.

The above-recited findings and those findings and conclusions in the attached staff report, attached hereto as Exhibit A, are hereby adopted as findings of fact and conclusions of law.

2. DETERMINATION.

Based upon such findings, the City Council hereby adopts the stormwater management definitions to be included in the 2014 Public Works Standards, a copy of which is on file with the City Recorder and made part of the record hereof, which shall replace and superseded all prior Public Works Standards adopted by Ordinance , resolution or motion.

3. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 17th day of November, 2014, and scheduled for a second reading at a regular meeting of the Council on the 1st day of December, 2014, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

Sandra C. King, MMC, City Recorder

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

Yes: ____ No: ____

Sandra C. King, MMC, City Recorder

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

TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp -

Council President Starr -

Councilor Goddard -

Councilor Fitzgerald -

Councilor Stevens -

101.4.00 DEFINITIONS

The following definitions apply throughout these standards:

AASHTO:	American Association of State Highway and Transportation Officials
AC:	Asphaltic concrete
ACI:	American Concrete Institute
ACPA:	American Concrete Pavement Association
ADA:	Americans with Disabilities Act
ADAAG:	American with Disabilities Act Accessibility Guidelines and Standards
ADT:	Average daily traffic
ANSI:	American National Standards Institute
APWA:	American Public Works Association
ASTM:	American Society for Testing and Materials
AWWA:	American Water Works Association
Act of God:	Earthquake, flood, cyclone, or other cataclysmic natural phenomenon
Addendum:	Written or graphic modification or interpretation of contract documents
Agreement:	Written agreement covering performance of work and furnishing of labor and materials in construction of work
Alley:	Street or road primarily intended to provide secondary access to road or side of lots or buildings and not intended for normal through vehicular traffic

Applicant:	Person, organization, or duly authorized representative identified as such in specifications and in agreement, and referred to throughout contract documents as if singular in number and masculine in gender; means owner or authorized representatives, including parties acting as designated authority for aspects of work
Approve:	"Approved," "approve," "approval," or similar words shall mean to give, in writing, limited, conditional, or qualified permission to use material, equipment, or methods, such conditions being in strict compliance with City's standards; approval will be by the City's authorized representative
ARCPACS:	A federation of certifying boards in agriculture, biology, earth, and environmental sciences. Provides professional certification for soil scientists whose education, experience and career path are in some aspect of the soil science profession and can meet the standards of the ARCPAC program
As-Built Plans/Record Drawing:	Plans signed and dated by the Project Engineer indicating that the plans have been reviewed and revised to accurately depict all known as-constructed details of a particular public works project
As-Constructed Plans/Record Drawing:	See As-Built Plans/Record Drawing
Authorized representative:	Party or parties authorized or employed by applicant to observe, test, or review quality and sufficiency of work performed, materials used, and determine compliance with plans and specification; for the City of Wilsonville, designated authority shall be the City Engineer or one of the City's authorized representatives
Bid bond:	Form of security furnished by contractor, guaranteeing that he/she will enter into a contract in accordance with contract documents if the proposal is accepted
Bidder:	Any individual, firm, or corporation formally submitting a proposal for work contemplated, or any part of it, acting directly or through an authorized representative

Bioengineering: A construction methodology used to stabilize and conserve soils through the use of live plants alone or in combination with biodegradable material to produce living, functioning systems that can prevent erosion, control sediment, and provide habitat

BMP: Best Management Practice

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BMP Sizing Tool: A computer program, approved by the City, for use in calculating the required size of the stormwater management facilities.

BPMP: City of Wilsonville's Bicycle and Pedestrian Master Plan, latest edition

Building Drain: The building drain is that part of the lowest piping of the sewer system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins five feet (5') outside the building wall (building foundation)

Building Foundation: That part of the horizontal piping of the sewer system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, or privately managed sewage collection system, or other point of disposal

CD: Construction documents

CDF: Control density fill

CEC: Cation exchange capacity

CLSM: Controlled Low-Strength Material

CN: Curve number

Certificate of Insurance: Evidence of insurance coverage of the contractor, furnished to the City

Change order: Written order to contractor by City Engineer or the City's representative authorizing addition, deletion, or revision of work within general scope of contract, or adjustment in price or time

City: City of Wilsonville

City Boards and Commissions:

- City Council:* Five-member governing body responsible for identifying community problems and needs, and establishing policies and goals to address those needs
- Development Review Board:* Empowered to review and take action on land-use applications; decisions are usually binding, but may be appealed to City Council
- Planning Commission:* Makes recommendations to City Council regarding City's comprehensive plan, facilities plans, capital improvements program, and planning and zoning ordinances and provide input on traffic-related concerns
- Parks & Recreation Advisory Board:* Aids in planning and developing present and future parks and recreation in City and advises City Council on policy matters regarding parks and recreation services
- City Engineer:* Professional Engineer registered in the State of Oregon, designated by the City Manager to carry through with planning, designing, and project supervision of public facilities that will be accepted and owned by the City
- Contract:* Binding agreement between contractor and applicant covering performance of work and furnishing of labor and materials for construction of public facilities
- Contractor:* The person or entity that has entered into contract with the applicant; "contractor," though here used to describe an individual, shall mean contractor, agents, employees, officials, subcontractors, or anyone connected with work set forth on behalf of contractor
- Contract documents:* Agreement, addenda, instructions to bidders, contractor's proposal, bonds, notice of award, notice to proceed, general provisions, technical provisions, plans, change orders, field orders, and all other modifications of such documents entered into in accordance with contract
- Contract price:* Total amount payable to contractor for work, including all sales, use, and other consumer taxes related to work.
- Contract time:* Number of calendar days allowed contractor to complete work

Construction maintenance assurance:	A one-year bond for 10% of the cost to construct public improvements
County road:	Public road incorporated into county roadway system by formal action of Board of County Commissioners; these roads are assigned numbers and county assumes maintenance responsibility
Cut Sheets:	Sheets of tabulated data, indicating stationings, structures, fittings, angle points, beginning of curve, points on curve, end of curves, sewer slope, staking offset, various elevations, offset cuts, and sewer depths
Definition of Words:	Wherever, in these PS & FM Standards, the words directed, required, permitted, ordered, designated, or words of like meaning are used, they shall be understood to mean the direction, requirement, permission, order or designation of the City Engineer. Similarly, the words approved, acceptable, satisfactory, shall mean approved by, acceptable, or satisfactory to the City Engineer
DBH	Diameter at Breast Height: Standard method of determining the size of a tree
DEQ:	Oregon Department of Environmental Quality
Design engineer:	Professional Engineer registered in the State of Oregon responsible for planning, designing, and producing record drawings of public facilities that will be accepted and owned by the City
<u>Design Storm:</u>	<u>The distribution of rainfall intensity over time, identified to have a probability of recurrence, given in years (i.e. five-year design storm).</u>
<u>Detention:</u>	<u>The release of surface water runoff from a site at a slower rate than it is collected by the drainage system, the difference being held in temporary storage.</u>
Detail Drawings:	Construction drawings produced by the City of Wilsonville providing details of acceptable construction standards for public facilities. Drawings may be periodically updated or changed, as needed, by approval of the City Engineer

Development:	Development includes new development, redevelopment, and/or partial redevelopment
Directed, required, etc.:	In these standards, "directed," "required," "permitted," "ordered," "designated," or similar words shall mean at the direction, requirement, permission, order, or designation of applicant or City Engineer
<u>Discharge:</u>	<u>Any addition of water, stormwater, wastewater, process water or any pollutant or combination of pollutants to waters of the State, directly or indirectly, by actions of dumping, spilling, disposing or physically connecting to the public storm system or natural drainage conveyance.</u>
Domestic Sewage:	The liquid and water borne waste derived from the ordinary living process, free from industrial wastes, and of such character to permit satisfactory disposal, without special treatment, into the public sewer or by means of private sewage disposal system
Drainage Waste:	Storm water, ground water, surface drainage, subsurface drainage, spring water, well overflow, roof drainage, or other like drainage other than sewage or industrial waste
<u>Drainageway:</u>	<u>A natural or manmade channel formed by existing or manmade topography which directs and/or carries surface stormwater runoff.</u>
Dwelling Unit:	A facility designed for permanent or semi-permanent occupancy and provided with minimum kitchen, sleeping, and sanitary facilities for one family
Easement:	An interest in land owned by another that entitles the easement holder to a specific limited use of the land; however, ownership of the land does not change
Easement, Public Pipeline:	The space identified within the easement document that is in, upon, above, along, across, over or under the publicly owned and maintained storm, sanitary, or water facility

Easement, Public Utility: The space in, upon, above, along, across, over or under the easement as identified within the easement document. By way of general description, public utility easements are typically created along the border(s) of a tax lot or frontage along public right-of-way and are intended for the use of utility companies and other authorized users to operate, place, relocate and maintain facilities in accordance with city requirements and standards

Erosion: The visual or measureable movement of soil particles resulting from the flow of, or pressure from water, wind, or earth movement.

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EPSC Plan: Erosion Prevention and Sediment Control Plan following recommendations outlined in the Erosion Prevention and Sediment Control Planning and Design Manual, latest edition

EPSC Planning and Design Manual: Erosion Prevention and Sediment Control Planning and Design Manual developed in partnership between CleanWater Services of Washington County, Water Environment Services of Clackamas County, City of West Linn, ODOT, and Harza Engineering, latest edition

FEMA: Federal Emergency Management Agency

FHWA: Federal Highway Administration

Field order: Written order to contractor, approved by applicant, changing work but not affecting contract price or time

Final completion: Date when project correction list is completed; a 10% maintenance bond is submitted in accordance with contract documents, as modified by change orders agreed to by parties, or as specified in Section 101.8.17, "Project Closeout;" and the City's authorized representative receives confirmation that all easements and legal documents have been recorded with the County Recorder

First party: Applicant or duly authorized representative

Flow: The liquid and water borne waste derived from domestic sewage, industrial wastes, and in some cases drainage waste

Grout: Thin, fast-setting, high-strength, non-shrink mortar used to fill cracks and joints in masonry

HMAC:	Hot mixed asphalt concrete
<u>Hazardous Materials:</u>	<u>Materials described as hazardous by ODEQ, including any toxic chemicals listed as toxic under Section 307(a) of the Clean Water Act or Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA).</u>
ICEA:	Insulated Cable Engineers Association
<u>Impervious Surface:</u>	<u>Surface area which prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater than natural quantities or at an increased rate. Impervious surfaces may include, but are not limited to, rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots, oiled macadam, gravel, or other surfaces which similarly resist infiltration or absorption of moisture.</u>
Inclement weather:	Weather conditions so extraordinary that previous climatic conditions in locality of work give no reasonable warning of them; shall be determined by City Engineer
Indicated, shown, etc.:	"Indicated," "noted," "shown," "called for," or similar words shall mean indicated, noted, shown, or called for in the contract documents for the work referred to
Industrial Waste:	A water borne waste and wastewater from other than domestic users
Intersection:	Area jointed by two or more roads intersecting; for design purposes, intersection is not formed by naming two approaches of continuous street at curve or other point with different street names
Landscape maintenance assurance:	A bond for 100% of the cost to install all required landscaping in water quality/quantity facilities and vegetated corridors, plus 100% of the cost to maintain the landscaping in these areas for the duration of the bond
Large-diameter pipe:	Pipe with diameter larger than 24 inches
Lateral Sewer (Service Lateral):	Any sewer line to which a private building sewer connects or may connect. The lateral sewers are located within public right-of-way or easement, and generally connect to the main sewer and extend to the right-of-way or easement

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Letter of commitment: A letter issued by another jurisdictional agency to the City as performance assurance or maintenance assurance and warranty for public improvements

LID: Low Impact Development is a stormwater management approach that focuses on mimicking the natural, pre-developed hydrologic function of healthy ecosystems by managing rainfall at the source, as it hits the ground, using decentralized, small scale controls that provide infiltration, vegetative uptake, and creation of extended flow paths.

LID facility: A stormwater facility that mimics natural surface hydrological functions through infiltration or evapotranspiration, or that involves stormwater reuse. Examples of LID facilities are included in Section 3.

Main Sewer (Public Sewer): A public sewer that has been or is being constructed to accommodate more than one lateral sewer or to which a building sewer connects or may connect. (Normally not less than eight inches in diameter)

Maintenance Assurance Bond: Maintenance assurances required by the City for work performed to ensure post-construction quality and landscape survivability. May consists of both construction maintenance assurance and landscape maintenance assurance

Manager: The City Manager of the City of Wilsonville or his/her authorized representative

Manufacturer's Name: Any manufacturer's name, specification, catalog number, or type used herein is specified to make and order to establish the standard requirements of the City. Other equivalent makes will be considered for approval, providing they are comparable with this established standard

MEP: Maximum Extent Practicable.

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Mortar: Plastic building material of cement or lime, sand, and water that hardens in place and is used in masonry or plastering

MUTCD: *Manual on Uniform Traffic Control Devices*, latest edition

NAVD 88: North American Vertical Datum of 1988: the vertical control datum established in 1991 by the National Geodetic Survey

Neighborhood Erosion Control Plan:	An approved erosion-prevention and sediment-control plan for multiple lots
NEMA:	National Electrical Manufacturers Association
NGVD 29:	National Geodetic Vertical Datum of 1929: vertical control datum established for vertical control in the United States by the general adjustment of 1929 (formerly called the "Sea Level Datum of 1929")
NPSH:	Net Positive Suction Head, in association with sanitary sewer pumping units
NRCS:	National Resource Conservation Service
Notice to proceed:	Written notice given by designated authority to contractor fixing date when contractor shall begin to perform the obligations under contract documents
O&M plan:	Operation and maintenance plan for mechanical systems to be operated by the City, or plan designed for stormwater facilities and prepared by the responsible party in the Stormwater Maintenance Covenant and Access Easement
ODFW:	Oregon Department of Fish and Wildlife
ODOT:	Oregon Department of Transportation
ODOT QPL:	Qualified Products List; published twice each year by ODOT's Construction Section
ODOT SSC:	2015 Oregon Department of Transportation Standard Specifications for Construction
OSHA:	Occupational Safety and Health Administration
Or equal:	"Or equal," "or approved equal," or similar words shall mean to possess same performance qualities and characteristics and fulfill utilitarian function without any decrease in quality, durability, or longevity and shall meet with approval of designated authority (no inference is intended that items must be identical in all respects if above conditions are satisfied)
Owner:	Any individual partnership, firm or corporation by whom the Project Engineer has been retained or who, as a property owner, is making arrangements with the City

PCA:	Portland Cement Association
PCC:	Portland Cement Concrete
Payment bond:	Form of security furnished by contractor and their surety guaranteeing payment of all labor, material, equipment, and all other obligations arising from work
Performance bond:	Security furnished by applicant, or such other party acceptable to the City, and their surety guaranteeing complete and faithful performance of all obligations and conditions placed on contractor by contract
Person:	Individual, firm, corporation, association, agency, or other entity
Plans:	Plans, profiles, and detailed drawings showing locations, character, dimensions, and details of work to be done
<u>Plant community:</u>	<u>A plant community is defined as a grouping of plants that often occur together growing in a uniform habitat.</u>
<u>Pollutant:</u>	<u>Any of the following, but not restricted to oil grease, soil, mining waste, spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, heavy metals, asbestos, wrecked or discharged equipment, cellar dirt and untreated industrial, municipal and agricultural discharges into water.</u>
<u>Porous pavement:</u>	<u>Surface to walk, drive or park on that may reduce stormwater runoff by allowing water to soak into the ground. Examples are permeable pavers, pervious concrete, porous asphalt and gravel.</u>
Plumbing System:	All plumbing fixtures and traps, or soil, waste, special waste, and vent pipes within a building and to a point five feet outside the building foundation thereof
PRMP:	City of Wilsonville's Parks and Recreation Master Plan, latest edition
Predevelopment:	Considered as the natural, unimproved and unaltered state of the land.

Product data:	Complete catalog data for manufactured items of equipment and all component parts, including specific performance data, material description and source, rating, capacity, working pressure, material gauge thickness, brand name, catalog numbers, and other necessary information
Project correction list:	Final project inspection to repair checklist, or punch list, compiled after construction of total project is complete, and after all testing is satisfactorily finished
Project Engineer:	The engineer, licensed by the State of Oregon as a Civil Engineer, under whose direction plans, profiles, and details for the work are prepared and submitted to the City for review and approval
<u>Pre-developed conditions:</u>	<u>The conditions of the land prior to the original development. For the purposes of hydrological evaluations the pre-developed conditions will use the historical vegetation which existed in the different regions of the City prior to urban settlement.</u>
Proposal:	Offer for work made out and submitted on prescribed proposal form and properly signed and guaranteed by bidder
PUE:	Public Utility Easement
Public road:	Road dedicated for use by public; maintained by the City and funded by the road maintenance fee
Public works facility:	Any facility constructed in public right-of-way or public easement that is either immediately or eventually to be taken over by City for maintenance and operation; includes but is not limited to streets, sidewalks, curbs, parking lots, driveways, storm drainage facilities, water system works, and sanitary sewer systems
Public Sewer:	Any sewer in public right-of-way or public easement operated and maintained by the City
Punch list:	Final project inspection to repair checklist, or project correction list, compiled after construction of total project is complete, and after all testing is satisfactorily finished
Representative:	City Engineer or authorized representative

Reserve strip: A 1-foot wide- section adjacent to or at terminus of right-of-way , to be recorded as a plat restriction with access controlled by the City Engineer.

Retention: The process of collecting and holding surface water runoff from a design storm with no surface outflow.

Residential User: The owner, lessee, or occupant of a single-family dwelling unit in one structure

Right-of-way: The space in, upon, above, along, across, over or under the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks, bicycle lanes, and places used or intended to be used by the general public for travel as the same now or may hereafter exist, that the City has the right to allow User to use. Right-of-Way shall not include the airspace above the Right-of-Way used for cellular mobile radio service or broadcast television service

Road: Part of right-of-way used for vehicular traffic, including appurtenances, storm drain system, traffic control devices, etc.

Roadway: All of the right-of-way dedicated, granted, used or to be used, for vehicle movement

SBUH: Santa Barbara Unit Hydrograph

SCS: Soil Conservation Service, U.S. Department of Agriculture

Sensitive areas: Areas sensitive to environmental degradation, such as existing or created wetlands; rivers, streams, and springs with year round or intermittent flow; and impoundments (natural lakes and ponds). Sensitive areas also include any resource protected within the SROZ

Service Lateral: See Lateral Sewer

Sewage: The wastewater derived from human habitation and use of buildings for residential, institutional, or commercial purposes, excluding storm waters and industrial waste

Shop drawings: Diagrams, drawings, illustrations, brochures, schedules, and all other data submittals required by contractor and furnished by contractor illustrating fabrication, installation, dimensions, and other aspects of work

Source Control: Stormwater management facilities and/or specific actions taken that attempt to control high risk pollutant loading from entering the stormwater runoff through site activities and site design.

Specifications: Directions, requirements, explanations, terms, and provisions in these standards, supplemented by such special conditions as may be necessary pertaining to various features of work to be done, manner and method of performance, and manner and method of measurement and payment; specifications include directions, requirements, and explanations that appear in plans

SROZ: Significant Resource Overlay Zone: the delineated outer boundary of an identified significant natural resource as defined by Wilsonville's Development Code

Standard specifications: Codes, rules, and regulations set forth in City of Wilsonville "Public Works Standards" as adopted by City Council and considered to be the latest issue, with all amendments as of date of these standards

Standards: Specifications in the "Public Works Standards" adopted for use in City of Wilsonville.

Steel plate: A-36 steel meeting AASHTO H-20 loading specifications

Stock pile: Temporary staging of construction and/or excavated materials

Stormwater management facility: Any structure or drainageway that is designed, constructed, and maintained to collect, filter, retain, or detain surface water runoff during and after a storm event for the purpose of reducing pollutants in stormwater runoff to the MEP. It may include, but is not limited to constructed wetlands, rain gardens, water quality swales, planters, and ponds.

Stormwater management plan: Proposed stormwater plan approved and/or permitted by the City which provides for storm or surface water infiltration, water quality and flow control as provided within these standards.

Streets or Roads: Any public highway, road, street, avenue, alley, way, easement, or right-of-way used or to be used for vehicle movement

Structures:	Those structures designated on the Standard Drawings as manholes, cleanouts, weirs, etc. Detailed drawings of structures or devices commonly used in City work and mentioned in these PS & FM Standards are included in Section IV, Standard Drawings
Subcontractor:	Any individual, firm, or corporation having contract with contractor or with any other subcontractor for performance of part of work
Substantial completion:	In the opinion of the City's authorized representative, construction is to the point of completion where all facilities are usable for their intended purpose: utilities (storm, sanitary, and water) are tested, approved and connected to public lines, all weather access is completed; roadway striping is completed; street lighting is approved and activated; all fire, life, and safety issues meet code
Substantial progress:	In the opinion of the City's authorized representative, construction work is proceeding at a rate close to that of the submitted construction timetable
Traffic coefficient:	Number used in determining structural section of street
Trunk Sewer:	A public sewer ten inches or larger which has been or is being constructed to accommodate more than one Main Sewer or lateral sewer
TSP:	City of Wilsonville's Transportation Systems Plan, latest edition
TVF&R:	Tualatin Valley Fire and Rescue
<u>UIC:</u>	<u>Underground Injection Control</u>
Uniform Plumbing Code:	The Uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials, current edition
USCGS:	United States Coast and Geodetic Survey

Waters of the State:

Those waters defined in ORS Chapter 468B.005 or as amended which included lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

- Wet-season: For the purpose of monitoring ground water elevations, the "wet-season" is defined as November 1 through April 30
- WQV: Water Quality Volume
- WPWS: Wilsonville Public Works Standards, current edition
- Work: Furnishing of all labor, materials, equipment, and other incidentals necessary or convenient to successfully complete project or part of project, and carrying out of all duties and obligations imposed by contract
- Working Day: Calendar day, any and every day shown on the calendar, excluding Saturdays, Sundays, and legal holidays.
- Written notice: Written communication delivered in person to individual or to member of firm or to officer of corporation for whom it is intended. If delivered or sent by mail to last business address known to one who gave notice, it shall be duty of each party to advise other parties to contract of any change in business address until contract is complete

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: November 17, 2014	Subject: Ordinance No. 761 Proposed Code Amendment to Section 4.022 – Appeal and Call-up Procedures Staff Member: Chris Neamtzu, Planning Director Department: Community Development	
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: 11/17/14 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: 12/1/14 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: At the City Council work session on July 21 st Council directed staff to proceed with this code amendment.	
Staff Recommendation: Staff recommends that the Council adopt Ordinance No 761		
Recommended Language for Motion: I move to approve Ordinance No. 761 on 1 st reading.		
PROJECT / ISSUE RELATES TO:		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Planning and Land Development Ordinance

ISSUE BEFORE COUNCIL: Whether to amend Section 4.022 (.03) A. of the Wilsonville Code, pertaining to the City Council call-up period of decisions rendered by the Development Review Board.

EXECUTIVE SUMMARY: 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, 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 (see Exhibit A) 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.

EXPECTED RESULTS: 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.

TIMELINE: This Ordinance will be in effect 30 days following the second reading of the Ordinance, which is scheduled at this time to be held on December 1, 2014 making the code amendment effective on January 1, 2015.

CURRENT YEAR BUDGET IMPACTS:

N/A

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 11/5/14

No financial impact

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 11/05/2014

Ordinance is approved as to form.

COMMUNITY INVOLVEMENT PROCESS:

Public hearings on this proposal will be held as part of this review process. The proposed amendments are being sent directly to Council without a Planning Commission recommendation because staff has determined that this is a minor code revision and it was requested by the City Council.

POTENTIAL IMPACTS OR BENEFITS TO THE COMMUNITY: The proposed code amendment will align DRB dates for appeal and call-up which will result in improved vetting of land use decisions.

ALTERNATIVES: Do not adopt or modify the proposed Ordinance.

CITY MANAGER COMMENT:**Exhibits:**

EXHIBIT A – Redlined Code Section 4.022, Appeal and Call-Up Procedures

ORDINANCE NO. 761

AN ORDINANCE AMENDING WILSONVILLE CODE SECTION 4.022. APPEAL AND CALL-UP PROCEDURES.

WHEREAS, Wilsonville Code (WC) Section 4.022 currently identifies two different dates for appeal and City Council call-up of Development Review Board (DRB) quasi-judicial actions; and

WHEREAS, the expiration of the opportunity to appeal is 14 days from the date of the DRB notice of decision; and

WHEREAS, the expiration of the City Council call-up is 14 days from the date of the DRB decision; and

WHEREAS, this disconnect in appeal and call-up dates, in rare circumstances, does not afford the Council enough time to adequately review a DRB decision and call up that item for Council review; and

WHEREAS, the City Council desires that the dates be aligned to afford adequate opportunity to review DRB notices of decision in contemplation of potential call-up; and

WHEREAS, on July 21st, 2014 the City Council conducted a worksession on this proposal and directed staff to prepare the code amendments; and

WHEREAS, the particular amendment to Wilsonville Code Section 4.022 is located in Section 4.022(.03), City Council Call-up.

WHEREAS, on November 17, 2014, the City Council held a public hearing regarding the above described matter, wherein the City Council considered the staff report and, upon deliberation, concluded that in order to give the City Council more time to consider a call-up, Section 4.022(.03) A. be amended to give the City Council the same fourteen (14) calendar days from the date of the posting of the DRB notice of decision, as opposed to the date the DRB decision was actually rendered, to call the item up for review.

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

1. Wilsonville Code Section 4.022(.03) A. is amended as follows:

(.03) City Council Call-up.

A. Within fourteen (14) calendar days of *the posting of the Development Review Board notice of decision* ~~final action~~ on any project, the City Council on its own

motion, may cause any final action taken by the Development Review Board to be called up for review by the full Council. If the City Council determines by majority vote that an emergency exists in that the Development Review Board will not complete its review of a given application with sufficient time for the Council to consider and resolve any appeals within the statutorily mandated 120-day limit, the City Council may vote to call the matter up for hearing by the Council prior to the completion of the Development Review Board's action on the matter.

2. The City Recorder is directed to amend WC Section 4.022(.03) A. by replacing the existing text with the approved text above, and to make such format, style and conforming changes to match the format and style of Chapter 4 of the WC.
3. Except as set forth above, the remainder of WC Section 4.022 remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on November 17, 2014 and scheduled for the second reading on December 1, 2014, 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 ____, 2014, by the following votes:

Yes:____ No:____

Sandra C. King, MMC, City Recorder

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

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp
Councilor President Starr
Councilor Goddard
Councilor Stevens
Councilor Fitzgerald

Attachments:

Attachment A: Staff Report, dated November 17, 2014.

EXHIBIT A

Redlined Code Section 4.022, Appeal and Call-Up Procedures

Strikethrough = deleted words

Bold/italic = New words

Proposed revision is found in Section 4.022(.03) A and is highlighted below.

Section 4.022. Appeal and Call-up Procedures.

- (.01) Administrative Action Appeals. A decision by the Planning Director on issuance of a Site Development Permit may be appealed. Such appeals shall be heard by the Development Review Board for all quasi-judicial land use matters except expedited land divisions, which may be appealed to a referee selected by the City to consider such cases. Only the applicant may appeal a Class I decision unless otherwise specified in Section 4.030, and such appeals shall be filed, including all of the required particulars and filing fee, with the City recorder as provided in this Section. Any affected party may appeal a Class II decision by filing an appeal, including all of the required particulars and filing fee, with the City Recorder within fourteen (14) calendar days of notice of the decision. Either panel of the Development Review Board, or both panels if convened together, may also initiate a call-up of the Director's decision by motion, without the necessity of paying a filing fee, for matters other than expedited land divisions. The notice of appeal shall indicate the nature of the action or interpretation that is being appealed or called up and the matter at issue will be a determination of the appropriateness of the action or interpretation of the requirements of the Code.
- (.02) Board Action. A decision of the Development Review Board may be appealed to the Council by any affected party who participated in the hearing before the Board by filing an appeal within fourteen (14) calendar days of the posting of the notice of decision, or by the call-up procedures listed below. The notice of appeal shall indicate the decision that is being appealed.
- (.03) City Council Call-up.
 - A. Within fourteen (14) calendar days of ***the posting of the Development Review Board notice of decision*** ~~final action~~ on any project, the City Council on its own motion, may cause any final action taken by the Development Review Board to be called up for review by the full Council. If the City Council determines by majority vote that an emergency exists in that the Development Review Board will not complete its review of a given application with sufficient time for the Council to consider and resolve any appeals within the statutorily mandated 120-day limit, the City Council may vote to call the matter up for hearing by the Council prior to the completion of the Development Review Board's action on the matter.

- B. Notice of the call-up shall be provided in the same manner as an appeal to all parties who have testified or submitted written materials, the Planning Director, and the members of the respective commission or board, and shall also be posted and published as provided in Section 4.012. The notice shall describe the property, set forth the nature of the action and state the time, place and date set for hearing and whether public testimony is to be received.
 - C. In the event the City Council votes to call-up an action taken by the Development Review Board, any approvals granted by the Board shall be suspended until the Council has acted on the call-up.
 - D. Upon review, the Council may, by resolution or order, affirm, reverse or modify in whole or part, a determination, condition or requirement, or remand with or without instruction, the decision or part thereof that has been called up. (Added by Ordinance #396 - May 4, 1992)
- (.04) Notice. Legal notice of a hearing on an appeal shall set forth:
- A. The date of the hearing.
 - B. The issue(s) being appealed.
 - C. Whether the review will be on the record or whether new evidence will be accepted, if known.
- (.05) Scope of Review.
- A. At its discretion, the hearing body may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. Except, however, that the standard of review on an appeal or call up of a staff decision to be heard by the Development Review Board is de novo.
 - B. The reviewing body shall issue an order stating the scope of review on appeal to be one of the following:
 - 1. Restricted to the record made on the decision being appealed.
 - 2. Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.
 - 3. A de novo hearing on the merits.
- (.06) Review on the Record
- A. Unless otherwise provided for by the reviewing body, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:
 - 1. A factual report prepared by the Planning Director or the Director's designee.
 - 2. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
 - 3. The written transcript or electronic recording of the hearing and a detailed summary of the evidence.

- B. The reviewing body shall make its decision based upon the record after first granting the right of argument on the record, but not the introduction of additional evidence to any party who has filed a notice of appeal. The reviewing body shall decide if the correct procedure was followed and if so, was the correct or appropriate decision made based on the applicable policies and standards.

(.07) Review Consisting of Additional Evidence or De Novo Review.

- A. Except as otherwise specified in this Code, or required by State law, the reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that that additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision.
1. Prejudice to the parties.
 2. Convenience or availability of evidence at the time of the initial hearing.
 3. Surprise to opposing parties.
 4. The competency, relevancy and materiality of the proposed testimony or other evidence.
 5. Such other factors as may be determined by the reviewing body to be appropriate.
- B. "De novo hearing" shall mean a hearing by the review body as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.

(.08) Review Body Decision

- A. Upon review, the referee, Commission, or Board may by Resolution or the Council shall by order, affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review.
1. When the referee, Commission, or Board modifies or renders a decision that reverses a decision of the Planning Director, the referee, Commission or Board, in its Resolution, shall set forth its findings and state its reasons for taking the action.
 2. When the Council modifies or renders a decision that reverses a decision of the Commission or Board, the Council, in its order, shall set forth its findings and state its reasons for taking the action.
 3. When the Council modifies or renders a decision of the Commission or Board, the Council, in its order, shall set forth its findings and state its reasons for taking the action.
 4. When the Council elects to remand the matter back to the lower review body for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

B. Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than sixty (60) calendar days after the filing of the request for review and shall file that decision with the City Recorder within five (5) working days after it is rendered.

(.09) Effective Date of Decisions. A decision of the Planning Director, Planning Commission, or Development Review Board shall become effective on the fifteenth (15th) calendar day after the postmarked date of the written notice of decision, unless appealed or called up for review by the Council in accordance with this Section. If a matter is heard by the Council or referee, the decision shall become effective immediately.

ORDINANCE NO. 750

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 5, VEHICLES AND TRAFFIC, SECTION 5.210, PROHIBITED PARKING OR STANDING

WHEREAS, Wilsonville Code Chapter 5, Vehicles and Traffic, regulates parking, traffic, and impoundment of vehicles on the streets and property of the City of Wilsonville; and

WHEREAS, W.C. 5.210(12) prohibits the use of vehicles for sleeping, camping, or living while parked upon a City street; and

WHEREAS, following a recent opinion issued by the Ninth Circuit, *Desertrain v. The City of Los Angeles*, the City's current ordinance prohibiting sleeping, camping, and living in vehicles is probably unconstitutionally vague; and

WHEREAS, individuals sleeping, camping, and living in exposed conditions is a matter of public health and safety to themselves and others; and

WHEREAS, to protect the health and welfare of Wilsonville's residents and visitors from incidental activities often associated with such persons sleeping, camping, or living in vehicles parked on City streets, such as using public or private property for restroom or sanitation purposes rather than facilities, littering, lighting of camp fires, and indecent exposure; and

WHEREAS, either through the City Community Services, Clackamas County Social Services, or the nearby French Prairie Rest Area on I-5, other more appropriate alternatives to sleeping, camping, or living in a vehicle for the traveling public and/or those needing social service resources exist and can be accessed;

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

1. Wilsonville Code Section 5.210, Prohibited Parking and Standing, Subsection (12) is amended to read as follows:

“(12) Unless in a designated area for camping, no person shall, for a period of more than two hours, use any vehicle or trailer to camp in, sleep in, or live in while parked upon any City property, City right-of-way, City easement, or City street.

(a) For the purposes of this Section,

(i) The term "camp" has the same meaning given it in Code Section 10.425.

(ii) The term "sleep" means the natural periodic suspension of consciousness, during which the powers of the body are restored, or resting or meditating in a manner which leads a reasonable person to conclude that consciousness is suspended.

(iii) The term "live" means the use of a vehicle or trailer for a home, dwelling place, residence, or domicile. Engaging in or the presence of items used for cooking, sleeping, bathing, or other activities normally associated with home life may serve as evidence that a person is living in a vehicle.

(b) It shall be an affirmative defense to "sleep in" if the sleeping was caused by a medical condition and not induced by alcohol, controlled substances, or medication that warns of causing drowsiness or sleepiness, or warnings to that effect.

(c) It shall be an affirmative defense to "live in," if a legally permissible explanation is provided of the items present or the activity engaged in that a reasonable person could find plausible under the circumstances then and there present."

2. The City Recorder is directed to amend Wilsonville Code Section 5.210(12) by replacing the existing text with the text as approved above, and to make such format, style, and conforming changes to match the format and style of the Animal section of the Wilsonville Code.
3. Except as set forth above, Chapter 5 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 20th day of October, 2014, and scheduled for second reading on _____, commencing at the hour of 7 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2014, by the following votes: Yes: ____ No: ____

Sandra C. King, MMC, City Recorder

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

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

MEMORANDUM AND PROPOSED ORDINANCE

To: Michael E. Kohlhoff, City Attorney

From: Christopher T. Griffith, Legal Intern

Date: July 15, 2014

Regarding: Proposed Changes to Wilsonville's Prohibition on Sleeping, Camping, and Living in Vehicles

Amending the Prohibition on Sleeping, Camping, and Living in Vehicles

I. Issue

Should Wilsonville amend the City Code provision prohibiting sleeping, camping, and living in vehicles following a recent court case regarding the constitutionality of such ordinances?

II. Short Answer

Yes, the City should amend the provision because it is likely unconstitutional. The Ninth Circuit recently found a similar Los Angeles ordinance to be unconstitutionally vague. The City should fix the vagueness in its own statute to avoid possible litigation.

III. Discussion

a. Introduction

The Wilsonville Code currently states that “[n]o person shall use any vehicle or trailer to camp in, sleep in, or live in while parked upon a City street.” Wilsonville Code, Section 5.210 (11). The Ninth Circuit recently struck down a similar Los Angeles ordinance prohibiting the use of a vehicle as “living quarters” while parked on city property, finding the term to be unconstitutionally vague. *Desertrain v. City of Los Angeles*, No. 11-56957 (9th Cir. 2014). The Wilsonville code provision is probably unconstitutional after the *Desertrain* decision because of the similarly vague “live in” language.

Prior to the *Desertrain* opinion, the issue of people living in cars has recently been in the news due to the continually struggling economy. The issue attracted local attention due to efforts in Sherwood and Tigard to restrict the activity after Walmart announced new locations in those cities. The Oregonian, *Walmart prompts Tigard councilors to consider ‘community impact’ when approving development* (December 11, 2013), at http://www.oregonlive.com/tigard/index.ssf/2013/12/tigard_councilors_eyeing_ways.html. That focus highlights not only the importance of staying ahead of the issue legally, but also ensuring

that the community remains safe and livable. Wilsonville should clarify its own provision in order to provide residents with clear guidance on what is prohibited in order to avoid litigation.

b. Standard of constitutional vagueness

The City of Wilsonville should amend its code provision because, like the Los Angeles provision in *Desertrain*, it is unconstitutionally vague. In *Desertrain*, the Los Angeles ordinance struck down by the Ninth Circuit prohibited using a vehicle as “living quarters either overnight, day-to-day, or otherwise.” No. 11-56957. According to the court, the provision failed to inform citizens of what activity it actually prohibited. *Id.* at 18–19. That vagueness made the provision unconstitutional. *Id.* An ordinance is unconstitutionally vague if it is “so vague and standardless that it leaves the public uncertain as to the conduct it prohibits . . .” *Desertrain*, No. 11-56957, at 17 (quoting *Giaccio v. Pennsylvania*, 382 U.S. 399, 402 (1966)). Furthermore, “[a] statute is vague on its face when ‘no standard of conduct is specified at all. As a result, men of common intelligence necessarily guess at its meaning.’” *Desertrain*, No. 11-56957, at 17 (quoting *Coates v. City of Cincinnati*, 402 U.S. 611, 614 (1971)). Vague statutes are also unconstitutional because the lack of specificity allows enforcing authorities to apply them discriminatorily.¹ *City of Chicago v. Morales*, 527 U.S. 41, 56 (1999). The Wilsonville City Code provision should be amended to be more specific in order to comply with that constitutional standard.

c. Applying constitutional vagueness standard to terms of WC 5.210(12).

City of Wilsonville’s code provision 5.210(12) states that “[n]o person shall use any vehicle or trailer to camp in, sleep in, or live in while parked upon a City street.” Wilsonville Code, Section 5.210 (12). The terms “camp in” and “sleep in” are probably specific enough to survive judicial scrutiny, but “live in” is unconstitutionally vague without further explanation. The proposed ordinance implementing the recommended changes explained in this section is attached.

i. “Camp”

The term “camp in” can probably survive a judicial challenge on vagueness grounds following the *Desertrain* opinion. The term “camp” is defined elsewhere in the Code as “to set up, or remain in or at, a campsite for the purpose of establishing or maintaining a temporary place to live.” WC, Section 10.425 (2). “Campsite” is defined as “any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or any vehicle or part thereof.” *Id.* at (3). Referencing the definitions of camp and campsites in the proposed ordinance decreases the vagueness. Those definitions, along with the common understanding of the term camp, inform a citizen of what the provision prohibits and the police could not use its vagueness to arbitrarily target certain individuals. Therefore, the term “camp” is probably sufficiently defined to pass constitutional muster because the Code apprises the public of what the term prohibits.

ii. “Sleep”

¹ In *Desertrain*, the police were targeting the homeless population of Venice Beach. No. 11-56957, at 4.

The term “sleep” is likewise probably specific enough to survive a constitutional challenge. Everyone of normal intelligence knows what the term “sleep” means. Other circuits have held prohibitions on “sleeping” to be constitutionally appropriate, especially when combined with other terms. See *Hershey v. Clearwater*, 834 F.2d 937, 939–940 (1987). In *Hershey*, the Eleventh Circuit held that an ordinance prohibiting “sleeping” and “lodging” in vehicles to be constitutional. *Id.* However, the court did follow different logic than the Ninth Circuit: “Clearwater’s apparent purpose in passing the ordinance: to prevent use of motor vehicles, lacking basic amenities or sanitation facilities, as *living quarters*” *Id.* at 940 (emphasis added); see also *Whiting v. Westerley*, 942 F.2d 18, 22 (1991) (The First Circuit held that plaintiffs did not have standing to challenge ordinance prohibiting “sleeping” in public on vagueness grounds because they were caught doing precisely that.). However, further defining the term would strengthen it against a challenge. Adding a definition will provide added clarity of what, exactly, the City wishes to prohibit, thereby protecting the ordinance from a claim of unconstitutional vagueness.

Furthermore, the City may want to place a time limit on sleeping in vehicles in order to target the specific activity it wishes to prohibit. As the ordinance is written, falling asleep in a vehicle on a public street even momentarily is prohibited. While doubtful that the City intended such a strict prohibition, it is within the City’s authority to do so. The City might consider amending the provision in order to more narrowly target the activity it wishes to prevent. Presumably, the City intends to prohibit individuals from sleeping overnight or for extensive periods of time. The City probably does not intend to criminalize a short nap while waiting for a dentist appointment or for a child to get done with a sports practice. The proposed ordinance could include a definition of “sleep in” which specifies that to violate the provision a person must sleep in a vehicle for longer than two hours. Furthermore, it could specify that the time period is cumulative throughout the course of any twenty four hour period in order to avoid someone sleeping for a period and then moving their vehicle to continue sleeping. Under that amended definition, a brief nap is not prohibited while using the car as a place to sleep overnight or for a long period of time is. However, enforcement might become problematic because proving a person was asleep for longer than two hours, unless continuously watched is difficult. A second approach is to prohibit overnight or day to day use, which is much more easily enforced.

As a matter of public policy, the City should also include an affirmative defense excluding individuals who fall asleep overnight in a vehicle due to a medical condition such as narcolepsy. Such an exemption is unlikely to have a major effect on the functionality of the ordinance while avoiding the injustice of criminalizing a behavior an individual cannot control.

iii. “Live”

The term “live in” a vehicle is problematic after the *Desertrain* opinion. “Live in” provides no more guidance than the term “living quarters” in the Los Angeles ordinance.²

² “Plaintiffs are left guessing as to what behavior would subject them to citation and arrest by an officer. Is it impermissible to eat food in a vehicle? Is it illegal to keep a sleeping bag? Canned food? Books? What about speaking on a cell phone? Or staying in the car to get out of the rain? These are all actions Plaintiffs were taking

Desertrain, No. 11-56957, at 17–18. The public cannot determine what activity the term “live in” encompasses as the ordinance is currently written. Under the provision, a man “of common intelligence” can only speculate as to what the term prohibits. *Coates*, 402 U.S. at 614. Furthermore, the *Desertrain* opinion makes the term an easy target for a challenge. Therefore, a reasonable course of action is to either remove the term from the ordinance or define it.

A preferable course of action is to keep the phrase and amend the ordinance to make it more specific. The term “live in” conveys the essence of what the City is trying to prohibit, although not specifically enough in its current form to pass constitutional muster. The Ninth Circuit found that the term “living quarters” does not tell a person what activity it actually bans. *Desertrain*, No. 11-56957, at 17–18. The proposed ordinance defines “live in” as the use of a vehicle for a dwelling place, residence, or domicile. That definition, while broad in order to encompass unforeseen circumstances, specifies that the City is prohibiting the use of a vehicle as the equivalent of a home. The terms home, residence, dwelling, and domicile all convey the idea that the City is outlawing using a vehicle as a substitute for a traditional home for obvious sanitary and health purposes. Black’s Law Dictionary defines “domicile” as “[t]he place at which a person has been physically present and that the person regards as home; a person’s true, fixed, principal, and permanent home, to which that person intends to return and remain even though currently residing elsewhere.” BLACK’S LAW DICTIONARY 558 (9th ed. 2009). That definition is far more specific than the closest definition for “live” which is “to occupy a home.” WEBSTER’S NEW COLLEGIATE DICTIONARY 667 (1979). Adding a definition to clarify the term increases the likelihood that the code provision could survive a potential constitutional challenge.

The proposal can also avoid charges of vagueness by defining what will constitute evidence of living in a vehicle. The proposal also states that “[e]ngaging in or the presence of items used for cooking, sleeping, bathing, or other activities normally associated with home life may serve as evidence that a person is living in a vehicle.” By explaining what evidence would implicate an individual, a member of the public can more accurately discern what activity is prohibited. However, as a practical matter, many of these items are routinely present in vehicles for innocuous purposes. For example, the purpose of the ordinance is not to criminalize a family on their way through the City to go camping. To avoid that problem, the proposed ordinance includes an affirmative defense which gives the individual an opportunity to explain the presence of the household items or why they are engaged in an activity normally associated with home life. The evidentiary provision makes the term “live” significantly clearer and provides the public adequate notice as to what it prohibited.

The City should amend its code provision prohibiting sleeping, camping, and living in cars to be more specific. Adding more specific definitions and increasing the specificity regarding time are two ways to do so.

IV. Conclusion

The City should amend the ordinance in order to comply with the constitutional standard laid out in *Desertrain*.

when arrested for violation of the ordinance, all of which are otherwise perfectly legal.” *Desertrain*, No. 11-56957, at 18.

Proposed Ordinance

5.210 Prohibited Parking or Standing

(12) Unless in a designated area for camping, no person shall, for a period of more than two hours, use any vehicle or trailer to camp in, sleep in, or live in while parked upon any City property, City right-of-way, City easement, or City street.³

(a) For the purposes of this section,

(i) The term “camp” has the same meaning given it in Code Section 10.425.⁴

(ii) The term “sleep” means the natural periodic suspension of consciousness during which the powers of the body are restored or resting or meditating in a manner which leads a reasonable person to conclude that consciousness is suspended.⁵

(iv) The term “live” means the use of a vehicle or trailer for a home, dwelling place, residence, or domicile. Engaging in or the presence of items used for cooking, sleeping, bathing, or other activities normally associated with home life may serve as evidence that a person is living in a vehicle.

(b) It shall be an affirmative defense to “sleep in” if the sleeping was caused by a medical condition, not induced by alcohol, controlled substances, or medication that warns of causing drowsiness or sleepiness or warning to that effect.

(c) It shall be an affirmative defense to “live in,” if a legally permissible explanation is provided of the items present or the activity engaged in that a reasonable person could find plausible under the circumstance then and there present.

³ Most cities have a more comprehensive list than just “City street.” While amending the provision, it makes sense to make the language more comprehensive.

⁴ **10.425 Camping on Public Property and Rights of Way**

(1) It shall be unlawful for any person or persons to camp on public property or right-of-way without prior approval of the City, except that unauthorized overnight camping on City parks or park facilities is governed by WC 3.000(16).

(2) “To camp” means to set up, or remain in or at, a campsite for the purpose of establishing or maintaining a temporary place to live.

(3) “Campsite” means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or any vehicle or part thereof.

⁵ Definition adapted from Webster’s New Collegiate Dictionary, 1083 (1979).

ORDINANCE NO. 751

AN ORDINANCE OF THE CITY OF WILSONVILLE ADDING SECTION "10.550 CIVIL EXCLUSION" TO CHAPTER 10 OF THE WILSONVILLE CITY CODE

WHEREAS, Wilsonville citizens have recently raised concerns about individuals' unlawful disruption of the peace or engaging in illegal activities in public spaces, which actions do not involve the lawful rights of free speech, assembly, or petitioning the government; and

WHEREAS, police officials in Wilsonville recently raised concerns that the City has not adopted the plenary authority to reasonably exclude a disruptive, criminal, or dangerous individual from public spaces; and

WHEREAS, many private property owners have granted police the power to exclude such individuals from private property; and

WHEREAS, to protect the safety of those using Wilsonville's parks and other public property from individuals who act *in violation of applicable law or regulations in or on City property*; and

WHEREAS, to protect Wilsonville's quality of life and citizen's enjoyment of public space; and

WHEREAS, to encourage appropriate use of City parks and other property; and

WHEREAS, to protect City facilities from destruction, vandalism, and degradation and to deter individuals from engaging in such actions; and

WHEREAS, to provide police in Wilsonville with a tool to prevent dangerous or troublesome individuals from engaging in recurring unlawful behavior; and

WHEREAS, in anticipation of challenges accompanying the expected growth and development of Wilsonville;

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

1. The following is added to Chapter 10 of the Wilsonville City Code as Section 10.550 Civil Exclusion:

"10.550 Civil Exclusion

- (1) Definitions. For purposes of this provision:

(a) "Applicable provision of law" includes any applicable provision of this Code, or any City ordinance, or of any rule or regulation promulgated by the Council under this Title, any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages, or any applicable County ordinance or regulation.

(b) "Excluding officer" means any police officer or City employee authorized by the City Manager to issue exclusions.

(c) "City property" means any property including, but not limited to, parks, greenways, buildings, parking lots, or other land or physical structures owned or managed by the City.

(2) Exclusion. In addition to other remedies provided for violation of this Code, or of any laws of the State of Oregon, any excluding officer may exclude any person who violates any applicable provision of law *or regulation* in or on any City Property from that City Property in accordance with the provisions of this Section. Provided, further, the removal of a person for disturbing a City Council or other public meeting shall not be the basis for exclusion from future City Council or other public meetings under this ordinance; but may be used as evidence in any other civil or criminal proceeding that may result in a future exclusion.

(3) Period of Exclusion. An exclusion issued under the provisions of this Section shall be for thirty (30) days. If the person to be excluded has been excluded from any City property at any time within two years before the date of the present exclusion, the exclusion shall be for (90) days. If the person to be excluded has been excluded from City property on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.

(4) Warning Prior to Exclusion. Before issuing an exclusion under this Section, the excluding officer shall first give the person a warning and a reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies with the direction and desists from the violation. Notwithstanding the provisions of this Subsection, no warning shall be required if the person is to be excluded for engaging in conduct that:

(a) Is classified as a felony or misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation, or conspiracy to commit any such felony or misdemeanor defined in ORS.

1. Chapter 162 – Offenses Against the State and Public Justice;
2. Chapter 163 – Offenses Against Persons;
3. Chapter 164 – Offenses Against Property, except for ORS 164.805, Offensive Littering;
4. Chapter 165 – Offenses Involving Fraud or Deception;
5. Chapter 166 – Offenses Against Public Order; Firearms and Other Weapons; Racketeering;

6. Chapter 177 – Offenses Against Public Health, Decency and Animals;
7. Chapter 475 – Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or
- (b) Otherwise involves a controlled substance or alcoholic beverage; or
- (c) Has resulted in injury to any person or damage to any property; or
- (d) Constitutes a violation of any of the following provisions of this Code:
 1. 10.130 Minor – Purchase or Possession of Liquor
 2. 10.230 Killing of Birds or Animals Prohibited
 3. 10.300 Public Intoxication and Drinking
 4. 10.310 Panhandling
 5. 10.320 Public Kept In Decency
 6. 10.350 City Property, Destruction
 7. 10.390 Posted Notices, Defacement
 8. 10.410 Diving from Public Pilings
 9. 10.410 Unlawful Operating or Riding a Skateboard in a Prohibited Area
 10. 10.420 Intentionally Causing Damage to Town Center Park Properties by or for Skateboarding
 11. 10.425 Camping on Public Property and Rights of Way
 12. 10.510 Attempt to Commit Offenses
- (e) Is conduct for which the person previously has been warned or excluded for committing on any City Property.

(5) Written Notice. Written notice signed by the excluding officer shall be given to any person excluded from any City property under this Section. The notice shall specify:

- (a) the date of the exclusion's issuance,
- (b) length of exclusion,
- (c) City property from which the person is excluded;
- (d) identify the provision of law the person has violated and shall contain a brief description of the offending conduct;
- (e) inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal;
- (f) inform the excluded person of the right to petition for a waiver of all or any portion of the exclusion; and
- (g) the consequences for failure to comply shall be prominently displayed on the notice.

(6) Appeal of Exclusion. A person receiving such notice of exclusion may appeal, in writing, to the Wilsonville Municipal Court Clerk.

- (a) A hearing shall be held at the next regularly scheduled session of the Wilsonville Municipal Court.

1. The excluded individual may request, in writing, setting forth the reason therefor, that the hearing be postponed, and the Clerk shall grant such a postponement upon a showing of necessity.
- (b) The municipal judge shall dissolve the exclusion upon a showing that:
 1. The excluding officer lacked probable cause; or
 2. The excluded individual was engaged in the lawful exercise of any right or privilege guaranteed under the United States Constitution, Constitution of the State of Oregon, or any other law.

(7) Waiver of Exclusion. At any time within the period of exclusion, a person receiving such notice of exclusion may apply, in writing, to the Municipal Judge for waiver of some or all of the effects of the exclusion for good reason. If the Municipal Judge grants a waiver under this Subsection, the Municipal Judge shall promptly notify the excluding officer. In exercising discretion under this Subsection, the Municipal Judge shall consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be within the area from which they are excluded during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (without regard to the content of any speech associated with that event), and any other criterion the Municipal Judge determines to be relevant to the determination of whether or not to grant a waiver. The decision of the Municipal Judge to grant or deny, in whole or in part, a waiver under this Subsection is committed to the sole discretion of the Municipal Judge and is not subject to appeal or review.

1. The Municipal Judge shall grant the waiver if the excluded individual wishes to participate in any free speech activity protected by the Constitution of the United States or the Oregon Constitution.

(8) Stay During Appeal. If an appeal of the exclusion is timely filed under Section 6, the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion from the time of the stay shall be effective immediately upon the issuance of the Municipal Judge's decision, unless the Municipal Judge specifies a later effective date.

(9) Appropriate Length of Exclusion. If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion under Subsection (3). If the predicate exclusion is set aside, the term of the subsequent exclusion shall be reduced as if the predicate exclusion had not been issued. If multiple exclusions issued to a single person or a single facility are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.

(10) Violation of Exclusion. No person shall enter or remain on City property at any time during which there is in effect a notice of exclusion issued under this Section excluding the person from that property.

(a) If a person who received notice of exclusion from City property subsequently remains or returns to that building or property, that person may be arrested on criminal trespass charges.

(b) A prosecution for criminal trespass is not an exclusive remedy. The person violating an exclusion order may also be liable for civil trespass and any other charge or liability under common, local, state, or federal law.”

2. The City Recorder is directed to add Wilsonville Code Section 10.550, as approved above, and to make such format, style, and conforming changes to match the format and style of the Offenses section of the Wilsonville Code.
3. Except as set forth above, Chapter 10 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 20th day of October, 2014, and scheduled for second reading on _____, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2014, by the following votes: Yes: ____ No: ____

Sandra C. King, MMC, City Recorder

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

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Goddard

Councilor Fitzgerald

Councilor Stevens

MEMORANDUM

TO: Michael E. Kohlhoff, City Attorney

FROM: Christopher T. Griffith, Law Clerk

DATE: September 22, 2014

RE: **Legality of Exclusion/Trespass Ordinances**

I. Statement

The City of Wilsonville is interested in giving City police and other officials the power to exclude disruptive, criminal, or violent individuals from public space. Clackamas County uses a private property program to allow City police to exclude individuals from private property. The City is interested in developing a corresponding program for public property. Among the City of Wilsonville's top priorities is to maintain a high standard of livability in the community. Disruptive, dangerous, or criminal elements in the community quickly degrade the City's quality of life. The City of Wilsonville currently lacks an effective method of excluding those individuals from public space. Many Oregon communities have passed various types of exclusion ordinances to protect public property. As this memorandum discusses, those ordinances range in scope, severity, and enforcement. The Mayor and Chief of Police have requested that the City Attorney's Office develop an ordinance to empower Wilsonville police with a similar power.

In the past several years, the City encountered a number of circumstances justifying an exclusion ordinance. Given Wilsonville's location on Interstate 5, transient individuals will often stay in Wilsonville overnight or longer while using the freeway. The City's accessibility, while desirable in many ways, leaves it open to the encroachment of undesirable elements. Public space is sometimes used as living quarters for individuals. Additionally, disgruntled individuals have threatened and intimidated city officials. While an exclusion ordinance may not solve those problems, it would provide the police with an effective tool to mitigate a portion of the negative effects.

Wilsonville could authorize police to take a variety of actions to address the problem of disruptive individuals. Police could be authorized to issue warnings, requests to stop, complaints, exclusions, or arrests. The City should tailor an ordinance to fit the scope of the problem. Another issue of scope is the geography of the exclusions. Many cities have exclusion ordinances targeting parks, and some have ordinances targeting other specific areas or buildings.

While possible to craft an effective regulation, City Staff and City Council should appreciate the gravity of the power to exclude an individual from public space. While it may be a proper and desirable power for city officials to exercise, the power summarily removes a community

member's basic ability to be in a public area. That access is a key function of belonging to a community. Partially for that reason, both the federal and state constitutions place certain restrictions on governments' ability to issue exclusions. Beyond the legal ramifications of an exclusion ordinance addressed by this memorandum, the social, moral, and political ramifications merit discussion prior to enactment of an exclusion ordinance.

II. Legal Issues

1. Under Oregon and Federal law, how can the City of Wilsonville grant police and other City officials the power to exclude individuals who engage in illegal or disruptive behavior on City property from those areas?
2. What are the legal vulnerabilities of exclusion ordinances?
3. When does the Constitution permit a City to exclude an individual from a public place?

III. Short Answers

1. Oregon cities use several methods to grant police and City employees the power to exclude individuals from public property. Wilsonville could choose an overall public lands exclusion policy or a more targeted one for specific areas such as parks or the Town Center based upon specific conduct.
2. Exclusion ordinances face challenges under both the Oregon and the United States Constitutions regarding the suppression of free speech, deprivation of due process, and double jeopardy.
3. Given the problems Wilsonville faces, a "civil exclusion" ordinance is probably the appropriate approach for the City. The ordinance will need to incorporate specific elements in order to survive a legal challenge.

IV. Discussion

A. Introduction

Exclusion/trespass ordinances empower officials to exclude individuals from certain areas, after which those persons may be cited for criminal trespass if they reenter or refuse to leave. The "Notice of Exclusion/Trespass" form currently in use by the Clackamas County Sheriff's Department lists the following as "Criteria for Exclusion from [the designated premises]:" 1) Makes unreasonable noise; 2) Engages in fighting or in violent, tumultuous, or threatening behavior; 3) Substantially interferes with any right, comfort, or convenience of (name of premises) resident or employee; 4) Engages in any activity which constitutes a criminal offense; 5) Damages, defaces or destroys property belonging to (name of premises) or name of Premises (sic) resident or employee; 6) Litters on (name of premises); or 7) Drives in a reckless manner; 8) Consumes or possesses an open container of any alcoholic beverage in the common areas; 9) Violates the State Curfew Statute 419c.680; 10) Camps, urinates, or otherwise remains on (name

of premises) without a discernible legitimate purpose.”¹ The form does not differentiate between public and private premises.² The form also contains another category for exclusion from businesses.³ Also, the form contains “Criteria for Exclusion from Clackamas County Parks” which is substantially the same as the list for premises with the exception of the prohibition on consumption of alcohol and camping. It also adds a section about violation of motor vehicle codes.⁴ The Clackamas County notice does not contain a section which states how long the exclusion lasts.

Exclusion ordinances vary widely in scope, application, and process. The approaches, even those which can be lumped together categorically, take varied approaches to the problem of disruptive individuals. The varied approaches may be explained by the different circumstances municipalities face. For example, the vagrancy, crime, and drug issues Portland faces exceed those in Troutdale or Salem. Because these ordinances are not one size fits all, Wilsonville should learn from the experience of other cities and craft an approach which targets the City’s particular problems while carefully avoiding potentially sensitive issues raised by excluding an individual from public space. The Clackamas County Sheriff’s form serves as a guide; the City has a contract with the Sheriff’s department to provide police service and following its form allows for ease of administration. However, the City may wish to consider going beyond Clackamas County’s provisions to give the department additional power, or to allow other City officials to exclude disruptive individuals.

The Wilsonville Code already contains enforcement provisions. For example, based on due process, the Code authorizes officials to issue fines and potentially imprison an individual for violations of park rules.⁵ The City is interested in allowing the police to exercise the exclusion tool in addition to those preexisting remedies. Exclusion, by prohibiting a person from returning to a place for a specified period of time, serves a different function than the current provisions.

B. Approaches to Exclusion/Trespass

1. Exclusion Specified by Activity Within a Zone or Area

Cities utilize several alternatives to exclude undesirable activity from areas. Some cities exclude an individual who engages in a specified activity in an area. For example, Portland enforced both “Drug-Free Zones” and “Prostitution-Free Zones.”⁶ Due to political pressure, those ordinances expired in 2007, but they provide an example of the approach.⁷ The zones were situated in high crime areas in order to increase livability and desirability by excluding individuals who participate in the criminal activity. If an individual was caught engaging in the prohibited activity in that area, a police officer could exclude them from the zones for a specified period of time. An individual could be arrested for criminal

¹ CLACKAMAS COUNTY SHERIFF, NOTICE OF EXCLUSION/TRESPASS.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ WC 10.430.

⁶ PORTLAND, OR., CITY CODE [hereinafter PCC], 14B.20.010 Drug-Free Zones; PCC 14B.30 Prostitution-Free Zones.

⁷ PCC 14B.30.020; PCC 14B.020.

trespass if they violated that exclusion order. Historically, although not always, exclusion for these types of crimes were a condition of probation.⁸ The efficacy of these measures is much disputed and they raise controversial legal and policy questions.

Activity specific ordinances contain “exceptions” and “variances.” Exceptions are permissible reasons to violate the exclusion order such as visiting a doctor, attorney, or traveling through an area.⁹ Certain ordinances contain extensive lists of automatic exceptions such as accessing a personal residence, attending required government functions, meeting with an attorney, and traveling through on major thoroughfares.¹⁰ An individual can request a variance from the exclusion in order to access essential services.¹¹ Those services often congregate near the center of cities or other low income areas which coincide with the exclusion zones.¹² Since barring an individual from an area which could be important to them is a harsh penalty, these variances and exceptions provide a necessary balancing of interests.¹³ Exceptions and variances make the exclusion/trespass ordinances more palatable both legally and politically.

Excluding individuals who take part in certain activities from certain areas is probably an inappropriate approach for Wilsonville which, unlike larger cities such as Portland and Seattle, does not have known concentrations of drugs and prostitution. As a result of different cultures, good government, and good policing, the downtown area and other commercial districts are relatively safe and calm compared to other cities. However, the City might consider activity oriented exclusions as a preventative measure to target areas which could foreseeably develop those problems. Although Wilsonville is unlikely to adopt the approach, activity exclusion zones help to illustrate potential legal and policy problems which generally arise from barring individuals from public areas. Many of the legal and political principals which affect drug and prostitution free zones also apply to action Wilsonville is more likely to take.

2. Exclusion Specified by Activity at a Park or Public Property/Civil Exclusion Zones

Many Northwest cities have either park exclusions, “civil exclusion zones,” or both.¹⁴ Civil and park exclusions are discussed together because they are essentially the same, but apply to different areas. These ordinances give the police and certain City officials the power to exclude individuals from particular public property.¹⁵ Such ordinances are increasingly common across the United States and can be effective tools for the City and police to handle unruly individuals on public property. A park exclusion ordinance grants the police or other authorities the power to exclude individuals from a public park for

⁸ KAREN H. BANCROFT, J. of Soc. & Soc. Welfare, Sept. 2012, at 69–70.

⁹ See e.g. PCC 14B.30.30(c).

¹⁰ *Id.*

¹¹ PCC 14B.30.030(c); PCC 14B.30.060(d); 14B.20.050(d); 14B.20.030(c).

¹² Bancroft, *supra*, note 5, at 69–70.

¹³ As discussed subsequently, these exceptions and variances can also be leveraged in order to avoid difficult First Amendment, free speech issues.

¹⁴ See BANCROFT, *supra*, note 5, at 63–64.

¹⁵ BEND, OR., CITY CODE, 5.40.010 Civil Exclusion Zones; SALEM, OR., REVISED CODE, 95.740.

certain violations. They are a common strategy to combat vagrancy and the problems associated with homelessness. A “civil exclusion zone” is basically an extension of the park exclusion to other public areas. Bend, for example, lists “Public Parks” and “Public Places” in its “civil exclusion” code provision.¹⁶ Bend specifically lists public places, but the code states that the list is not exclusive.¹⁷ Clackamas County’s Code goes into great detail in its code about excluding individuals from public libraries, but does not mention parks.¹⁸ The County empowered officials and police to issue exclusions for other areas by board order.¹⁹ Wilsonville may wish to extend the exclusion zone to all City property in order to give officials a dynamic tool with which to address disruptive or dangerous individuals.

Park and Civil Exclusion ordinances range greatly in specificity and detail, and some of them may run afoul of the legal issues presented subsequently.²⁰ Some ordinances—Troutdale for example—briefly explain the excluding authority’s power and give a citizen or enforcing authority next to no guidance.²¹ Others explicitly list offenses justifying exclusion, the information required on the notification, and the appeals process.²² Some explicitly list different exceptions and allow for variances, while others make no mention of exceptions at all.²³ As discussed subsequently, exceptions and variances substantially increase the chance that an ordinance can survive a Constitutional challenge. Some give the power to grant variances to an appellate body, while others give the issuing officer the ability to grant a variance on the spot. Others—like Portland—allow for variances for good cause throughout the exclusion period.²⁴ Exceptions and variances are a key feature of the exclusion ordinances.

C. Legal Questions Surrounding Exclusion/Trespass Ordinances

Both types of exclusion ordinances present substantially the same legal issues. These issues often arise along with probable cause concerns, particularly in the case of the drug free and prostitution free zones.²⁵ Individuals who are excluded challenge whether the officer had probable cause to justify issuing the notice of exclusion.

While some case law addresses the issue, few cases are appealed and comprehensively address the issues which could arise. In 2001, Portland issued 2,537 exclusions and thirty-three

¹⁶ BEND, OR., CITY CODE, 5.40.010(A)(1)–(2).

¹⁷ *Id.*

¹⁸ CLACKAMAS COUNTY, OR., 6.09.

¹⁹ CLACKAMAS COUNTY, OR., CLACKAMAS COUNTY COMMISSIONERS APPROVE LIBRARY SAFETY CHANGES AND ADOPT BOARD ORDER AIMED AT ENSURING PUBLIC SAFETY IN FACILITIES, available at <http://www.clackamas.us/pressreleases/pr20131022.html>. The City empowered a “person in charge” of the County facility to order an individual to leave the property, after which they are engaged in criminal trespass. *Id.*

²⁰ PCC 20.12.265 Park Exclusions; TROUTDALE, OR., CITY CODE, 13.20.380 Authority to Eject and Exclude

²¹ *See, e.g.*, TROUTDALE, OR., CITY CODE, 13.20.380 Authority to Eject and Exclude

²² *See, e.g.*, PCC 20.12.265(D).

²³ *See, e.g.*, SALEM, OR., CITY CODE, 95.750 Variance from Exclusion

²⁴ PCC 20.12.265.

²⁵ *State v. Williams*, 178 Or. App. 52, 62–63 (Or. App. 2001) (rejecting a claim that the officer issuing an exclusion order lacked probable cause to establish that she was engaged in prostitution in a prostitution-free zone).

were appealed.²⁶ While that statistic refers to an outdated code provision, it demonstrates the low incidence of appeal. By their nature, exclusion ordinances target those without access to resources to challenge, appeal, or otherwise pursue legal relief. That disparity may explain the low number of cases.²⁷ It could also be evidence that the police were exercising the power judiciously. However, some clear principles have emerged from those controversies which did proceed to court.

1. First Amendment

An exclusion ordinance can easily infringe constitutionally protected free speech as an incidence of dissuading illegal or undesirable conduct in public places. An exclusion ordinance's purpose is to regulate public activity in public places. For example, in *Yeakle v. City of Portland*, the District Court of Oregon found that the City of Portland's Park Exclusion statute infringed on the plaintiff's First Amendments rights as applied and was overbroad.²⁸ Although Portland subsequently amended the ordinance, the case is illustrative of the defects plaguing exclusion ordinances. In the *Yeakle* case, a Portland Police Officer cited a medical marijuana activist soliciting signatures for a ballot measure for placing a sign on a lamp post.²⁹ Along with the citation, the officer issued the plaintiff an exclusion order, barring her from the park.³⁰ She argued successfully that the order infringed her free speech and that the ordinance was overbroad because it swept up clearly protected speech.³¹ According to the plaintiff, the exclusion from the public forum itself infringed upon her freedom of speech.³²

i. Violation of individual's free speech?

The *Yeakle* court analyzed whether the exclusion order infringed the plaintiff's right to free speech under the standard first amendment methodology.³³ Under that methodology, the court determines (1) if the plaintiffs were engaged in protected free speech; (2) the nature of the forum; and (3) whether the defendant's justification for excluding the plaintiffs from the forum was constitutional.³⁴ Under the first step, both parties agreed that the First Amendment protected the plaintiff's signature gathering.³⁵ The second question is to identify the nature of the forum. In *Yeakle*, the restriction took place at Pioneer Courthouse Square.³⁶ Both parties agreed that public

²⁶ *Yeakle*, 322 F.Supp.2d 1119, 1130–1131 (D. Or. 2004).

²⁷ Bancroft, *supra*, note 5 at 63–64. Courts dismiss cases when the individual did not pursue the appeals process. See, i.e., *State v. Barnes*, 232 Or. App. 70, 74 (Or. App. 2009). Because that process is relatively short, there is a good chance that the period passed without the person securing legal counsel or understanding the consequences of that failure. PCC 14B.20.060 (C). (Portland's drug-free zone ordinance allows for either five or fifteen days to appeal).

²⁸ *Yeakle*, 322 F.Supp. at 1127.

²⁹ *Id.* at 1122–1123.

³⁰ *Id.* at 1123.

³¹ *Id.* at 1127.

³² *Id.* at 1124.

³³ *Id.*

³⁴ *Id.* (citing *Cornelius v. N.A.A.C.P. Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788 (1985)).

³⁵ *Id.*

³⁶ *Id.* at 1122.

parks and squares like Pioneer Courthouse Square are prototypical public forums.³⁷ Exclusion ordinances almost always target public forums such as streets, sidewalks, parks, or meeting halls. Therefore, Wilsonville should design an ordinance which protects excluded individual's first amendment right to free speech while achieving the City's goal of maintaining livability.

The third question is whether the justification for excluding the plaintiff was Constitutional.³⁸ "Where a content-neutral regulation, as applied, punishes conduct that is interwoven with speech activity, the regulation is justified if: (1) the government is constitutionally authorized to regulate the conduct; (2) the regulation serves a substantial governmental interest; (3) the governmental interest is not related to the suppression of speech; and (4) any incidental burden on speech is no more than necessary."³⁹ Because the ordinance was content neutral, or not directed at a particular subject, and courts have long recognized cities' power to regulate for "esthetic objectives,"⁴⁰ the contested issue was whether the governmental interest was sufficiently substantial to justify the effect of the ordinance on plaintiffs' freedom of speech, and whether that effect is no greater than necessary to accomplish the City's purpose."⁴¹ The Court stated that the fourth prong was the most problematic for the City because alternatives existed which would have allowed for a less intrusive means.⁴² The Court outlined several alternatives which would have avoided the problem, such as allowing plaintiffs to return for lawful First Amendment activities, only excluding them from repeating the activity, or shortening the duration.⁴³ The Court concluded that the City of Portland needed to take additional steps to ensure that the ordinance did not prohibit the plaintiff from exercising their right to protected free speech.

ii. Overbreadth

The *Yeakle* court found that the Portland ordinance was overbroad as applied. In order to protect the constitutionally guaranteed right of freedom of speech, the Supreme Court states that an ordinance is overbroad if it sweeps up protected first amendment activities.⁴⁴ An ordinance is overbroad if it is "greater than necessary."⁴⁵ In *Yeakle*, the court found that, since the ordinance prohibited the plaintiff from actually being in the public forum, it prohibited them from participating in protected

³⁷ *Id.* (citing *N.A.A.C.P. v. City of Richmond*, 943 F.2d 1346, 1355 (9th Cir. 1984) and *Gerritsen v. City of Los Angeles*, 994 F.2d 570, 576 (9th Cir. 1993) ("public parks ... represent the quintessential public forum")).

³⁸ *Id.* at 1124-1125.

³⁹ *Yeakle*, 322 F.Supp.2d at 1124-1125 (citing *City of Erie v. Pap's A.M.*, 529 U.S. 277, 296 (2000)).

⁴⁰ *Id.* at 1125.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.* at 1125-1126. Portland's current park exclusion ordinance contains provisions allowing an excluded individual to gain a waiver. PCC 20.12.265 Park Exclusions ("In exercising discretion [to grant a waiver] the Commissioner shall consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be in the Park during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (*without regard to the content of any speech associated with that event*), and any other criterion the Commissioner determines to be relevant to the determination of whether or not to grant a waiver.").

⁴⁴ *Thornhill v. Alabama*, 310 U.S. 88 (1940).

⁴⁵ *Id.* at 1125.

first amendment activity.⁴⁶ Furthermore, Portland's ordinance did not allow authorities to tailor the exclusion to match the crime or prevent it from recurring.⁴⁷ Wilsonville should design its ordinance to allow for variations to protect a person's free speech rights. Based on the *Yeakle* court's reasoning, the City should consider allowing for individualized variation of the exclusion.

Since *Yeakle*, the City of Portland apparently amended its code to state that "[n]othing in this Section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions."⁴⁸ Following *Yeakle*, Ashland also amended its City Code.⁴⁹ The Ashland ordinance now has defined appeal procedures and allows the plaintiff to request a waiver for a portion of the exclusion.⁵⁰ Portland's ordinance makes clear that the City contemplated that exercising protected First Amendment rights would justify a variance.⁵¹ Wilsonville should adopt similar language into its ordinance.⁵²

Since exclusion ordinances attempt to do substantially the same thing no matter how they are framed—regulate undesirable activity in the public forum—they have similar legal vulnerabilities. An attempt to regulate conduct will often incidentally prohibit free speech. The Clackamas County "Criteria for Exclusion" could easily cause First Amendment problems if misapplied. Furthermore, removing the citizen's right to be on the public property essentially halts their ability to exercise free speech in that public forum. Therefore, Wilsonville's ordinance should include language to make clear that free speech remains protected and allow the City to provide for protected activities.

iii. Public meetings

Another example of exclusions affecting an individual's free speech is in City Council meetings. In most cases regarding removal of an individual from a city council meeting, the ordinance in question specifically targets speech.⁵³ The Oregon District Court recently addressed this issue in *Osborne v. City of Burns*.⁵⁴ The District

⁴⁶ *Id.* at 1125–1126.

⁴⁷ *Yeakle*, 322 F.Supp.2d at 1127 ("A narrowly-tailored ordinance would not have a one-size-fits-all thirty-day exclusion irrespective of the nature of the violation.")

⁴⁸ PCC 20.12.265(B).

⁴⁹ CITY OF ASHLAND, OR., COUNCIL COMMUNICATION, Oct. 6, 2009 ("The proposed ordinance updates AMC 10.68.350 to comply with *Yeakle v. City of Portland*, a park exclusion case from 2004 that created a limited exception to park exclusions for first amendment activities.")

⁵⁰ ASHLAND, OR., MUNICIPAL CODE, 10.68.350 Violation – Penalty ("Nothing in this Section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions.")

⁵¹ PCC 20.12.265 Park Exclusions (G). Other cities have adopted identical language. *See, i.e.*, TIGARD, OR., ORDINANCE NO.08-18 (Oct. 28, 2008).

⁵² The City Manager or Municipal Judge are obvious choices. If the Council decides on the City Manager, it may be wise to have a clear understanding that if any issue arises implicating first amendment issues, they should consult with the legal department. An explicit, individualized denial of free speech is likely to lead to litigation.

⁵³ *See, e.g.*, *Acosta v. City of Costa Mesa*, 781 F.3d 800, 810–811 (2013).

⁵⁴ 2012 U.S. Dist. LEXIS 36523; 2012 WL 930815.

Court of Oregon summarized the Ninth Circuit case law on the issue; according to the court, an individual may be removed from a City Council meeting if (1) they are not being excluded because of their viewpoint, and (2) they are actually disruptive.⁵⁵ According to the Ninth Circuit, city council meetings are a “limited public forum” in which the government can constrain the exercise of free speech to a limited extent.⁵⁶ In *Osborne*, the members of the Burns, Oregon city council allegedly had an individual removed from the premises of a city council meeting prior to any disturbance.⁵⁷

Wilsonville already has the ability to bar an individual from a City Council meeting: “[a]ny person whose conduct at a council meeting intentionally, recklessly, or knowingly causes or attempts to cause a disturbance of the order or decorum of the proceedings may be barred from the Council meeting by a majority vote of the Council.” WC 2.003(17). Unlike an exclusion ordinance, the Code provision only allows City Council to bar an individual from the meeting in question. An exclusion ordinance would bar an individual prospectively, potentially barring them from future meetings. According to the rules laid out in *Osborne* and the cases cited by the court, Wilsonville should consider including city council meetings as an exception in the exclusion ordinance. While case law does not directly address whether an individual can be excluded from a future meeting for a disturbance, it is clear that an individual can only be removed from a meeting if they actually disrupt the proceedings.⁵⁸

Given the latitude of free speech associated with City Council meetings and the time between Council meetings, if a second incident were to occur, a WC 2.003(17) barment is available and seeking court relief then would probably be more effective than trying to impose the exclusionary trespass ordinance. Therefore, Wilsonville’s ordinance should specifically exempt city council and other public meetings. Wilsonville should design an ordinance which provides the flexibility necessary to defend an individual’s First Amendment rights.

2. Substantive Due Process

Exclusion ordinances can also violate substantive due process. “Where an ordinance impairs a fundamental right, in order to pass constitutional muster, the government’s objective must be compelling and the relation between that objective and the means must be necessary.”⁵⁹ In *Yeakle*, the Court stated that, since the ordinance infringed the plaintiff’s fundamental rights of freedom of travel and freedom of speech, the ordinance must be narrowly tailored.⁶⁰ According to the court, Portland failed to establish that the violation

⁵⁵ *Id.* at *14–15 (citing *Dehne v. City of Reno*, 222 Fed. Appx. 560, 562 (9th Cir. 2007); *Felton v. Griffin*, 185 Fed. Appx. 700, 702 (9th Cir. 2006)).

⁵⁶ *White v. City of Norwalk*, 900 F.2d 1421, 1425 (9th Cir. 1990).

⁵⁷ *Osborne*, 2012 U.S. Dist. LEXIS 36523; 2012 WL 930815.

⁵⁸ *See Osborne*, 2012 U.S. Dist. LEXIS 36523; 2012 WL 930815.

⁵⁹ *Yeakle*, 322 F.Supp.2d at 1128 (citing *County of Santa Cruz, Cal. v. Ashcroft*, 279 F.Supp.2d 1192, 1201 (N.D.Cal. 2003) (citing *Shapiro v. Thompson*, 394 U.S. 618, 627–35)).

⁶⁰ *Id.*

justified the exclusion and that the exclusion was narrowly tailored to achieve City goals.⁶¹ Therefore, the exclusion ordinance violated substantive due process. Wilsonville can comply with substantive due process requirements by designing an ordinance which can narrowly tailor an exclusion to match the crime and the individual violator's circumstances.

3. Procedural Due Process

Plaintiffs also challenge exclusion ordinances under the due process clause, alleging that the summary nature of the exclusion denies them procedural due process. Exclusion ordinances often ban individuals from public space without requiring a conviction, or even an arrest in many cases. The police officer or city authority need only witness what they deem to be inappropriate or illegal activity in order to bar an individual from an area. That feature presents a prime opportunity for official abuse. Courts analyze three factors to determine if an ordinance satisfies procedural due process: (1) "the private interest that will be affected by the official action;" (2) "the risk of an erroneous deprivation of such interests through procedures used, and the probable value, if any, of additional or substitute procedures or safeguards;" and (3) "finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail."⁶² The court in *Yeakle* determined that Portland's ordinance violated procedural due process because the ordinance did not provide for a pre-deprivation hearing or stay the exclusion pending appeal.⁶³ Portland subsequently amended the ordinance to allow for a stay during an appeal in order to comply with the court's ruling.⁶⁴ The City should assess any proposed ordinance under that rubric to ensure that it complies with procedural due process.

Exclusion ordinances' notice requirements are also subject to challenge. In *State v. Johnson*, Portland charged the plaintiff with criminal trespass for violating an exclusion order issued under Portland's drug-free zone ordinance after filing an appeal.⁶⁵ Johnson argued that the notice failed to satisfy due process because it did not specify that the exclusion was still in place during the appeal process.⁶⁶ The Oregon Court of Appeals applied the *Mathews v. Eldridge* test to conclude that the City did not need to inform the excluded individual of the appeals process at the time of the notice.⁶⁷ The Court of Appeals determined that notice of the process had no bearing on the *Mathews* test.⁶⁸ However, it is probably good practice for Wilsonville to include some explanation of the appeals process.

⁶¹ *Id.* at 1129.

⁶² *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *see also Yeakle*, 322 F.Supp.2d at 1129.

⁶³ *Id.*

⁶⁴ PCC 110.12.265(H) ("If an appeal of the exclusion is timely filed under Section 20.12.265(F), the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal.").

⁶⁵ *State v. Johnson*, 163 Or. App. 74, 76 (1999).

⁶⁶ *Id.* at 77.

⁶⁷ *Id.* at 79.

⁶⁸ *Id.*

Courts generally uphold exclusion statutes so long as they provide adequate process for appeals.⁶⁹ Wilsonville's statute should include an immediate appeals process in order to satisfy procedural due process.

4. Individual Substantive Requirements

Interestingly, case law is relatively silent on the issue of individual substantive prohibitions in regards to exclusion ordinances. In most cases, the ordinances use pre-existing laws or regulations to justify an individual's exclusion, rather than creating new violations.⁷⁰ Therefore, plaintiffs generally challenge the underlying law rather than the park exclusion ordinance. For example, in *State v. Crowe*, the plaintiff challenged the underlying ordinance which required them to follow a "request to obey any reasonable direction of the park officers or employees or officers of the Bureau of Police."⁷¹ The Court found the ordinance to be constitutional because it imposed a reasonableness standard upon the authority.⁷² In that case, a park officer issued the defendant a written order excluding him from Pioneer Courthouse Square, but the defendant did not challenge the exclusion ordinance.⁷³ Wilsonville may want to add provisions to give the police or enforcing authority more power to exclude individuals from City property beyond just violations of pre-existing laws. Along with the exclusion ordinance, those provisions must individually pass Constitutional scrutiny.

5. Double Jeopardy

Plaintiffs also claim that exclusion ordinances violate the constitutional prohibition on double jeopardy.⁷⁴ Under the double jeopardy protection, an individual may not be prosecuted for the same crime twice. In *Lhasawa*, the defendant argued that Portland's drug-free zone ordinance violated both the Oregon Constitution and United States Constitution's protections against double jeopardy.⁷⁵ The Oregon Supreme Court stated that the concept of double jeopardy applies "only to multiple criminal *prosecutions*" of a single crime.⁷⁶ According to the Court in *Lhasawa*, the second prosecution was for trespass, which was in itself a new violation.⁷⁷ The Oregon Supreme Court analyzed the Fifth Amendment challenge to Portland's drug-free zone ordinance under the rubric of *United States v. Hudson's* seven factors to conclude that the ordinance did not implicate double jeopardy.⁷⁸ Essentially, the Court found that the City applied the exclusion as an additional punishment for the original crime, rather than a new prosecution for the same crime. Therefore, double jeopardy was not an issue under federal or state law.

⁶⁹ As a side note, courts dismissed a number of reported cases because the individual failed to follow through the available appeals process, and therefore could not challenge the process' adequacy.⁶⁹

⁷⁰ PCC 20.12.265(D).

⁷¹ 143 Or. App. 512, 516 (Or. App. 1996).

⁷² *Id.*

⁷³ *Id.* at 514.

⁷⁴ *State v. Lhasawa*, 334 Or. 543 (Or. 2002).

⁷⁵ *Id.* at 547.

⁷⁶ *Id.* at 548.

⁷⁷ *Id.*

⁷⁸ *Id.* at 556.

D. Political Controversy Surrounding Exclusion/Trespass

Homeless advocates strenuously criticize park exclusion ordinances, drug free zones, and prostitution free zones.⁷⁹ According to those activists, exclusion ordinances deny the homeless and the disadvantaged access to facilities which provide them with the basic necessities of life.⁸⁰ Furthermore, many argue that these ordinances are applied exclusively to those society considers undesirable. Others argue that exclusion ordinances are applied disproportionately against young people. However, proponents argue that the exclusion ordinances have significantly increased the livability and desirability of historically crime ridden areas.⁸¹

The City of Eugene engaged in a particularly contentious political fight over its "Downtown Crime Prevention Zone."⁸² Eugene essentially attempted to fuse the two types of exclusionary policies in order to create a crime free downtown zone. The City zoned a certain area for crime prevention and then stated that if a person committed any crime or violation in the area they could be excluded.⁸³ While the ordinance was in effect from 2008 to 2013, the police could banish individuals from the downtown area for minor violations. The police used this power aggressively to keep individuals from loitering or decreasing the desirability of the downtown commercial district. Excluding vulnerable citizens from the downtown area upset many members of the public, and Eugene's City Council allowed the law to sunset in the fall of 2013. However, many downtown business owners and residents supported the law and thought that it significantly decreased criminal elements in the downtown area. Overall, the episode starkly highlights the benefits and drawbacks of an exclusion policy.

E. Summary of Recommendations Wilsonville's Ordinance

Wilsonville should adopt an ordinance which gives the police and City authority the power to exclude disruptive or criminal individuals from City parks or property for a specified period of time. The City should build flexibility into that ordinance to protect the excluded individual's constitutional rights.

1. Scope of Wilsonville's exclusion ordinance

In order to decrease friction between the City and residents, the exclusion ordinance's scope should be as narrow as possible. Giving the police or other authorities the power to exclude disruptive individuals when it is not necessary invites litigation. If the City is primarily having issues in parks, the proper course of action is to restrict the exclusion ordinance to parks. However, if other areas are attracting problems, those can be included. The attached draft ordinance encompasses City property generally, but could easily be narrowed to parks only.

⁷⁹ See BANCROFT, *supra*, note 5, at 63.

⁸⁰ JESSICA WYSE, THE MICH. J. OF PUB. AFF., Summer 2004, 10-11.

⁸¹ *Id.* at 4-5.

⁸² See generally HEATHER MAREK, EUGENE'S EXCLUSION ORDINANCE: A DILEMMA FOR CIVIL LIBERTIES, PUBLIC SPACE, AND THE HOMELESS, Conflict and Dispute Resolution Program, University of Oregon School of Law, May 2010.

⁸³ *Id.* at 15-16.

2. Addressing First Amendment issues

The ordinance must explicitly adopt provisions which protect the City from charges that the ordinance infringes on the excluded individual's First Amendment rights. The Portland allowing waivers based on individualized circumstances would be an effective method. The City could delegate that authority to the Police Chief to begin with and include a provision allowing the Chief to delegate the responsibility to a subordinate should it prove to be a large administrative task.⁸⁴ From the beginning, the authority reviewing the waivers should understand that any issues implicating the First Amendment should be discussed with the legal department.

3. Exceptions

The City of Wilsonville should create a list of exceptions which will allow excluded individuals to access City facilities for essential activities such as attending court or public meetings. The exceptions list should also include things such as visiting doctors and lawyers and obtaining education.

4. Variances/Waivers

Variances or waivers are a valuable tool which can allow the City to narrowly tailor its exclusions both to avoid First Amendment issues and to mitigate the harshness of an exclusion. The city should liberally allow variances and the ordinance should require that they be granted for free speech activities.

5. Appeals

An adequate appeals process is necessary to satisfy procedural due process. In order to avoid erroneous deprivation, the City should stay the effects of an exclusion during an appeal. Ideally, the appeal process will be swift and an individual who deserves to be excluded will have their penalty reimposed.

V. Conclusion

If Wilsonville is careful to frame its ordinance correctly, it could give police and authorities a powerful tool to maintain desirable atmosphere and maintain the peace on City property.

att.

⁸⁴ Predicting the number of exclusions is impossible and largely depends on whether officers and officials decide to use it aggressively. That depends on how effective it is as a tool.

ORDINANCE NO. 752

AN ORDINANCE OF THE CITY OF WILSONVILLE ADDING SECTION 3.022 WATER SAFETY REGULATIONS TO THE WILSONVILLE CITY CODE

WHEREAS, recreation on rivers can be extremely dangerous and kills numerous Oregonians each year; and

WHEREAS, the City maintains docks and property along the Willamette River and other waterways; and

WHEREAS, swimming, diving, or fishing may be incompatible with other activities;

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

1. The following is added to Chapter 3 of the Wilsonville City Code as Section 3.022 Water Safety Regulations:

"3.022 Water Safety Regulations

(1) No person shall swim, dive, or fish, on or from the Memorial Park dock. a ~~prohibited area in any park or on any other City property.~~

(2) The ordinance will sunset on the date of the conclusion of the described grant agreement.

~~(2) The City Manager or his/her designee may prohibit swimming, diving, or fishing in any public park or on other City property upon a finding that such activity is unsafe or impedes use of a facility or City property as designed."~~

2. The City Recorder is directed to amend Wilsonville Code Chapter 3, as approved above, and to make such format, style, and conforming changes to match the format and style of the Parks and Playgrounds 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 3rd day of November, 2014, and scheduled for second reading on November 17,

2014, 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 _____, 2014, by the following votes: Yes: ____ No: ____

Sandra C. King, MMC, City Recorder

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

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: November 17, 2014	Subject: Resolution No. 2498 Adoption of Urban Renewal Strategic Plan Staff Member: Kristin Retherford, Economic Development Manager Department: Community Development
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 checked="" 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: N/A
Staff Recommendation: Staff recommends the City Council adopt Resolution No. 2498.	
Recommended Language for Motion: I move to approve Resolution No. 2498	
PROJECT / ISSUE RELATES TO:	
<input checked="" type="checkbox"/> Council Goal: Economic Development	<input type="checkbox"/>

ISSUE BEFORE THE CITY COUNCIL: Whether to adopt the Urban Renewal Strategic Plan as recommended by the Urban Renewal Task Force.

EXECUTIVE SUMMARY:

The Urban Renewal Strategic Plan dated October 27, 2014, attached as Exhibit A, 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.
- 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.

EXPECTED RESULTS:

Adoption of the Urban Renewal Strategic Plan will allow staff to begin activities necessary to implement these recommendations.

TIMELINE: November, 2014

CURRENT YEAR BUDGET IMPACTS: N/A

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 11/7/14
No additional comments.

LEGAL REVIEW / COMMENT: *[Item must be sent to City Attorney for review.]*

Reviewed by: _____ Date: _____

COMMUNITY INVOLVEMENT PROCESS:

This process included four Task Force meetings, one public open house, and stakeholder interviews, including interviews with affected taxing districts.

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

Adoption of the Urban Renewal Strategic Plan will 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.

ALTERNATIVES: N/A

CITY MANAGER COMMENT:

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.

ATTACHMENTS

Exhibit A – Urban Renewal Strategic Plan; October 27, 2014
Exhibit B – Resolution No. 2498

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

WHEREAS, the City of Wilsonville has an Urban Renewal Agency, governed by the Agency Board, and five existing urban renewal areas; and

WHEREAS, neither the City or the Urban Renewal Agency has had a strategic plan to guide the use of urban renewal in Wilsonville; and

WHEREAS, the City Manager convened an Urban Renewal Task Force to work with the staff and consultants in preparing an Urban Renewal Strategic Plan and appointed Council President Scott Starr as chair of this Task Force; and

WHEREAS, the Task Force was a diverse group of individuals representing overlapping taxing districts, community residents, land developers, and business owners and managers; and

WHEREAS, the Urban Renewal Task Force met four times with their final meeting held on September 23, 2014; and

WHEREAS, staff and consultants also conducted a public open house and stakeholder interviews to obtain additional input from the Agency's overlapping taxing districts, residents, and the business community; and

WHEREAS, after considering this stakeholder input the Urban Renewal Task Force developed recommendations for an Urban Renewal Strategic Plan; and

WHEREAS, the final Urban Renewal Strategic Plan, dated October 27, 2014, is attached as Exhibit A; and

WHEREAS, on November 3, 2014, the Urban Renewal Agency Board adopted URA Resolution No. 250 recommending the Wilsonville City Council adopt the Urban Renewal Strategic Plan identified in Exhibit A.

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

1. Based on the above recitals, which are incorporated herein, the City Council thanks and commends the members of the Urban Renewal Task Force for their work on the Wilsonville Urban Renewal Strategic Plan; and

2. The Wilsonville City Council adopts the Urban Renewal Strategic Plan, October 27, 2014, attached hereto as Exhibit A and incorporated by reference as if fully set forth herein as the official document for guiding the use of urban renewal in the City of Wilsonville.

3. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at their regular meeting on November 17, 2014, 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 Goddard

Councilor Starr

Councilor Fitzgerald

Councilor Stevens

Wilsonville Urban Renewal Strategic Plan

October 27, 2014

Prepared for:

City of Wilsonville



Contact Information

ECONorthwest prepared this report in conjunction with Elaine Howard Consulting, LLC. ECONorthwest is solely responsible for its content.

ECONorthwest specializes in economics, planning, and finance. Established in 1974, ECONorthwest has over three decades of experience helping clients make sound decisions based on rigorous economic, planning and financial analysis.

ECONorthwest completed this project under contract to the City of Wilsonville. Throughout the report we have identified our sources of information and assumptions used in the analysis. Within the limitations imposed by uncertainty and the project budget, ECO, Elaine Howard Consulting, and the City of Wilsonville have made every effort to check the reasonableness of the data and assumptions and to test the sensitivity of the results of our analysis to changes in key assumptions. ECO and the City acknowledge that any forecast of the future is uncertain. The fact that we evaluate assumptions as reasonable does not guarantee that those assumptions will prevail.

We have also described our analytic techniques and their limitations. (Client) has reviewed our analysis for reasonableness. As time passes the results in this report should not be used without correcting for changing market conditions.

For more information about ECONorthwest, visit our website at www.econw.com.

For more information about this report, please contact:

Lorelei Juntunen

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Portland, OR 97201
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Executive Summary

The City of Wilsonville faces fundamental and inter-related choices about how best to use urban renewal to advance its economic development goals. Existing urban renewal areas limit the total acreage available for any potential new urban renewal areas. At the same time, the borrowing capacity (or *maximum indebtedness*) of these existing urban renewal areas needs to be re-examined relative to expectations about planned projects.

The city formed a task force in September 2013, and asked it to forward recommendations to City Council on the future use of urban renewal in Wilsonville. The task force considered possible amendments to existing urban renewal plans as well as the possibility of creating new urban renewal areas. Chaired by City Council President Scott Starr, the task force was composed of residents, business owners and managers, and experts in public finance. Appendix A provides a list of all task force members.

This document provides the recommendations of the city's urban renewal task force, summarizing the technical analysis and process that supported task force decision-making.

In general, the task force's approach to the use of urban renewal is a balanced one. It recognizes that urban renewal is a useful tool for financing critical infrastructure projects, but also that it is a tool that creates financial impacts for overlapping taxing districts that should be mitigated where possible.

The task force is supportive of continuing to use urban renewal and tax increment finance to fund planned infrastructure projects in existing urban renewal areas, especially those projects that the City is required to fund because of contractual obligations (intergovernmental agreements and development agreements). At the same time, the task force was not supportive of adding new projects to existing urban renewal areas, which would extend the life of those areas and thereby extend the financial impacts to other taxing districts that forego revenues to fund projects.

The task force is also supportive of a new urban renewal area for Coffee Creek because it achieves an economic development need and funds critical infrastructure projects. They suggest revisiting the need for an urban renewal district in Frog Pond when master planning is complete.

Key points of task force recommendation, for each of the existing and potential new urban renewal areas:

1. West Side Plan:

- a. Amend 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.
- b. Formal concurrence of overlapping taxing districts is not required for this amendment, and should not be sought.
- c. Following precedent from previous plan amendment processes, do not seek an advisory vote of the public.
- d. 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.
- e. Do not fund the Old Town Escape project with TIF dollars from the West Side Plan. This project should be funded with other sources, including TIF from the Year 2000 Plan.

2. Year 2000 Plan:

- a. 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.
- b. As revised on September 23, 2014, reduce the amount of funding allocated to Old Town Streets and Streetscapes by \$2 million.
- c. 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 additional Town Center redevelopment activities.
- d. Close down the area in a phased approach that limits negative compression impacts on the West Linn – Wilsonville School District.

A prior economic development task force convened by the City of Wilsonville defined the appropriate use of TIF. In this process, Task force members expressed continued support for these previously identified guidelines on the use of tax increment funds:

“Urban renewal district — The task force clarified that its support of urban renewal district creation was limited in scope to specific project funding necessary to make development viable and leverage significant private investment: for example, to bring needed infrastructure to the Coffee Creek Industrial Area to facilitate development, or to assemble small parcels into larger parcels for resale and development. The task force also recommended that the City continue to conduct advisory votes prior to establishing new urban renewal districts and that any new district should be of limited duration and have a well-defined project list and scope so that the district is closed down and property-tax revenue returned to the other taxing districts as quickly as possible after planned urban renewal projects are completed and paid for.”

3. Coffee Creek

- a. Pursue feasibility analysis and planning for a new urban renewal area to fund critical infrastructure in Coffee Creek.
- b. 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.
- c. Following precedent, as this is a new urban renewal area formation process, pursue citywide advisory vote during plan adoption.
- d. Pursue formal concurrence of overlapping taxing districts during plan adoption.
- e. The use of TIF should be limited to development-supportive infrastructure projects (see sidebar).

4. Frog Pond

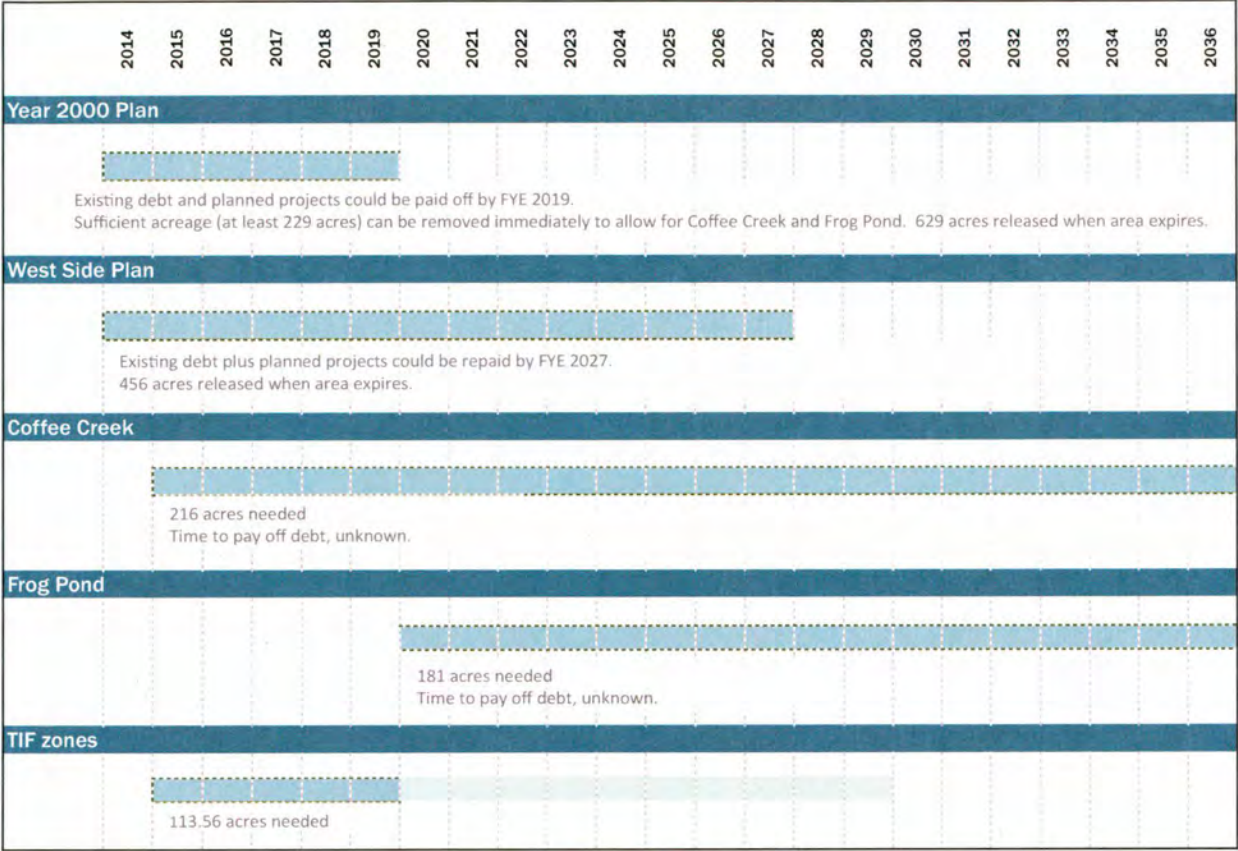
- a. Do not pursue feasibility analysis and planning for a new urban renewal area for Frog Pond at this time. Re-evaluate after the master planning effort is completed.

5. General recommendations

- a. Follow recommendations described by previous task force processes for seeking input on new district formation and for projects (see sidebar).

Figure 1 shows how these various task force recommendations would affect the timing of creation and expiration of urban renewal areas in the City of Wilsonville.

Figure 1: Urban Renewal Area Timelines, City of Wilsonville, 2014 - 2036



1 Introduction

The City of Wilsonville faces fundamental and inter-related choices about how best to use urban renewal in the future. Existing urban renewal areas limit the total acreage available for any potential new urban renewal areas; existing areas require re-examination of planned projects relative to total borrowing capacity (*maximum indebtedness*). Possible new urban renewal areas may require annexation of lands into the City, and their financial capacity relative to the projects requires evaluation. Attitudes about urban renewal in the City, County, and region require careful consideration of its role in supporting economic development outcomes.

During the City's creation of an Economic Development Strategy in 2011-12, a task force recommended that the City examine the strategic use of tax increment financing (TIF) to leverage private-sector capital investment. This document is the result of that task force recommendation. The task force that created the Economic Development Strategy recognized that additional time and effort were required to study this issue more in-depth, to: (1) better understand how the urban-renewal tool could be best used for public benefit; (2) to strategically plan for the final years of two of Wilsonville's existing urban renewal areas; and (3) to plan for the future use of urban renewal in Wilsonville.

Wilsonville City Manager Bryan Cosgrove appointed a 17-member task force in September 2013 to address these issues and to recommend a strategic plan to guide the future use of urban renewal in Wilsonville. Chaired by City Council President Scott Starr, the task force was composed of residents who have served on other City boards, business owners and managers, and experts in public finance; the economic consultant team of ECONorthwest and Elaine Howard Consulting, LLC acted as facilitators. A listing of task force members is shown in Appendix A. The task force's recommendations considered the financial evaluation of TIF capacity, combined with input from stakeholders, staff, and the general public. Figure 2 provides a map of the existing and potential new urban renewal areas that the task force considered.

Key Terms

Concurrence is a statutorily-defined threshold of support from affected taxing districts, required for urban renewal plans to deviate from certain statutory limits. Concurrence is calculated as a combination of taxing districts, the sum of whose permanent property tax rates is equal to or greater than 75% of the total permanent tax rate applicable for the urban renewal area.

Maximum indebtedness means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness. This is the total amount that can be spent from tax increment proceeds for projects, programs and administration.

Revenue sharing is the result of 2009 legislative changes enacted through HB 3056, which established a system of sharing tax increment revenues with overlapping taxing districts when certain thresholds are met for new and substantially amended urban renewal areas. In new areas, when TIF revenues exceed 10% of the Area's maximum indebtedness, 25% of the amount exceeding 10% of maximum indebtedness is shared. When TIF revenues exceed 12.5% of maximum indebtedness, the urban renewal area's revenue is capped at 12.5%, and all excess revenues are shared with overlapping taxing districts. When an existing urban renewal area is substantially amended to increase its maximum indebtedness, revenue sharing is also triggered.

Tax Increment Financing (TIF) means the funds that are associated with the division of taxes accomplished through the adoption of an urban renewal plan.

The task force's recommendations address the following key issues:

Maximum indebtedness

Maximum indebtedness is the total amount of debt that an urban renewal area can accrue. It is determined in the urban renewal plan. The task force made specific recommendations on whether or not to increase the maximum indebtedness of existing urban renewal areas, and if so, by how much.

Projects

Related to debt capacity are the individual projects to be funded with TIF. The task force discussed which projects identified in existing plans should and should not be funded moving forward, and if any new projects should be added to any of the urban renewal areas. Additionally, the task force discussed the general principles that determine whether or not TIF is an appropriate funding source for a project.

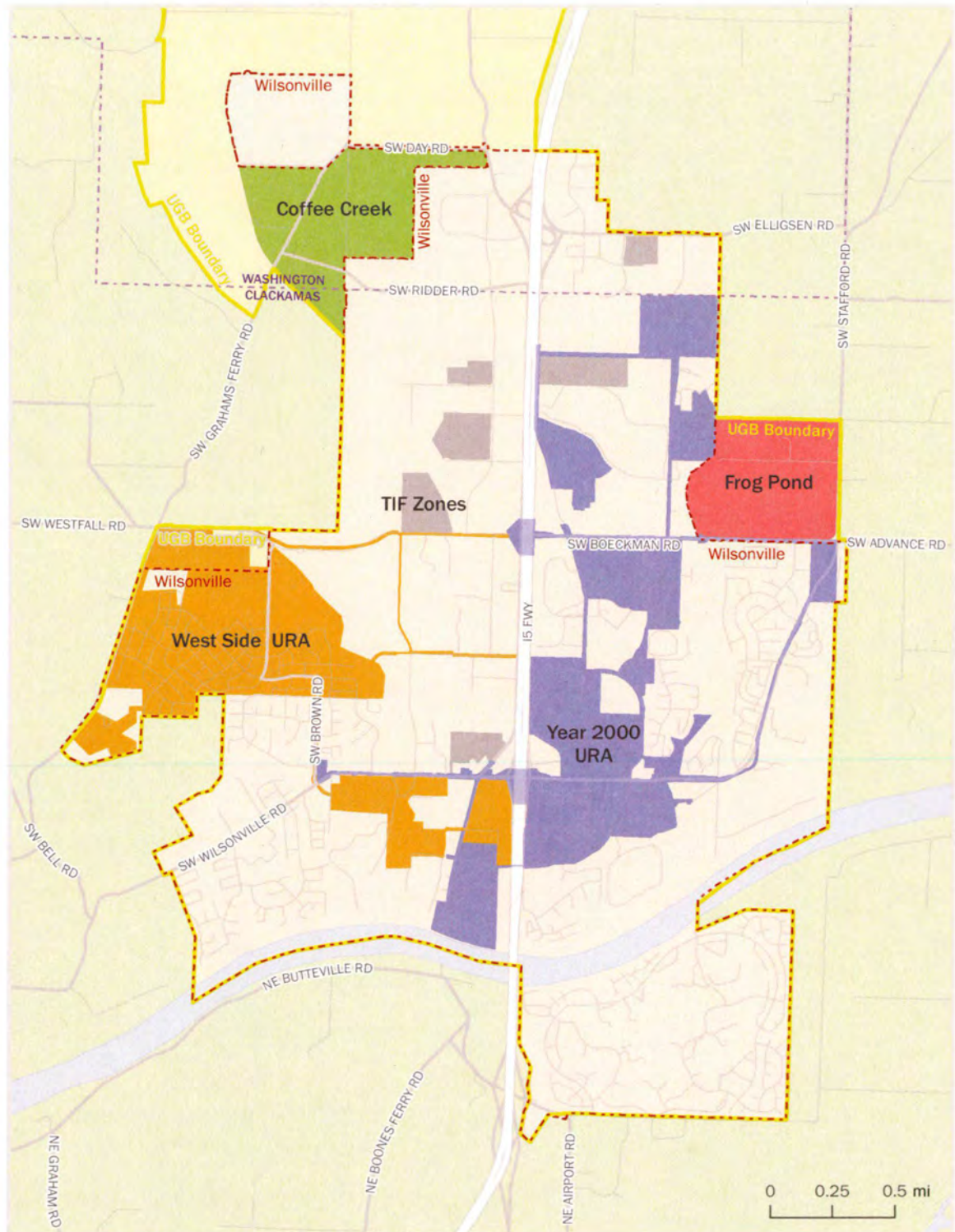
Acreage

Oregon Revised Statute (ORS) limits the total amount of acreage a city having a population of less than 50,000 may have in urban renewal to 25%. The Year 2000 and West Side urban renewal areas comprise 23.1% of the acreage of the City of Wilsonville. With the addition of the TIF Zone urban renewal areas, 24.12% of Wilsonville is currently in urban renewal areas. The remaining area allowed under the cap is about 41 acres, which is not enough to create an urban renewal area that could generate sufficient tax increment to undertake meaningful projects. The task force therefore considered the financial capacity to remove acreage from portions of the Year 2000 and West Side plans. Retiring portions of existing urban renewal areas would release tax increment to the local jurisdictions and free up acreage that could be used to create new urban renewal areas in Coffee Creek and/or Frog Pond.

Approach to involving overlapping taxing districts and voters

In what ways should the City engage affected taxing districts and the general public when making decisions related to urban renewal? The task force discussed the importance of having a meaningful and transparent public involvement process when making decisions regarding urban renewal. In addition to general principles of inclusion and transparency, the task force discussed what circumstances would merit holding an advisory vote of the public, and pursuing official concurrence from overlapping taxing districts.

Figure 2. Existing and Potential Urban Renewal Areas evaluated in Urban Renewal Strategy, City of Wilsonville, Oregon, 2014



Source: ECONorthwest. Data from the City of Wilsonville GIS and Metro RLIS, 2013

2 Urban Renewal: Past and Present

This section of the report describes the existing and potential urban renewal areas in Wilsonville. It includes information on their location, projects, outstanding debt, and the key issues considered by the task force in each area. The results of the task force recommendations are included in the following report section.

The City has two existing urban renewal areas: Year 2000 and West Side. Each urban renewal area faces questions about timelines, indebtedness, projects remaining to be completed, and eventual closure. A third set of urban renewal areas, referred to as “TIF Zones” were adopted in November 2013. These areas were not part of the evaluation and no recommendations are made regarding these areas; they were recommended by a prior task force, given voter approval through an advisory vote and only recently implemented, and no changes are anticipated for these areas.¹

2.1 Year 2000 Plan

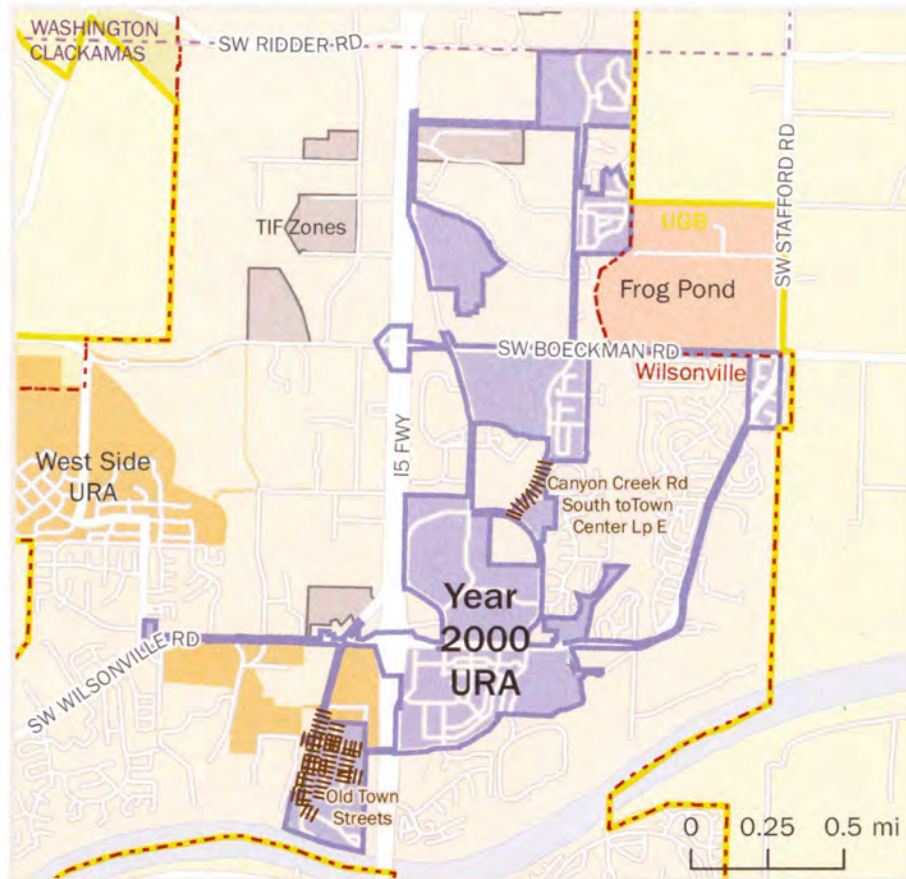
Purpose

The Year 2000 Urban Renewal Plan was created in 1992 with a mission statement of curing blight, attracting job producing investment, buoying property values and protecting residential livability and environmental values. To accomplish this mission, the Year 2000 Plan (sometimes referred to as the East Side Plan) outlines a variety of specific goals including: installing the appropriate infrastructure; creating positive transportation linkages; undergrounding utilities; providing avenues for meaningful citizen involvement; and installing streetscape improvements.

The current boundaries of the Year 2000 Urban Renewal Area are shown in Figure 3.

¹ Summary information regarding the TIF zones is presented in Appendix C, and additional was presented to task force members, but TIF zones are not addressed directly in this strategy.

Figure 3. Year 2000 Urban Renewal Plan and Remaining Projects



Source: ECONorthwest. Data from City of Wilsonville GIS and Metro RLIS

Projects

The Year 2000 Plan lists 34 specific projects and allows for other projects if required.

Project	Total Project Cost (Nominal \$)	City Obligation	Complete	Task Force Recommendation to fund with TIF
Extend Canyon Creek South of Boeckman	\$6,125,300	None	No	Fund
Old Town Streets	\$3,868,300	None	No	Fund
Livability Projects	\$275,600	None	No	Fund
Landover Medians	\$289,400	None	No	Fund
Park Improvements	\$441,000	None	No	Fund
Boeckman Road		None	No	Don't Fund
Boeckman Interchange and Ramps at I-5		None	No	Don't Fund
Wiedemann Road, Overcrossing and Ramps		None	No	Don't Fund
Willamette River Crossing		None	No	Don't Fund

I-5 Freeway Crossing to Seely Trunk at Wiedemann Road	None	No	Don't Fund
Remove Pump Station at Town Center Site	None	No	Don't Fund
Rose Lane/Schroeder Way System	None	No	Don't Fund
Swim Center	None	No	Don't Fund
Neighborhood Park - North (6 to 8 Acres)	None	No	Don't Fund
Teen Center	None	No	Don't Fund
Boones Ferry Park	None	No	Don't Fund
Canyon Creek North		Yes	N/A
Town Center Loop East Extension		Yes	N/A
Town Center Loop West Extension		Yes	N/A
Wilsonville Road		Yes	N/A
Wilsonville Road Realignment		Yes	N/A
Parkway Avenue		Yes	N/A
Traffic Signals		Yes	N/A
Wilsonville Road Interchange		Yes	N/A
Connect to Dependable Water Supply Source		Yes	N/A
Hackamore Road/Old Canyon Creek Road		Yes	N/A
Canyon Creek North Extension		Yes	N/A
Waste Water Treatment Plant Expansion		Yes	N/A
Parkway/Trask Street System		Yes	N/A
Town Center Outfall and Detention Facility		Yes	N/A
Memorial Park		Yes	N/A
Joint Use of Athletic, Cultural and Public Assembly Facilities at New High School		Yes	N/A
Recreation Facilities, Parking and Landscaping at Clackamas Community College Site in Town Center		Yes	N/A
Tranquil Park		Yes	N/A
Town Center Square (5 to 6 Acres)		Yes	N/A
Civic Center Park		Yes	N/A
Barn Rehabilitation		Yes	N/A
Affordable Housing		Yes	N/A

Figure 4 includes a list of all projects in the Year 2000 plan, and an indication of their status (complete or incomplete), the city's obligation to complete it, and if the task force recommended to fund or not to fund uncompleted projects.

The tax increment funds from this urban renewal area have funded a number of projects on Wilsonville Road, I-5 interchange improvements, Waste Water Treatment Plant improvements, the construction of Memorial Drive, Canyon Creek Road improvements, the construction of Murase Plaza at Memorial Park and Town Center Park, the construction of City Hall, and many other smaller projects.

Figure 4: Year 2000 Project Summary

Project	Total Project Cost (Nominal \$)	City Obligation	Complete	Task Force Recommendation to fund with TIF
Extend Canyon Creek South of Boeckman	\$6,125,300	None	No	Fund
Old Town Streets	\$3,868,300	None	No	Fund
Livability Projects	\$275,600	None	No	Fund
Landover Medians	\$289,400	None	No	Fund
Park Improvements	\$441,000	None	No	Fund
Boeckman Road		None	No	Don't Fund
Boeckman Interchange and Ramps at I-5		None	No	Don't Fund
Wiedemann Road, Overcrossing and Ramps		None	No	Don't Fund
Willamette River Crossing		None	No	Don't Fund
I-5 Freeway Crossing to Seely Trunk at Wiedemann Road		None	No	Don't Fund
Remove Pump Station at Town Center Site		None	No	Don't Fund
Rose Lane/Schroeder Way System		None	No	Don't Fund
Swim Center		None	No	Don't Fund
Neighborhood Park - North (6 to 8 Acres)		None	No	Don't Fund
Teen Center		None	No	Don't Fund
Boones Ferry Park		None	No	Don't Fund
Canyon Creek North			Yes	N/A
Town Center Loop East Extension			Yes	N/A
Town Center Loop West Extension			Yes	N/A
Wilsonville Road			Yes	N/A
Wilsonville Road Realignment			Yes	N/A
Parkway Avenue			Yes	N/A
Traffic Signals			Yes	N/A
Wilsonville Road Interchange			Yes	N/A
Connect to Dependable Water Supply Source			Yes	N/A
Hackamore Road/Old Canyon Creek Road			Yes	N/A
Canyon Creek North Extension			Yes	N/A
Waste Water Treatment Plant Expansion			Yes	N/A
Parkway/Trask Street System			Yes	N/A
Town Center Outfall and Detention Facility			Yes	N/A
Memorial Park			Yes	N/A
Joint Use of Athletic, Cultural and Public Assembly Facilities at New High School			Yes	N/A
Recreation Facilities, Parking and Landscaping at Clackamas Community College Site in Town Center			Yes	N/A
Tranquil Park			Yes	N/A
Town Center Square (5 to 6 Acres)			Yes	N/A
Civic Center Park			Yes	N/A
Barn Rehabilitation			Yes	N/A
Affordable Housing			Yes	N/A

Note: Costs are reported in nominal dollars using a 5% inflation rate. Rounded to the hundredth.

Year 2000 Key Financial Issues

1. The success of this URA led to a cap on annual TIF revenue at \$4 million.
2. The area can generate more TIF, but because of the cap, the area returns the additional revenue back to the overlapping districts.
3. For this reason, Year 2000 is a good candidate to remove acreage from to create new URAs, while still generating \$4 million in annual TIF and staying under the 25% limit of total URA acreage in the city.
4. Acreage can be immediately released to allow for the creation of Coffee Creek and Frog Pond.
5. Closing down the URA too soon would have a substantial impact on the school district's local option tax revenue. As discussed in detail in Appendix J, the task force considered this issue when making a recommendation on when to close down the area.

Financial Considerations

When the Year 2000 Urban Renewal Area was established in 1992, it had an assessed value (frozen tax base) of \$44 million. The assessed value in this area has since grown nearly nine-fold to more than \$396 million and many of the planned projects have been completed. The original maximum indebtedness was \$53,851,923, which a later amendment increased to \$92,687,432. As of October 30, 2012, \$75,385,000 of the maximum indebtedness has been used, leaving \$17,302,423 to complete any remaining projects before the term of the urban renewal area expires.²

At the start of FY 2013-14, the Year 2000 Plan had \$13,542,070 of outstanding debt principal and interest, from three separate loans. The last of these loans is scheduled to be repaid in FY 2024-25. It is possible to repay the debt early, perhaps as early as FY 2017-18 (assuming no new debt is incurred).³

Approximately a decade ago, the success of this urban renewal area led the City Council to cap the annual collection of tax increment at \$4 million and return all additional tax revenue to the overlapping taxing districts.

An important financial consideration for the Year 2000 Plan was the potential impact on the West Linn – Wilsonville School District local option levy when the urban renewal area expires. The school district currently loses significant tax revenue each year due to property tax compression. The division of tax rates that occurs as a result of urban renewal and TIF results in the school district experiencing less compression than would otherwise occur.

If the urban renewal area were to expire and cease collecting TIF, the school district would experience a dramatic increase in compression losses. This impact would be particularly pronounced at times when properties' real market values are low (relative to their assessed values), which happens to be the situation in FY 2013-14. In time, the school district expects real market values to grow, reducing the amount of compression losses the district experiences. Thus, it is likely that if the Year 2000 Plan were to expire at a later date in the future, the impact on compression losses would be less severe.

² Gary Wallis, Wallis Consulting, October 2012, *City of Wilsonville Year 2000 Plan Closure*

³ Note that early repayment of the loans for the Year 2000 and West Side plans would result in cost savings, as it would reduce the amount of interest paid on the loans. However, these loan agreements include "prepayment penalties" which would partially offset the cost savings from early repayment.

Issues for task force consideration

Projects

- Should projects be added? If so, what would be their impact on the maximum indebtedness and longevity of the plan?
- Should any projects be left unfunded or deleted from the plan?

Facilitating a new urban renewal area

- Should land be removed from the Year 2000 Plan to provide capacity to create a new urban renewal area for Coffee Creek or Frog Pond?
- How much land could be removed without impacting the urban renewal area's ability to pay its debt service?
- When could this land be removed?

Closure of the urban renewal area

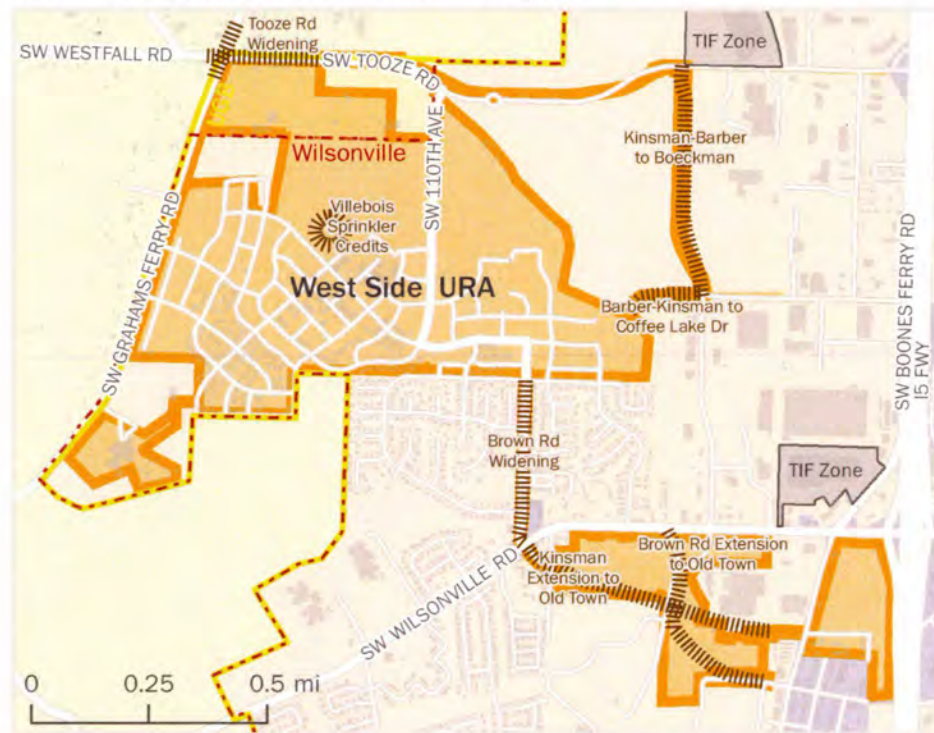
- Should the area explore opportunities to repay debt early and close down the plan ahead of schedule?
- How can closure of the area occur in a way that minimizes the impact to the school district from compression losses?

2.2 West Side Plan

Purpose

The West Side Plan (shown in Figure 5) was created in 2003 after an advisory vote of the public showed 80 percent of the public were in favor. The goal of the area was to promote development and fund infrastructure improvements on and around the former Dammasch Hospital site. This resulting development, known as the Villebois Village, offers quality housing options for a variety of income levels. The original goals of the West Side Plan were to develop a transportation network within the area, provide transportation infrastructure to connect Villebois to the remainder of the city, support the development of diverse housing types, provide public services and facilities, support the development of multi-purpose public parks and green spaces, and to make public investments that directly support high-quality private development. The original West Side Plan had 385 acres; the present area is 456 acres.

Figure 5. West Side Plan and potential projects



Source: ECONorthwest. Data from City of Wilsonville GIS and Metro RLIS.

Projects

The major projects included in the West Side Urban Renewal Plan are the construction of the Boeckman Road extension, the Barber Street extension and the Old Town Escape, in addition to improvements on Tooze Road, Barber Street and Brown Road. Smaller projects include a \$2 million contribution to the construction of community and regional parks and the acquisition of an elementary school site as part of a land exchange agreement under which the City will obtain an equally-sized parcel from the West Linn-Wilsonville School District on Advance Road for sports fields.

Old Town Escape is a \$7.4 million road improvement plan. The fire district commented that this project does not result in a drastic improvement for their operations. The task force discussed whether it should be funded with tax increment financing, and if so, in which urban renewal area it should be funded. By including this project in the West Side Plan, it would push the maximum indebtedness over the limit at which concurrence is required.

Figure 6: West Side Project Summary

Project	Cost Paid by URA (Nominal \$)	City Obligation	Complete	Task Force Recommendation
Barber St. (Kinsman Rd. to Coffee Lake Dr.)	\$4,908,800	Yes	No	Fund
Tooze Rd. (110th to Grahams Ferry Rd.)	\$2,811,400	Yes	No	Fund
Sprinklers	\$2,376,900	Yes	No	Fund
Parks	\$1,129,500	Yes	No	Fund
Other Transportation/Brown Road	\$3,935,800	None	No	Fund
Old Town Escape (Kinsman Option)	\$9,006,900	None	No	Don't Fund
Kinsman Rd. (Barber to Boeckman Rd.)	\$6,069,000	Yes; Paid with other funds	No	N/A
Boeckman Rd. Repair		Yes	Yes	N/A
Boeckman Rd. (95th to 110th)		N/A	Yes	N/A
Barber St. (Boones Ferry Rd. to Boberg)		N/A	Yes	N/A
Barber St. (Boberg to Kinsman Rd.)		N/A	Yes	N/A
Grahams Ferry Rd. (Tooze to LEC)		No plans for completion using current funding		N/A
School Site		N/A	Yes	N/A

Notes: Costs are reported in nominal dollars using a 5% inflation rate. Rounded to the hundredth.

Financial Considerations

The original area had an assessed value of \$16.5 million. Ten years later, the assessed value of the area has increased 14-fold and is now over \$263 million. There is approximately \$38,295,788 in outstanding debt principal. This debt is

scheduled to be repaid in FY 2027-28. It is possible to repay the debt early, perhaps as early as FY 2022-23 (assuming no new debt is incurred).

The maximum indebtedness for the West Side Urban Renewal Area is \$40 million, with \$8 million remaining to be spent.

Due to low project-cost estimates at the time the plan was developed and property acquisition and construction at the peak of the pre-recession bubble, the Wilsonville city staff determined that there is insufficient debt capacity to complete the projects in the urban renewal area that are subject to intergovernmental agreements and development agreements with other parties.

Issues for task force consideration

Projects

- Should projects be added? If so, what would be their impact on the maximum indebtedness and longevity of the plan?
- Should any projects be left unfunded or deleted from the plan?

Maximum indebtedness

- Is an increase in maximum indebtedness necessary to fund the desired projects? If so, how much should the maximum indebtedness be increased, and when?

Concurrence and advisory vote

- Does the increase in maximum indebtedness trigger the requirement for the city to ask for concurrence from overlapping taxing districts? If not, should the City voluntarily seek concurrence for this amendment?
- Should the City seek an advisory vote of the public regarding this increase in maximum indebtedness?

Facilitating a new urban renewal area

- Should land be removed from the West Side Plan to provide capacity to create a new urban renewal area for Coffee Creek or Frog Pond?
- How much land could be removed without impacting the urban renewal area's ability to pay its debt service?
- When could this land be removed?

Closure of the urban renewal area

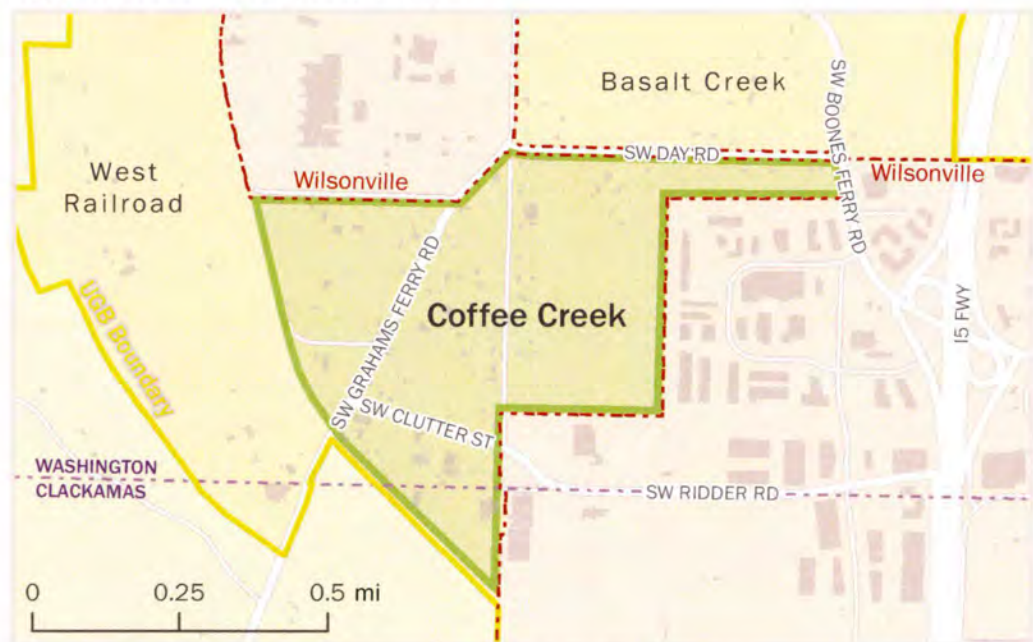
- Should the area explore opportunities to repay debt early and close down the plan ahead of schedule?

2.3 Coffee Creek

Purpose

The Coffee Creek Industrial area lies west of I-5 and is adjacent to the northwest corner of the City of Wilsonville (Figure 5). It is located outside Wilsonville city limits but within the urban growth boundary. Bounded on the north by the Coffee Creek Correctional Facility and Day Road, the Coffee Creek Industrial Planning Area contains approximately 216 acres of land zoned for industrial development. Like the rest of Wilsonville, the Coffee Creek area enjoys prime positioning in relation to transportation corridors due to its location along the I-5 corridor and its easy access to I-5, I-84, OR-26 and OR-217. Hailed by the City of Wilsonville as the next area of major business development, the area is projected to provide more than 1,800 family⁴ wage jobs at full buildout. Business development at Coffee Creek would synergize well with new residential development at Villebois Village and good access to public transportation including close proximity to the WES rail line.

Figure 7. Coffee Creek Industrial area



Source: ECONorthwest. Data from City of Wilsonville GIS and Metro RLIS.

⁴CCIA Infrastructure Report, Memorandum from FCS Group sent on 4/5/2011.

Projects

An Urban Renewal Plan does not yet exist for Coffee Creek, so the projects are not finalized at this time. However, the types of projects that have been discussed by the task force and in the Coffee Creek Infrastructure Analysis include:

- On-Site Infrastructure
 - Streets
 - Intersections
 - Water
 - Sewer
 - Storm Sewer
 - Park/Trail/Other
- Off-Site Infrastructure
 - Water
 - Sewer
 - Grahams Ferry Railroad Underpass

Financial Considerations

The Coffee Creek Master Plan projects that total assessed value in the area would increase from \$16 million in 2007 to \$258 million at build out (assumed to be calendar year 2030). In the Coffee Creek Master Plan, it identifies that urban renewal is one option for funding projects in this area (see sidebar). However, since no projects have been finalized, it is unknown at this time what the specific financial considerations will entail.

Issues for task force consideration

Facilitating a new urban renewal area

- Is urban renewal an appropriate tool to facilitate development in the area?
- Can/should land be removed from existing urban renewal areas to provide capacity to create a new urban renewal area here?
- When could/should such a district be formed?
- How does the timing of a new urban renewal area coincide with the timing of proposed development in the area?

Projects

- What types of projects should be considered for TIF funding in this area?

"Explore and quantify potential local funding sources that can be used to pay for new collector and arterial roads, transit service, bicycle/pedestrian facilities, storm water mitigation, water, and sewer improvements. This additional analysis should include but not be limited to the formation of a new System Development Charge overlay district, Local Improvement Districts, and/or an Urban Renewal District."

- Coffee Creek Master Plan

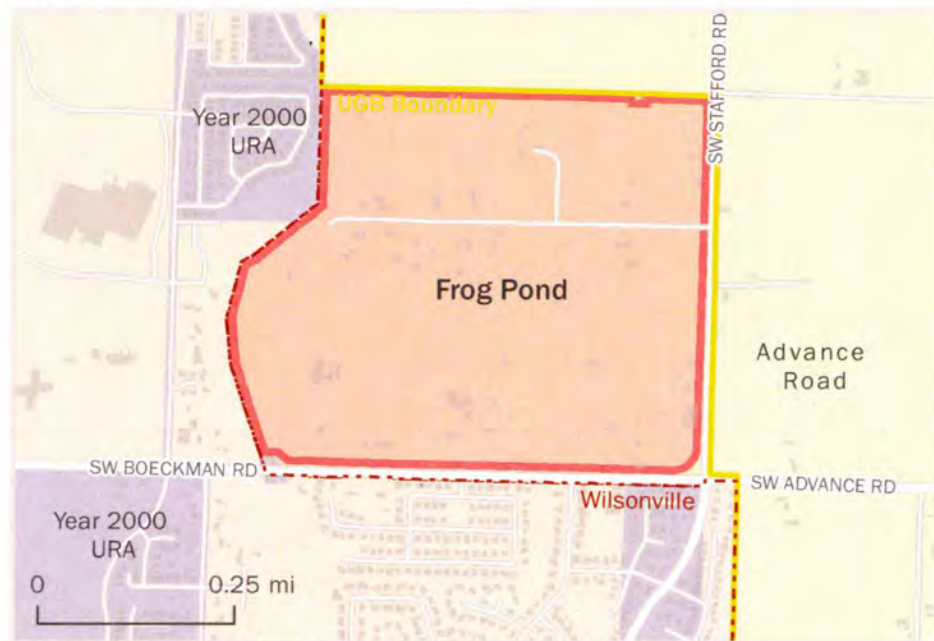
2.4 Frog Pond

Purpose

The Frog Pond area consists of 181 acres immediately east of the City of Wilsonville city limits (6). The Frog Pond area was brought into the urban growth boundary in 2002 in anticipation of eventual annexation into the City for residential development. Considered a second choice option for Wilsonville's next urban renewal area following the Coffee Creek Area, Frog Pond would not provide new industrial development opportunities. The Frog Pond area could potentially provide about 1,000 housing units.

In 2013, the City of Wilsonville received a Metro Community Planning and Development Grant to help planning efforts for the Frog Pond and Advance Road areas. The next step in the development of Frog Pond will be the completion of a Master Plan for the area, beginning in early 2014.

Figure 8. Frog Pond area



Source: ECONorthwest. Data from City of Wilsonville GIS and Metro RLIS.

Projects

Similar to Coffee Creek, Frog Pond is not yet an urban renewal area, so the projects for this area have not been determined. The City is just beginning a master planning process that will define the needed investments in infrastructure and other development-supporting projects.

Financial Considerations

Projects in Frog Pond have not been decided, so no financial considerations will be discussed until the master plan is completed.

Issues for task force consideration

Facilitating a new urban renewal area

- Is urban renewal an appropriate tool to facilitate development in the area?
- Can/should land be removed from existing urban renewal areas to provide capacity to create a new urban renewal area here?
- When could/should such a district be formed?
- How does the timing of a new urban renewal area coincide with the timing of proposed development in the area?

Projects

- What types of projects, if any, should be considered for TIF funding in this area?

3 Task Force Recommendations

The Urban Renewal Strategy task force met a total of four times to discuss key strategic questions regarding the use of urban renewal. At the third meeting, the task force was asked a series of questions that resulted in specific policy recommendations regarding the use of urban renewal. Meeting summary notes are shown in Appendices D, E, and F. Following the third meeting, the City Council identified specific issues for further examination by the task force. A fourth task force meeting was called to revisit the original recommendations, and to consider the issues raised by City Council. Based on this fourth meeting, a few of the task force recommendations were revised.

In addition to task force input, the strategic planning process included stakeholder interviews with community members, developers, county elected officials, property owners and representatives of other taxing districts. A summary of these interviews, conducted in December of 2013 and January of 2014, is shown in Appendix H. This information was shared with the task force at their January meeting and helped inform the recommendations of the task force.

In general, the task force's approach to the use of urban renewal is a balanced one. It recognizes that urban renewal is a useful tool for financing critical infrastructure projects, but also that it is a tool that creates financial impacts for overlapping taxing districts that should be mitigated where possible. The task force is supportive of continuing to use urban renewal and tax increment finance to fund planned infrastructure projects in existing urban renewal areas, especially those projects that the City is required to fund because of contractual obligations (intergovernmental agreements and development agreements). At the same time, the task force was not supportive of adding new projects to existing urban renewal areas, which would extend the life of those areas and thereby extend the financial impacts to other taxing districts that forego revenues to fund projects. For all major decisions regarding urban renewal, the task force strongly emphasized the importance of effective public engagement, and, in some circumstances, public votes to confirm decisions.

This approach follows closely the principles outlined by a prior economic development task force convened by the City of Wilsonville regarding the appropriate use of TIF. Task force members expressed continued support for these previously identified guidelines on the use of tax increment funds:

“Urban renewal district — The task force clarified that its support of urban renewal district creation was limited in scope to specific project funding necessary to make development viable and leverage significant private investment: for example, to bring needed infrastructure to the

Coffee Creek Industrial Area to facilitate development, or to assemble small parcels into larger parcels for resale and development. The task force also recommended that the City continue to conduct advisory votes prior to establishing new urban renewal districts and that any new district should be of limited duration and have a well-defined project list and scope so that the district is closed down and property-tax revenue returned to the other taxing districts as quickly as possible after planned urban renewal projects are completed and paid for.”

– Recommendations of the Economic Development Strategy Task Force on Business Attributes and Incentives March 2013

The task force’s recommendations follow, and are organized by plan.

3.1 West Side Plan

Question 1. Should Wilsonville amend the plan to increase maximum indebtedness?

Task Force Recommendation. Yes. The maximum indebtedness should be increased from \$40 million to at least \$49.4 million.

Rationale. TIF revenue from the West Side Plan is the primary source identified to fund capital projects related to the development of Villebois. The City is contractually obligated to build several of these improvements (through intergovernmental agreements and development agreements). However, original cost estimates for other projects in the West Side Plan were too low, resulting in insufficient maximum indebtedness to fund the remaining projects in the Plan. Increasing the maximum indebtedness from \$40 million to \$49.4 million allows the City to use TIF to fund necessary projects in the area. See Figure 6 for a list of projects the task force recommends funding with TIF from the West Side Plan.

Question 2. Should Wilsonville seek formal concurrence of overlapping taxing districts for this urban renewal plan amendment?

Task Force Recommendation. No.

Rationale. The task force strongly recommends consulting and conferring with all overlapping taxing districts, providing them meaningful opportunities to comment on the use of urban renewal and TIF. However, this is not the same as providing all taxing districts the right to vote to approve the proposed plan amendment. In some situations, the process of concurrence requires overlapping taxing districts to vote on urban renewal issues. Concurrence is not required for this type of amendment.

Question 3. Should Wilsonville seek an advisory vote of the public?

Task Force Recommendation. No.

Rationale. The task force supports an open and transparent public process for any use of urban renewal. The task force also supports seeking an advisory vote of the public for creation of new urban renewal areas, as it did in the recent formation of the TIF zones. For this particular plan amendment there was concern that an advisory vote would be inappropriate and confusing, because the projects are already identified in an existing plan, and the City is contractually obligated to fund these projects. Thus, in this situation, the majority of the task force recommended against an advisory vote. There was a dissenting minority opinion on the task force that any and all important urban renewal decisions, including this amendment, should seek an advisory vote of the public.

Question 4. Should any new projects be added to the project list?

Task Force Recommendation. No.

Rationale. The task force opposes further use of TIF in this area for projects other than those that the City is contractually obligated to fund.

Question 5. Should the Old Town Escape, and other non-contractually obligated projects, be funded with TIF dollars from the West Side Plan?

Task Force Recommendation. No.

Rationale. The task force recommends not funding the Old Town Escape Project (a new road that provides additional ingress and egress from the Old Town area) with TIF from the West Side URA. However, the task force recognizes the importance of this project to facilitate economic development and alleviate congestion in this area. Therefore, the task force recommends moving the Old Town Escape project to the Year 2000 Plan, where additional urban renewal resources are available to fund the project (in part) with TIF. An important consideration for the task force was that funding this project from the West Side URA would have required further increasing maximum indebtedness, which would have triggered the concurrence requirement.

Question 6. Should the City seek to waive revenue sharing?

Task Force Recommendation. No.

Rationale. By increasing the maximum indebtedness of the plan, the urban renewal area becomes subject to revenue sharing, requiring a portion of the TIF revenue to be shared with other taxing districts. This revenue sharing requirement can be waived if the urban renewal area receives concurrence from the overlapping taxing districts. Some of the scenarios considered by the task force included waiving revenue sharing for the West Side Plan. The recommendation of the task force not to pursue concurrence eliminated the need to waive revenue sharing.

Figure 9 shows a revised version of the West Side Plan project summary. The difference between Figure 9 and the earlier Figure 6, is that the Old Town Escape project is recommended to be moved to the Year 2000 Plan and partially funded with TIF from that district.

Figure 9. Recommended West Side Project Summary

Project	Cost Paid by URA (Nominal \$)	City Obligation	Complete	Task Force Recommendation
Barber St. (Kinsman Rd. to Coffee Lake Dr.)	\$4,908,800	Yes	No	Fund
Tooze Rd. (110th to Grahams Ferry Rd.)	\$2,811,400	Yes	No	Fund
Sprinklers	\$2,376,900	Yes	No	Fund
Parks	\$1,129,500	Yes	No	Fund
Other Transportation/Brown Road	\$3,935,800	None	No	Fund
Old Town Escape (Kinsman Option)		None	No	Move to Year 2000 Plan
Kinsman Rd. (Barber to Boeckman Rd.)		Yes; Paid with other funds	No	N/A
Boeckman Rd. Repair		Yes	Yes	N/A
Boeckman Rd. (95th to 110th)		N/A	Yes	N/A
Barber St. (Boones Ferry Rd. to Boberg)		N/A	Yes	N/A
Barber St. (Boberg to Kinsman Rd.)		N/A	Yes	N/A
Grahams Ferry Rd. (Tooze to LEC)		No plans for completion using current funding		N/A
School Site		N/A	Yes	N/A

3.2 Year 2000 Plan

Question 1. *Should Wilsonville amend the plan to change the project list and increase maximum indebtedness?*

Task Force Recommendation. Yes, the project list should be changed, but maximum indebtedness should not be increased.

Rationale. There is a limited subset of projects identified in the plan that are incomplete and considered necessary by City staff. The task force recommends using TIF to finish these projects (See

Project	Total Project Cost (Nominal \$)	City Obligation	Complete	Task Force Recommendation to fund with TIF
Extend Canyon Creek South of Boeckman	\$6,125,300	None	No	Fund
Old Town Streets	\$3,868,300	None	No	Fund
Livability Projects	\$275,600	None	No	Fund
Landover Medians	\$289,400	None	No	Fund
Park Improvements	\$441,000	None	No	Fund
Boeckman Road		None	No	Don't Fund
Boeckman Interchange and Ramps at I-5		None	No	Don't Fund
Wiedemann Road, Overcrossing and Ramps		None	No	Don't Fund
Willamette River Crossing		None	No	Don't Fund
I-5 Freeway Crossing to Seely Trunk at Wiedemann Road		None	No	Don't Fund
Remove Pump Station at Town Center Site		None	No	Don't Fund
Rose Lane/Schroeder Way System		None	No	Don't Fund
Swim Center		None	No	Don't Fund
Neighborhood Park - North (6 to 8 Acres)		None	No	Don't Fund
Teen Center		None	No	Don't Fund
Boones Ferry Park		None	No	Don't Fund
Canyon Creek North			Yes	N/A
Town Center Loop East Extension			Yes	N/A
Town Center Loop West Extension			Yes	N/A
Wilsonville Road			Yes	N/A
Wilsonville Road Realignment			Yes	N/A
Parkway Avenue			Yes	N/A
Traffic Signals			Yes	N/A
Wilsonville Road Interchange			Yes	N/A
Connect to Dependable Water Supply Source			Yes	N/A
Hackamore Road/Old Canyon Creek Road			Yes	N/A
Canyon Creek North Extension			Yes	N/A
Waste Water Treatment Plant Expansion			Yes	N/A
Parkway/Trask Street System			Yes	N/A

Town Center Outfall and Detention Facility	Yes	N/A
Memorial Park	Yes	N/A
Joint Use of Athletic, Cultural and Public Assembly Facilities at New High School	Yes	N/A
Recreation Facilities, Parking and Landscaping at Clackamas Community College Site in Town Center	Yes	N/A
Tranquil Park	Yes	N/A
Town Center Square (5 to 6 Acres)	Yes	N/A
Civic Center Park	Yes	N/A
Barn Rehabilitation	Yes	N/A
Affordable Housing	Yes	N/A

Figure 4). Additionally, the task force recommended transferring the Old Town Escape project from the West Side URA to the Year 2000 Plan. Adding this project requires extending the life of the urban renewal area. However, the task force proposes to reduce funding for the Old Town Streets and Streetscapes project by \$2 million, to partially mitigate the impact of adding the Old Town Escape project. Additionally, the task force did not recommend the Old Town Escape project to be fully funded with TIF from the Year 2000 Plan, as this would have required an increase in maximum indebtedness. Instead, the task force recommended that funding of up to \$7 million be provided by TIF from the Year 2000 Plan, with the exact amount of funding to be determined later through a development agreement with any potential developers that would benefit from the construction of this project.

The task force also discussed funding store front loans and the redevelopment of the Town Center commercial area. Reasons for not recommending funding these projects, include:

- Lack of support for these projects in interviews
- Questions about whether the projects were appropriate in the context of the Wilsonville market and development form
- Lack of support for extending the life of the district and writing a “blank check that’s waiting to be cashed”

However, the task force did recommend that \$275,600 in TIF be reallocated from Livability Projects to concept planning for the Town Center area. This planning effort could occur in the short-term, and would help prepare the area for future economic development efforts, without keeping the URA open indefinitely, waiting to invest directly in redevelopment projects in the Town Center if and when they occur. Program Income from the Year 2000 URA could be used to partially fund future redevelopment activities in the Town Center area.

Question 2. *When should the Year 2000 Plan be closed down?*

Task Force Recommendation. As soon as possible, while limiting compression impacts to the School District

Rationale. The task force recognizes that the Year 2000 Plan is collecting annual TIF revenues that exceed annual debt service requirements. This will result in a surplus fund balance that will allow the urban renewal area to pay off its outstanding debt ahead of schedule. In general, the task force was supportive of repaying the debt early and retiring the district as soon as possible, with one important caveat. The task force recommended that the City coordinate with the West Linn - Wilsonville School District to close down the Year 2000 Plan in a way that limits any abrupt compression impacts to the school district's local option levy. While the task force did not recommend a specific date for closing the district, or a specific method for mitigating the impact of the district's closure on the school district; the task force did recommend that the City and school district staff communicate as often as necessary to find a solution that works for both taxing districts.

Figure 10 shows a revised version of the Year 2000 Plan project summary. The differences between Figure 10 and Figure 4 are:

- Old Town Streets cost paid by URA is reduced by \$2 million.
- Old Town Escape is a new project on the list (moved from the West Side Plan) with cost paid by URA recommended to be no more than \$7 million.
- Funding for "livability projects" has been reallocated to "Town Center Planning."

Figure 10. Recommended Year 2000 Project Summary

Project	Cost Paid by URA (Nominal \$)	City Obligation	Complete	Task Force Recommendation to fund with TIF
Extend Canyon Creek South of Boeckman	\$6,125,300	None	No	Fund
Old Town Streets	\$1,868,300	None	No	Fund
Old Town Escape	\$7,000,000	None	No	Fund
Town Center Planning	\$275,600	None	No	Fund
Landover Medians	\$289,400	None	No	Fund
Park Improvements	\$441,000	None	No	Fund
Boeckman Road		None	No	Don't Fund
Boeckman Interchange and Ramps at I-5		None	No	Don't Fund
Wiedemann Road, Overcrossing and Ramps		None	No	Don't Fund
Willamette River Crossing		None	No	Don't Fund
I-5 Freeway Crossing to Seely Trunk at Wiedemann Road		None	No	Don't Fund
Remove Pump Station at Town Center Site		None	No	Don't Fund
Rose Lane/Schroeder Way System		None	No	Don't Fund
Swim Center		None	No	Don't Fund

Neighborhood Park - North (6 to 8 Acres)	None	No	Don't Fund
Teen Center	None	No	Don't Fund
Boones Ferry Park	None	No	Don't Fund
Canyon Creek North		Yes	N/A
Town Center Loop East Extension		Yes	N/A
Town Center Loop West Extension		Yes	N/A
Wilsonville Road		Yes	N/A
Wilsonville Road Realignment		Yes	N/A
Parkway Avenue		Yes	N/A
Traffic Signals		Yes	N/A
Wilsonville Road Interchange		Yes	N/A
Connect to Dependable Water Supply Source		Yes	N/A
Hackamore Road/Old Canyon Creek Road		Yes	N/A
Canyon Creek North Extension		Yes	N/A
Waste Water Treatment Plant Expansion		Yes	N/A
Parkway/Trask Street System		Yes	N/A
Town Center Outfall and Detention Facility		Yes	N/A
Memorial Park		Yes	N/A
Joint Use of Athletic, Cultural and Public Assembly Facilities at New High School		Yes	N/A
Recreation Facilities, Parking and Landscaping at Clackamas Community College Site in Town Center		Yes	N/A
Tranquil Park		Yes	N/A
Town Center Square (5 to 6 Acres)		Yes	N/A
Civic Center Park		Yes	N/A
Barn Rehabilitation		Yes	N/A
Affordable Housing		Yes	N/A

3.3 Coffee Creek Industrial Area

Question 1. Should Wilsonville conduct a feasibility analysis and planning for adoption of a new urban renewal area?

Task Force Recommendation. Yes

Rationale. The task force views Coffee Creek as having great potential for economic development. Furthermore, the task force views the proposed development in Coffee Creek as the appropriate target for urban renewal (generating growth in jobs and taxable assessed value). While it is premature to identify the specific projects and maximum indebtedness for a Coffee Creek urban renewal area, the task force recommends conducting a feasibility study to

evaluate how urban renewal could assist implementation of Coffee Creek development.

***Question 2.** Should Wilsonville pursue a citywide advisory vote and concurrence of overlapping taxing districts during plan adoption?*

Task Force Recommendation. Yes.

Rationale. The task force supports the precedent set by the City to seek an advisory vote of the public before the creation of **new** urban renewal areas, as part of an open and transparent public process. Additionally, the task force supports intergovernmental coordination on the use of urban renewal.

***Question 3.** Should Wilsonville remove land from other URAs to enable the formation of a Coffee Creek URA?*

Task Force Recommendation. Yes.

Rationale. The City does not have capacity to form a new urban renewal area without closing or reducing the acreage of an existing urban renewal area. Analysis of the consultant team determined that it is possible to remove sufficient acreage from the Year 2000 and West Side plans to create the proposed Coffee Creek urban renewal area, while still maintaining enough assessed value in the existing urban renewal areas to fund all projects as planned, and to meet all outstanding financial obligations. If acreage were not removed from the West Side or Year 2000 plans, then a Coffee Creek urban renewal area could not be formed until one of the existing districts expires, which is not forecast to occur until at least FY 2018-19. The task force would prefer for the Coffee Creek urban renewal area to be formed prior to FY 2018-19, to facilitate more rapid development of the area.

***Question 4.** What types of projects in the Coffee Creek area should be considered eligible for TIF funding?*

Task Force Recommendation. The task force reiterated their commitment to language from a prior task force on the appropriate use of TIF: to support projects that “make development viable and leverage significant private investment: for example, to bring needed infrastructure to the Coffee Creek Industrial Area to facilitate development, or to assemble small parcels into larger parcels for resale and development.”

Rationale. Urban renewal should be used in a way that supports economic development outcomes and encourages new development, rather than to support community amenities that have a questionable return on investment potential.

3.4 Frog Pond

Question 1. Should Wilsonville conduct a feasibility analysis and planning for a new urban renewal area?

Task Force Recommendation. No.

Rationale. The task force did not feel that there was any evidence that development of Frog Pond required urban renewal investment at this time. The task force recommended the City re-evaluate the need for urban renewal to serve the Frog Pond area after the master planning effort is completed.

3.5 Next Steps

The Wilsonville City Council will review the task force recommendations and decide how to proceed. The City Council may not agree with all task force recommendations. If the City Council agrees with task force recommendations, then next steps may include:

- Identification of specific areas to be removed from the West Side or Year 2000 urban renewal plans, to free up acreage for a new Coffee Creek URA.
- Feasibility study for a Coffee Creek URA.
- Urban renewal plan amendment for the West Side Plan.

Some task force recommendations call for projects identified in urban renewal plans to not receive funding from TIF. The task force also recommended not to pursue projects related to the redevelopment of Town Center properties. If the City Council agrees with these recommendations, but still desires to implement these projects, then the Council will need to consider alternate funding sources. Those funding sources could include the use of “program income”, which can be used in urban renewal areas, subject to any constraints of bond documents and consistent with the definition of urban renewal agency powers identified in ORS 457. Program income may also be used for specific types of projects after an urban renewal area has formally terminated. Other potential funding sources are those funds available for use by the City Council including general funds, systems development charges, local improvement districts, general obligation bonds, or other sources as identified by the city council.

Appendices

Include all referenced in this doc and any materials prepared for the task force, also the Opportunities and Challenges doc done at the beginning of this project.

Appendix A: *Task Force Members*

Appendix B: *Terms glossary*

Appendix C: *Wilsonville Urban Renewal Opportunities and Challenges Report*

Appendix D: *Meeting Summary Notes – September 25, 2013*

Appendix E: *Meeting Summary Notes – October 17, 2013*

Appendix F: *Meeting Summary Notes – January 30, 2014*

Appendix G: *Financial summaries of the recommended scenario*

Appendix H: *Interview Summary*

Appendix I: *Summary of acreage evaluation*

Appendix J: *Compression and school districts*

Appendix A. Urban Renewal Strategy Task Force Members

Chair – City Council President Scott Starr

Bill Bach

Mary Closson

Brenner Daniels

Chief Mike Duyck

Lonnie Gieber

Gale Lasko

Doug Middlestetter

Susan Myers

Ray Phelps

Christine Reynolds

Larry Remmers

Fred Robinson

Dr. Bill Rhoades

Dick Spence

Alan Steiger

Doris Wehler

Appendix B. Urban Renewal Terminology

“Area” means the properties and rights of way located with an urban renewal boundary.

“Concurrence” is a statutorily-defined threshold of support from affected taxing districts, required for urban renewal plans to deviate from certain statutory limits. Concurrence is calculated as a combination of taxing districts, the sum of whose permanent property tax rates is equal to or greater than 75% of the total permanent tax rate applicable for the urban renewal area.

“Debt Limit” is another term for maximum indebtedness.

“Debt Principal Outstanding” means the outstanding amount of unpaid principal from debt incurred by the Agency for the urban renewal area.

“Frozen base” means the total assessed value including all real, personal, manufactured and utility values within an urban renewal area at the time of adoption. The county assessor certifies the assessed value after the adoption of an urban renewal plan.

“Increment” means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an urban renewal area, or portion thereof, over the assessed value specified in the certified statement.

“Maximum indebtedness” means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness. This is the total amount that can be spent from tax increment proceeds for projects, programs and administration.

“ORS” means the Oregon revised statutes and specifically Chapter 457, which relates to urban renewal.

“Program income” is income that accrues to urban renewal agencies from their programmatic activities (as opposed to from tax increment). A common example is income from a loan repayment program, which may include interest.

“Revenue sharing” is the result of 2009 legislative changes enacted through HB 3056, which established a system of sharing tax increment revenues with overlapping taxing districts when certain thresholds are met for new and substantially amended urban renewal areas. In new areas, when TIF revenues exceed 10% of the Area’s maximum indebtedness, 25% of the amount exceeding 10% of maximum indebtedness is shared. When TIF revenues exceed 12.5% of maximum indebtedness, the urban renewal area’s revenue is capped at 12.5%, and all excess revenues are shared with overlapping taxing districts. When an

existing urban renewal area is substantially amended to increase its maximum indebtedness, revenue sharing is also triggered.

“Tax increment financing (TIF)” means the funds that are associated with the division of taxes accomplished through the adoption of an urban renewal plan.

“Tax increment revenues” means the funds allocated by the assessor to an urban renewal area due to increases in assessed value over the frozen base within the area.

“Urban renewal agency” or **“agency”** means an urban renewal agency created under ORS 457.035 and 457.045. This agency is responsible for administration of the urban renewal plan

Appendix C. Wilsonville Urban Renewal Opportunities and Challenges Report

Wilsonville Urban Renewal Opportunities and Challenges

September 30, 2013

Prepared for:

City of Wilsonville

Summary of Analysis – Opportunities, Challenges and Strategies



Contact Information

ECONorthwest prepared this report in conjunction with Elaine Howard Consulting, LLC. ECONorthwest is solely responsible for its content.

ECONorthwest specializes in economics, planning, and finance. Established in 1974, ECONorthwest has over three decades of experience helping clients make sound decisions based on rigorous economic, planning and financial analysis.

ECONorthwest completed this project under contract to the City of Wilsonville. The City's purpose in commissioning this study was to provide a point-in-time summary and baseline analysis to support an urban renewal strategic planning process. An Urban Renewal Strategic Plan will be the second (and final) product associated with the contract.

The City of Wilsonville asked ECO to compile data and information about its existing and potential future urban renewal areas, to conduct some financial analysis to determine the capacity of those areas, and to identify the key strategic issues that will be faced in the remaining process.

Throughout the report we have identified our sources of information and assumptions used in the analysis. Within the limitations imposed by uncertainty and the project budget, ECO, Elaine Howard Consulting, and the City of Wilsonville have made every effort to check the reasonableness of the data and assumptions and to test the sensitivity of the results of our analysis to changes in key assumptions. ECO and the City acknowledge that any forecast of the future is uncertain. The fact that we evaluate assumptions as reasonable does not guarantee that those assumptions will prevail.

We have also described our analytic techniques and their limitations. (Client) has reviewed our analysis for reasonableness. As time passes the results in this report should not be used without correcting for changing market conditions.

For more information about ECONorthwest, visit our website at www.econw.com.

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1 Introduction

The City of Wilsonville faces fundamental and inter-related choices about how best to use urban renewal and tax increment finance to advance its economic development and redevelopment goals. Existing urban renewal areas limit the total acreage available for new urban renewal areas, and need to be re-examined relative to expectations about proposed projects. Possible new urban renewal areas may require annexation of lands into the City, and their financial capacity relative to the projects requires evaluation. Attitudes about urban renewal in the City, County, and region require careful consideration of its role in supporting economic development outcomes.

These factors and others have led the City of Wilsonville ('the City') to desire a coordinated Urban Renewal Strategy to guide the City's urban renewal activities and investments for the next ten years. The City contracted with ECONorthwest and Elaine Howard Consulting to produce the Strategy. This document is the first step toward that Strategy. It is a primarily internal report that serves to document a shared understanding among the project team (City staff, consultants, and a stakeholder task force that is supporting the process) of the key issues and challenges facing existing and new uses of urban renewal in Wilsonville. It provides a point-in-time summary of baseline conditions, and explores the various options—including current and potential urban renewal areas, timelines, indebtedness, and projects remaining to be completed—that are available to the City. Because it is written for a primarily internal audience, it assumes a fairly sophisticated understanding of Oregon urban renewal statutes and finance.

The Urban Renewal Strategic Plan, which will be a public document adopted by the City of Wilsonville City Council, will be developed based on the findings of this document, public and stakeholder engagement, and further analysis.

1.1 Background

In 2012, the City of Wilsonville adopted an *Economic Development Strategy* after a year of public input and recommendations. Following the adoption of the *Economic Development Strategy*, a task force was assembled to provide recommendations about incentives to be used for economic development. Urban renewal was identified as one of the tools that could be used to implement the *Economic Development Strategy*.

The City currently has two adopted urban renewal areas: the Year 2000 Plan and the West Side Plan. Each urban renewal area faces questions about

timelines, indebtedness, projects remaining to be completed, and eventual closure. A third set of urban renewal areas, referred to as “TIF (tax increment finance) zones” are expected to be adopted in November 2013

At least part of the City’s motivation for developing and adopting an Urban Renewal Strategy is to provide some clarity on possible new urban renewal areas: the City is beginning research and discussion about adding new areas at Coffee Creek and/or Frog Pond. However, to create effective urban renewal areas with enough of a tax base to fund meaningful projects, the total acreage in existing urban renewal areas would need to be reduced. As it stands, the Year 2000 Plan and West Side urban renewal areas comprise 23.1% of the acreage of the City of Wilsonville. Oregon Revised Statute (ORS) limits the total amount of acreage a city may have in urban renewal to 25%. With the addition of the TIF Zone urban renewal areas, 24.12% of Wilsonville is currently in urban renewal area. The remaining area allowed under the cap is about **41 acres**, which is not enough to create an urban renewal area that could generate sufficient tax increment to undertake meaningful projects.

Therefore, in addition to identifying ways to balance remaining maximum indebtedness and remaining projects for existing urban renewal areas, the Urban Renewal Strategy report will also seek to identify portions of the Year 2000 and West Side plans that may be retired early. Retiring portions of existing urban renewal areas would release tax increment to the local jurisdictions and free up acreage that could be used to create new urban renewal areas in Coffee Creek and/or Frog Pond.

A map of the areas under study is shown in Figure 1.

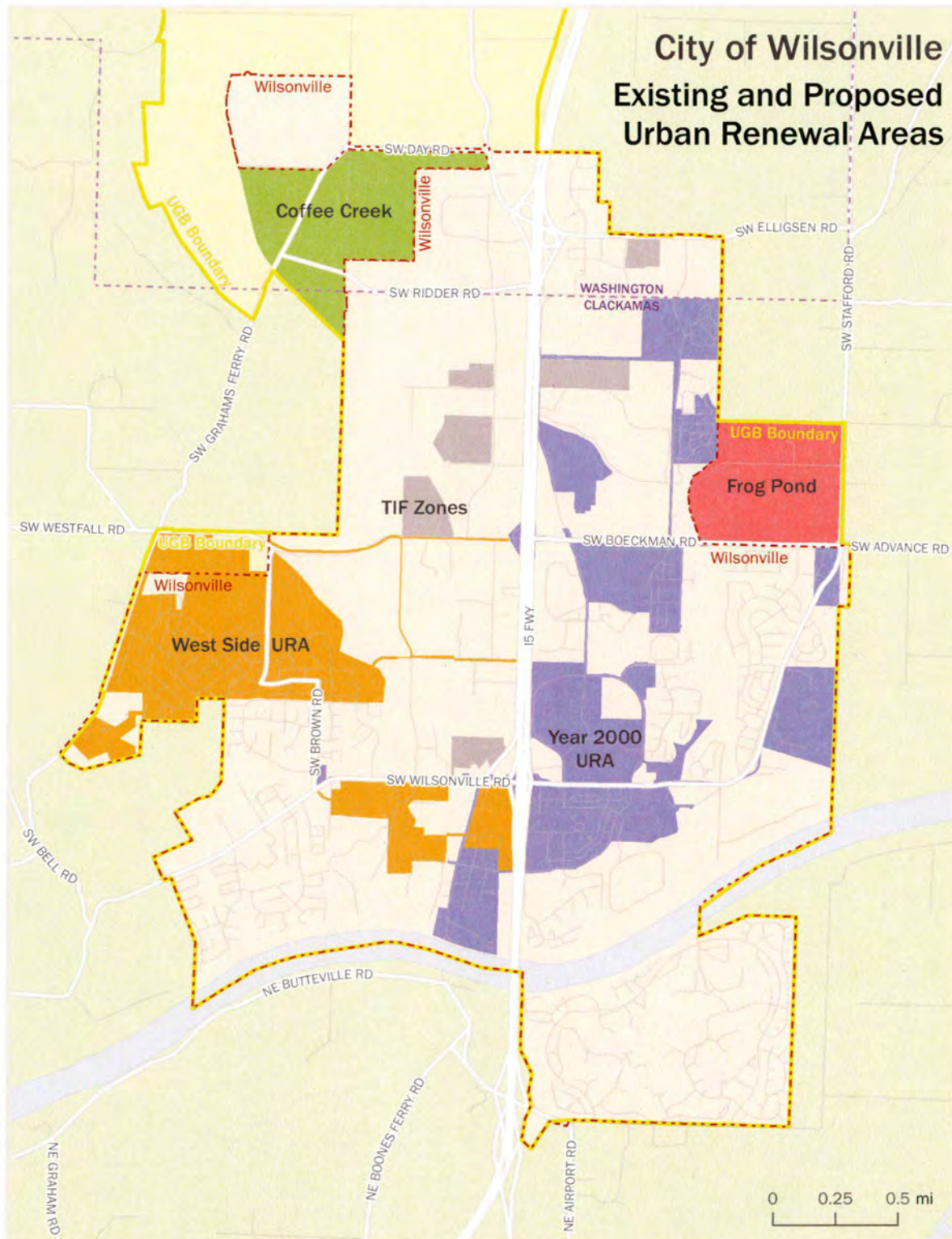
1.2 Organization of this report

The remainder of this report is organized as follows:

- **Existing Urban Renewal Areas**
 - Year 2000 Plan
 - West Side Plan
- **Potential Urban Renewal Areas**
- **TIF Zones**
- **Summary Acreage and Assessed Value**
- **Appendices**
 - Appendix A – Principles for decisions about urban renewal areas
 - Appendix B – Glossary of urban renewal terms
 - Appendix C – Area Fact Sheets

- Appendix D – Year 2000 Bond Prepayment Penalty
- Appendix E – Frog Pond Project Descriptions
- Appendix F – Potential Infrastructure Funding Tools

Figure 1. Urban Renewal Study Areas, City of Wilsonville, Oregon, 2013



Source: ECONorthwest. Data from the City of Wilsonville GIS and Metro RLIS, 2013.

2 Existing Urban Renewal Areas

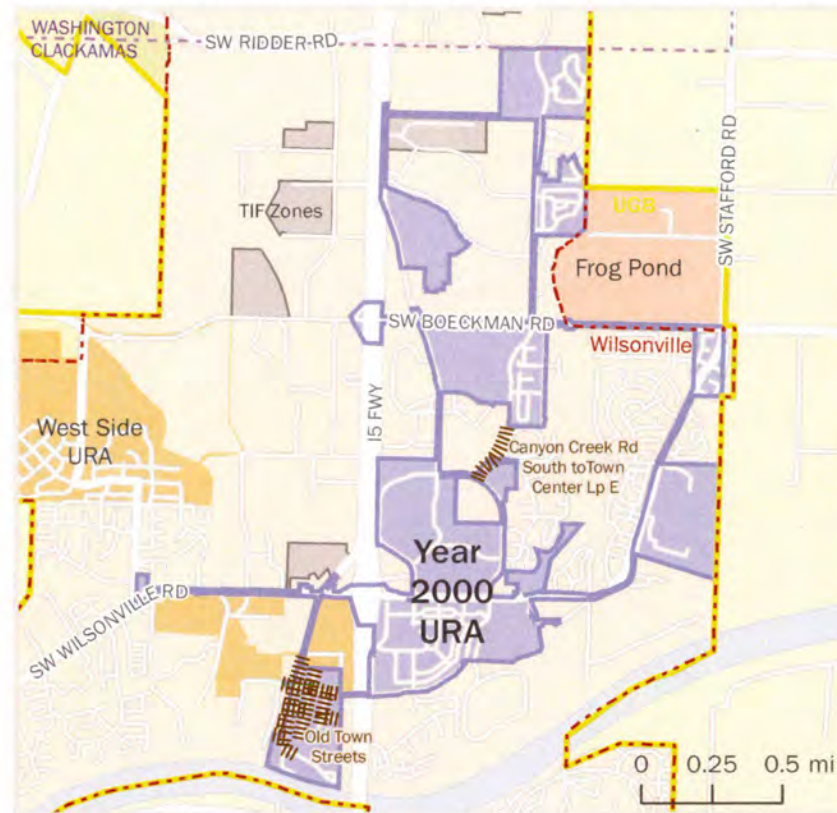
This section focuses on the City's two existing urban renewal areas: Year 2000 URA and West Side URA. Each urban renewal area faces questions about timelines for debt retirement, indebtedness and capacity available, projects remaining to be completed or possibly added, and eventual closure.

2.1 Year 2000 Urban Renewal Plan

2.1.1 Background

The Year 2000 Urban Renewal Plan was created in 1992 with a mission statement of curing blight, attracting job producing investment, buoying property values and protecting residential livability and environmental values. To accomplish this mission, the Year 2000 Plan (sometimes referred to as the East Side Plan) outlines a variety of specific goals including: installing the appropriate infrastructure; creating positive transportation linkages; undergrounding utilities; providing avenues for meaningful citizen involvement; and installing streetscaping improvements. The Year 2000 Plan lists 34 specific projects and allows for other projects if required. These general projects included a livability project to "enhance community livability and insure a more attractive and functional city." The current boundaries of the Year 2000 Urban Renewal Area are shown in Figure 2.

Figure 2. Year 2000 Urban Renewal Plan and Remaining Projects



Source: ECONorthwest. Data from City of Wilsonville GIS and Metro RLIS

As the initial projects were completed, development began to occur in the area. Between 1992 and 2010, property values in the area increased by more \$300 million, and employers in the area added more 3,000 jobs.¹

The original maximum indebtedness was \$53,851,923, which a later amendment increased to \$92,687,432. As of October 30, 2012, \$75,385,000 of the maximum indebtedness has been used, leaving \$17,302,423 to complete any remaining projects before the term of the urban renewal area expires.²

The City of Wilsonville made a commitment to their citizens that they would not take more than \$4,000,000 in tax increment revenues in any one year by passing Urban Renewal Resolution No. 156 in June 2007. In the past, significant acreage has been deleted from the urban renewal area in order to reduce the annual increment to this figure; the resolution formalized that commitment.

¹ City of Wilsonville website, <http://ci.wilsonville.or.us/Index.aspx?page=145>. Accessed 8/12/13.

² Gary Wallis, Wallis Consulting, October 2012, *City of Wilsonville Year 2000 Plan Closure*

Since the 2009 State of Oregon urban renewal legislation allowing for an annual under-levy, the City has used this method of limiting the collection of tax increment revenues. Since 2004, 224 acres have been removed from the area³. Some parcels were removed from the Year 2000 URA and added to the West Side Plan. Other parcels were removed from an urban renewal area entirely; in those cases, the assessed value returned to the tax rolls, thus increasing tax revenues to the local taxing jurisdictions. The City anticipates that an additional 62 acres (from Wilsonville High School) will be removed from the Year 2000 URA in October 2013. This would leave 567 acres in the plan area. More options for removing acreage or closing the entire district in advance of the original planned date have been presented to the City in a report called Year 2000 Plan Closure Options prepared by Wallis Consulting.

At the start of FY 2013-14, the Year 2000 Plan had \$10,687,000 of outstanding debt principal, from three separate loans. The last of these loans is scheduled to be repaid in FY 2024-25. It is possible to repay the debt early, perhaps as early as FY 2018-19 (assuming no new debt is incurred). If the debt is retired early, a prepayment penalty will be incurred. This penalty is tied to the interest rate that can be achieved by current bond holders if the bond is redeemed. At this time, the City is still evaluating the magnitude of any potential prepayment penalties. Appendix D has the full text of documents that govern the calculation of the prepayment penalty.

2.1.2 Remaining Projects

The City anticipates completing two specific projects from the original Year 2000 Plan using the remaining maximum indebtedness before the area is closed: Canyon Creek Road South and Old Town Streets and Streetscape Improvements. A third project, for general livability projects, can be used anywhere in the district. These projects are listed below in Table 1. Figure 2, above, shows the locations of the two specific projects.

Table 1. Year 2000 Projects Remaining to be Constructed

Project	Est. Cost	Construction Date
Extend Canyon Creek South of Boeckman	\$4,354,800	2014-15*
Old Town Streets	\$3,180,600	2015-16*
Livability Projects	\$200,000	2016
Project Management and Admin.	\$790,000	2013-2017
Total	\$8,525,400	

³ City of Wilsonville website, <http://ci.wilsonville.or.us/Index.aspx?page=145>. Accessed 8/12/13.

Source: City of Wilsonville staff

* Design work underway; cost estimates may shift but are within a reasonable range of certainty to support this analysis

The Canyon Creek Road South project is the highest priority project. The design of this project is expected in FY2013/14 when refined cost estimates will also be completed. Old Town Streets and Streetscape Improvements is another likely project. Including the potential Livability Projects and Project Management and Administration, a total of \$8,525,400 is projected to be sufficient to fund these projects, an amount well within the \$17,302,423 of remaining maximum indebtedness.⁴ It is estimated that the Year 2000 Plan could terminate in FY 2018/19 if no new projects beyond those listed in Table 1 are added to the plan.

Table 2 lists the original projects from the Year 2000 Plan and shows the status of each project.

Table 2. Status of Year 2000 Plan Projects

Project	Status
1. Canyon Creek North	Completed
2. Canyon Creek South to Vlahos	Expected completion: FY 13/14 – 14/15
3. Town Center Loop East Extension	Completed
4. Town Center Loop West Extension	Completed
5. Boeckman Road	No plans for completion using current funding
6. Boeckman Interchange and Ramps at I-5	No plans for completion using current funding
7. Wilsonville Road	Completed
8. Wilsonville Road Realignment	Completed
9. Wiedemann Road, Overcrossing and Ramps	No plans for completion using current funding
10. Parkway Avenue	Completed
11. All "Old Town" Streets	Expected completion: unknown
12. Traffic Signals	Completed
13. Wilsonville Road Interchange	Completed
14. Connect to Dependable Water Supply Source	Completed
15. Willamette River Crossing	No plans for completion using current funding
16. Hackamore Road/Old Canyon Creek Road	Completed
17. Canyon Creek North Extension	Completed
18. I-5 Freeway Crossing to Seely Trunk at Wiedemann Road	No plans for completion using current funding
19. Waste Water Treatment Plant Expansion	Completed
20. Remove Pump Station at Town Center Site	No plans for completion using current funding
21. Parkway/Trask Street System	Completed

⁴ Year 2000 Plan Closure Options, Wallis Consulting, 10/30/2012

Table 2, Continued.

Project	Status
22. Rose Lane/Schroeder Way System	No plans for completion using current funding
23. Town Center Outfall and Detention Facility	Completed
24. Boones Ferry Park	No plans for completion using current funding
25. Memorial Park	Completed
26. Joint Use of Athletic, Cultural and Public Assembly Facilities at New High School	Completed
27. Swim Center	No plans for completion using current funding
28. Neighborhood Park - North (6 to 8 Acres)	No plans for completion using current funding
29. Teen Center	No plans for completion using current funding
30. Recreation Facilities, Parking and Landscaping at Clackamas Community College Site in Town Center	Completed
31. Tranquil Park	Completed
32. Town Center Square (5 to 6 Acres)	Completed
33. Civic Center Park	Completed
34. Livability Projects	Not yet completed
35. Barn Rehabilitation, Design and Construction of Public Building for City Offices and Public Meeting Spaces and Development of Site Improvements	Completed
36. Affordable Housing Administration	Completed

2.1.3 New Projects for Consideration

Concern about rising and persistent vacancies in commercial spaces in the Old Town neighborhood of Wilsonville has led to recent discussions about using the Year 2000 Plan to provide support for small businesses the area. Small business aid programs are a standard part of many urban renewal plans. They typically come in the form of low interest loans or grants for brick and mortar improvements. Storefront improvement programs are perhaps the most common form of small business aid employed by urban renewal programs. This type of assistance would fall under the livability project initially identified in the Year 2000 Plan.

Any new program or programs would impose an additional financial requirement upon the Year 2000 Area and may complicate efforts to close the area at an early date or remove portions of the area and release their increment back to the tax rolls. So, when considering a small business aid program, its benefits must be weighed against the effects that it may have on the taxing jurisdictions and the City's ability to establish a new urban renewal area at Coffee Creek or Frog Pond.

2.1.4 Key Issues for the Year 2000 Plan

Projects

- Should any projects be added to the plan?
 - If so, what would be their impact on maximum indebtedness and longevity of the plan?
 - Would storefront loan program require changes to the plan boundary?
- Should any projects be deleted from the plan?

Early Partial or Full Closure of Area

- What area could be removed from the Year 2000 Plan that would still comply with bond covenants, produce the increment needed to complete existing projects, and keep the locations of the existing projects within the urban renewal area? (This question should be answered in relation to the acreage needed to create other potential urban renewal areas.)
- When should any removal or closure happen?

Facilitating a New Urban Renewal Area

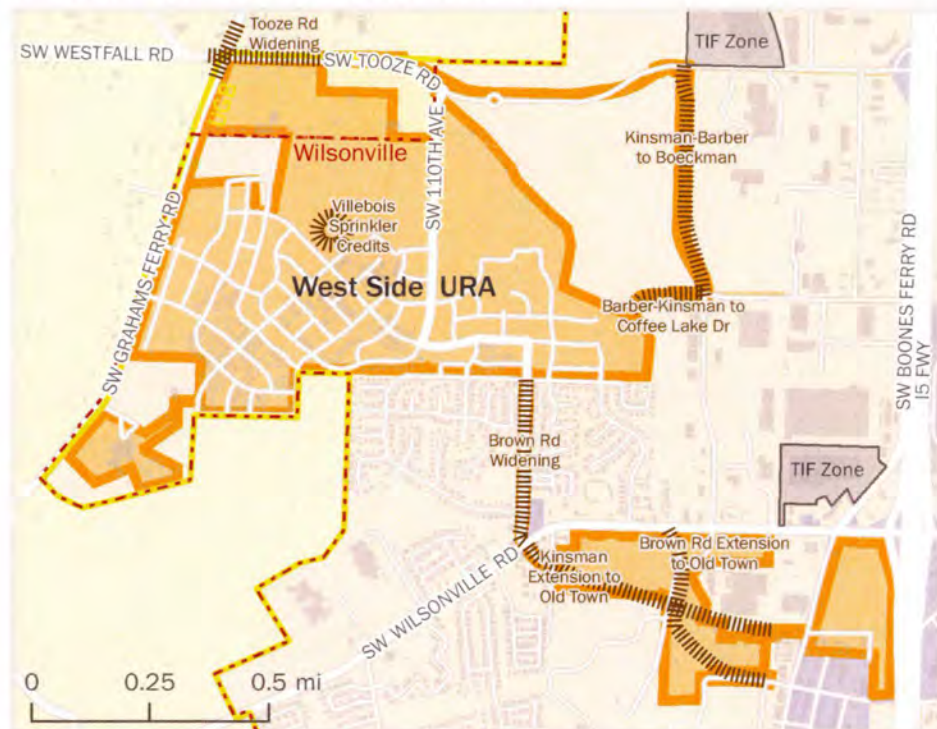
- Is there any land that can be released to allow the creation of a Coffee Creek or Frog Pond urban renewal area? How much land could be released?
- When could this happen?

2.2 West Side Plan

2.2.1 Background

The West Side Plan (shown in Figure 3) was created in 2003 to promote development and fund infrastructure improvements on and around the former Dammasch Hospital site. This resulting development, known as the Villebois Village, offers quality housing options for a variety of income levels. The original goals of the West Side Plan were to develop a transportation network within the area, provide transportation infrastructure to connect Villebois to the remainder of the city, support the development of diverse housing types, provide public services and facilities, support the development of multi-purpose public parks and green spaces, and to make public investments that directly support high-quality private development.

Figure 3. West Side Plan and potential projects



Source: ECONorthwest. Data from City of Wilsonville GIS and Metro RLIS.

The original West Side Plan had 385 acres; the present area is 456 acres. The maximum acreage this area could have is 462 acres, a 20% increase over the original acreage.

There is approximately \$27,930,000 in outstanding debt principal. This debt is scheduled to be repaid in FY 2027-28. It is possible to repay the debt early, perhaps as early as FY 2017-18 (assuming no new debt is incurred). If the debt

is retired early, a prepayment penalty will be incurred. This penalty is tied to the interest rate that can be achieved by current bondholders if the bond is redeemed. At this time, the City is still evaluating the magnitude of any potential prepayment penalties. Appendix D has the full text of documents that govern the calculation of the prepayment penalty.

2.2.1 Maximum Indebtedness

The original plan stipulated a maximum indebtedness of \$40,000,000. This amount was anticipated to be sufficient to complete all of the projects listed in the plan, the majority of which were infrastructure projects—roads, utility, parks, and school projects. Some of these projects were contractually agreed upon with the private developers who built developments in Villebois Village. As the Plan progressed, actual costs exceeded initial project estimates, and the projects that need to be completed to meet contractual obligations now exceed the remaining maximum indebtedness allowed by the Plan.

To date, the West Side Area has used \$32,000,000 of its maximum indebtedness. The remaining \$8,000,000 is vastly below the estimated cost of projects (about \$40,000,000) that remain to be completed in the area. Because the City of Wilsonville is contractually obligated to complete a number of the West Side Plan's projects, the City is considering amending the West Side Plan to increase the maximum indebtedness.

The Wilsonville City Council could increase maximum indebtedness by 20% of original maximum indebtedness (\$40,000,000) as indexed annually for inflation at 3%. Table 3 shows the amount that maximum indebtedness could be increased on an annual basis:

Table 3. Amount of Maximum Indebtedness Increase Allowed without Concurrence

Year	MI Increase
2013	\$10,751,331.03
2014	\$11,073,870.97
2015	\$11,406,087.09
2016	\$11,748,269.71
2017	\$12,100,717.80

Any increase in maximum indebtedness above the amounts shown in Table 3 requires written concurrence of some combination of at least 75% of the taxing jurisdictions imposing taxes under permanent rate limits in the urban renewal area. The percentage of permanent rate levies are shown in Table 4 and Table 5; because the area spans two counties, concurrence would be required of 75% of two sets of taxing districts. Together, the tables provide context regarding

possible combinations of taxing districts that might be required to concur. If maximum indebtedness is increased, it is a substantial amendment and revenue sharing is then mandated by the statutes governing urban renewal.

Table 4. Percent of Total Permanent Rate of Taxes, Clackamas County, 2013

Taxing District	% of total
City of Wilsonville	19.52%
Clackamas County	18.61%
Tualatin Valley Fire & Rescue	11.81%
West Linn Wilsonville Schools	37.69%
Clackamas Comm College	4.32%
Clack Co Library	3.08%
Clack Co ESD	2.85%
Metro	0.75%
Port of Portland	0.54%
County Extension and 4-H	0.39%
County Soil and Conservation	0.39%
Vector Control	0.05%
Total	100.00%

Source: Clackamas County Assessor, 2013

Table 5. Percent of Total Permanent Rate of Taxes, Washington County, 2013

Taxing District	% of total
City of Wilsonville	21.04%
Washington County	18.77%
Tualatin Valley Fire & Rescue	12.73%
West Linn Wilsonville Schools	40.64%
Portland Community College (perm)	2.36%
Clackamas County ESD	3.08%
Metro	0.81%
Port of Portland	0.59%
Total	100.00%

Source: Washington County Assessor

2.2.2 Remaining Projects

Table 6 shows the original projects from the West Side Plan and the status of those projects.

Table 6. Status of West Side Projects, 2013

Project	Status
Boeckman Rd. (95th to 110th)	Completed
Boeckman Rd. Repair	Expected completion: FY 13/14
Barber St. (Boones Ferry Rd. to Boberg)	Completed
Barber St. (Boberg to Kinsman Rd.)	Completed
Barber St. (Kinsman Rd. to Coffee Lake Dr.)	Expected completion: FY 13/14
Kinsman Rd. (Barber to Boeckman Rd.)	Expected completion: FY 15/16
Tooze Rd. (110th to Grahms Ferry Rd.)	Expected completion: FY 16/17
Grahams Ferry Rd. (Tooze to LEC)	No plans for completion with current funding
School Site	Completed
Sprinklers	Expected completion: FY 13/14
Parks	Expected completion: FY 13/14
Old Town Escape (Brown Option)	Expected completion: FY 18/19
Old Town Escape (Kinsman Option)	Expected completion: FY 18/19
Other Transportation/Brown Road	Expected completion: FY 17/18

Source: City of Wilsonville staff, 2013

The projects remaining for the West Side Area are shown in Table 6. Overhead is included at 12% except on the sprinklers project. An annual Construction Price Index of 3% has been applied to all projects except the parks project, as there was a set amount of urban renewal contribution. The Old Town Escape is an either/or option; both projects would not be completed, but as of this document's completion, which option would be used remains unknown. Administration is estimated at \$158,000 annually.

Table 7. West Side Projects Remaining to be Constructed, City of Wilsonville, 2013

Projects	Anticipated Completion	2013 URA Budget	Year of Completion URA Budget	Contractual Commitment?
Boeckman Rd. Repair	FY 13/14	\$1,400,000	*	Yes
Barber St. (Kinsman Rd. to Coffee Lake Dr.)	FY 13/14	\$4,820,113	\$4,820,113	Yes
Kinsman Rd. (Barber to Boeckman Rd.)	FY 15/16	\$4,788,000	\$5,079,589**	Yes
Tooze Rd. (110th to Grahams Ferry Rd.)	FY 16/17	\$8,268,700	\$9,035,431	Yes
Sprinklers	FY 13/14	\$2,093,184	\$2,093,184	Yes
Parks	FY 13/14	\$880,507	\$880,507	Yes
Old Town Escape (Brown Option)	FY 18/19	\$14,820,000	\$17,180,441	
Old Town Escape (Kinsman Option)	FY 18/19	\$7,410,000	\$8,590,220	
Other Transportation/Brown Road	FY 17/18	\$3,990,000	\$4,490,780	
Administration of \$158,000 per year				

Source: City of Wilsonville staff, 2013

* Paid for with program income ** Potential State Funding of \$2.5 Million

Projects Committed Contractually

The City of Wilsonville is contractually committed to complete the first six projects shown in

Table 7. The estimated cost of completing these projects is \$21.6 million. The Boeckman Road project is being paid from program income. The sprinklers are being paid from credits from Villebois developers. Because these projects are contractual commitments by the City, if the remainder of the projects are not completed with tax increment funding, they will need to be completed using other funding sources. Eligible sources include systems development charges, the City general fund, property sales within the urban renewal area, and a general obligation bond. Some projects could potentially be removed from the West Side Plan and placed in another urban renewal area.

2.2.3 Issues for the West Side Plan

Projects

- Should some projects be removed from the area? Is so, and if the project is contractually committed, what funding source should be used for those projects?
- Should any projects be added? If so, what is the impact on maximum indebtedness and longevity of the area?

Maximum Indebtedness

- Is an increase in maximum indebtedness necessary to fulfill contractual obligations?
- How much, when?
- What would a strategy be for this, what stakeholders would have to sign off?
- Would the city ask for concurrence from taxing jurisdictions?
- What will be the impacts of revenue sharing?

Early Partial/Full Closure of Area

- What parts could be closed early and why?
- If maximum indebtedness is increased, what is the timetable for closure?
- If maximum indebtedness is not increased, what is timetable for closure?

Facilitating a New Urban Renewal Area

- Is there any land that could be released to allow the creation of a Coffee Creek or Frog Pond urban renewal area? How much land could be released?
- When could this happen?

3 Potential Urban Renewal Areas

The City of Wilsonville is beginning to research and discuss the possibility of opening one or two urban renewal areas at the Coffee Creek and/or Frog Pond areas. This section discusses each area and its challenges and opportunities.

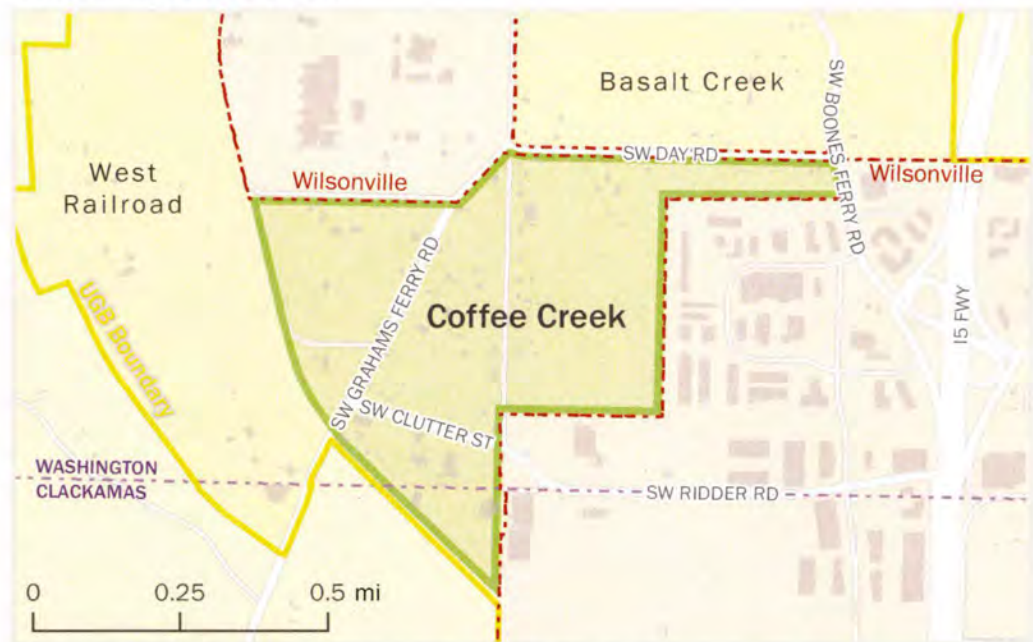
3.1 Coffee Creek

3.1.1 Background

The Coffee Creek area lies west of I-5 and is adjacent to the northwest corner of the City of Wilsonville (Figure 4). It is located outside Wilsonville city limits but within the urban growth boundary. Bounded on the north by the Coffee Creek Correctional Facility and Day Road, the Coffee Creek Industrial Planning Area contains approximately 216 acres of land zoned for industrial development. Like the rest of Wilsonville, the Coffee Creek area enjoys prime positioning in relation to transportation corridors due to its location along the I-5 corridor and its easy access to I-5, I-84, OR-26 and OR-217. Hailed by the City of Wilsonville as the next area of major business development, the area is projected to provide more than 1,800 family⁵ wage jobs at full buildout. Business development at Coffee Creek would synergize well with new residential development at Villebois Village and good access to public transportation including close proximity to the WES rail line.

⁵CCIA Infrastructure Report, Memorandum from FCS Group sent on 4/5/2011.

Figure 4. Coffee Creek area



Source: ECONorthwest. Data from City of Wilsonville GIS and Metro RLIS.

Planning efforts for the Coffee Creek area date back to 1998, when Otak, Inc. prepared a concept plan. A subsequent Coffee Creek Industrial Master Plan was adopted in 2007. The 2007 Master Plan details the potential build-out of the area and the infrastructure improvements that would be necessary to achieve this build-out projection. The Coffee Creek Industrial Area Technical Assistance Grant funded a 2010 study by the FCS Group that built upon the prior documents and provided an infrastructure analysis and a preliminary engineering study for infrastructure development. The project cost estimates are based on the FCS Group report.

The Coffee Creek Master Plan projects that total assessed value in the area would increase from \$16 million in 2007 to \$258 million at build out (assumed to be calendar year 2030).

3.1.2 Potential Projects

Current city studies show that a public investment of approximately \$34,000,000 is needed to provide the necessary infrastructure to generate the desired private investment in the Coffee Creek area. Of that, \$24,000,000 would fund transportation improvements. Table 8 gives a breakdown of project costs by category. These project costs would require approximately \$55,000,000 in potential maximum indebtedness.

Table 8. Coffee Creek Infrastructure Project Costs

Project	Phase 1 (Years 1-4)	Phase 2 (Years 5-20)	Total
On-Site Infrastructure			
Streets	\$5,959,606	\$9,251,048	\$15,210,654
Intersections	\$636,540	\$2,148,323	\$2,784,863
Water	\$338,772	\$1,036,261	\$1,375,032
Sewer	\$750,587	\$419,056	\$1,169,642
Storm Sewer	\$660,622	\$1,465,103	\$2,125,725
Park/Trail/Other	\$397,838	\$1,056,126	\$1,453,963
Subtotal	\$8,743,964	\$15,375,915	\$24,119,880
Off-Site Infrastructure*			
Water	-	\$4,201,164	\$4,201,164
Sewer	-	\$1,018,464	\$1,018,464
Transportation	-	-	-
Grahams Ferry RR underpass	-	\$4,243,600	\$4,243,600
Other Transportation	-	\$2,138,774	\$2,138,774
Total Off-Site	-	\$11,602,002	\$11,602,002
Grand Total	\$8,743,964	\$26,977,918	\$35,721,882

Source: CCIA Infrastructure Report, Memorandum from FCS Group sent on 4/5/2011. All costs in 2013 dollars, inflated from 2011 estimates at 3% per year.

*Additional off-site construction costs include sewer (\$960k), water (\$3.96M) and transportation (\$2.01M) are not reflected in these cost estimates since they primarily address other needs.

3.1.3 Potential Use of Urban Renewal

As discussed in the Introduction, Oregon state law caps the amount of land that a city can have in urban renewal areas at 25% of total city acreage. After taking into account Wilsonville's existing urban renewal areas and the new TIF zones, Wilsonville currently has 41 acres available for new urban renewal areas. The Coffee Creek area contains 216 acres. Consequently, the creation of an urban renewal area at Coffee Creek would require the removal of land from Year 2000 Plan and/or West Side Plan.

3.1.4 Issues

Urban Renewal

- Is urban renewal the appropriate tool to facilitate development in the area?
- Would the entire Coffee Creek area be included within the urban renewal area? If not, which portions?
- What land would be removed from urban renewal areas elsewhere in the city in order to free up the acres required to create a new Coffee Creek urban renewal area?
- When would the district be formed?

- What projects can urban renewal fund?
- How will projects be funded prior to ability to receive tax increment from new development?
- Does Coffee Creek need to be annexed into the City of Wilsonville?
What are the implications of that process for creation of a new urban renewal area?

Timeline

- How can Coffee Creek redevelopment and investment be accomplished: timeline, stakeholders, strategy?

3.2 Frog Pond

The Frog Pond area consists of 181 acres immediately east of the City of Wilsonville city limits (Figure 5). The Frog Pond area was brought into the urban growth boundary in 2002 in anticipation of eventual annexation into the City for residential development. Considered a second choice option for Wilsonville's next urban renewal area following the Coffee Creek Area, Frog Pond would not provide new industrial development opportunities. The Frog Pond area could potentially provide about 1,000 housing units, and planning efforts would encourage housing diversity and compact development. The Frog Pond area would likely be developed as a neighborhood-style development featuring a neighborhood-scale commercial hub, parks, open spaces, schools, and a pedestrian-oriented design.

Figure 5. Frog Pond area



Source: ECONorthwest. Data from City of Wilsonville GIS and Metro RLIS.

In 2010, more than 16,831 jobs were located within 1.5 miles of the Frog Pond. Creating a residential neighborhood at Frog Pond could help address the jobs-housing imbalance that currently exists in Wilsonville. A residential development at Frog Pond might also help reduce traffic congestion on I-5 and local greenhouse gas emissions if people who worked in Wilsonville were provided with more housing options so they could also choose to reside in Wilsonville.

In addition to providing housing opportunities for those employed in Wilsonville, the Frog Pond area is also located close enough to Wilsonville

Town Center that its residents would provide valuable support the local business community. The Wilsonville Town Center is about 0.5 miles from Frog Pond, and multimodal roads, pathways, and transit service would connect the two areas.

In 2013, the City of Wilsonville received a Metro Community Planning and Development Grant to help planning efforts for the Frog Pond and Advance Road areas. The next step in the development of Frog Pond will be the completion of a Master Plan for the area. Following or concurrent with the master planning process, an urban renewal area encompassing Frog Pond could potentially help to fund necessary planning efforts and infrastructure projects that would expedite the desired development of the area.

3.2.1 Projects

The City of Wilsonville's Capital Improvement Plans identify a number of projects for the Frog Pond area. These projects are more fully described in Appendix E.

Table 9. Frog Pond Potential Projects, City of Wilsonville, 2013

Project #	Project	Budget
UU-01	Boeckman Road Dip Improvements	\$5,850,000
UU-02	Boeckman Road Urban Upgrade	\$2,100,000
UU-06	Stafford Road Urban Upgrade	\$3,900,000
RT-02	Frog Pond Trail	\$290,000
P15	Frog Pond Community Park	\$10,600,000
P16	Frog Pond Neighborhood Park 1	\$2,650,000
P17	Frog Pond Neighborhood Park 2	\$2,650,000
	Sewer Repair/Replacement & Maintenance Access Along	
2045	Boeckman Creek	\$7,126,650
	Est. Total Road, Park Trail, Sewer	\$35,166,650
	Admin \$158,000 per year	

Source: City of Wilsonville Staff, 2013

3.2.2 Issues

Urban Renewal

- Is urban renewal the appropriate tool to facilitate development in the area?
- Would the entire Frog Pond area be included within the urban renewal area? If not, which portions?
- What land would be removed from urban renewal areas elsewhere in the city in order to free up the acres required to create a new Frog Pond urban renewal area?
- When would the district be formed?
- What projects can urban renewal fund?
- How will projects be funded prior to ability to receive tax increment from new development?
- Does Frog Pond need to be annexed into the City of Wilsonville?

Timeline

- How can Frog Pond be accomplished: timeline, stakeholders, strategy.

4 TIF Zones

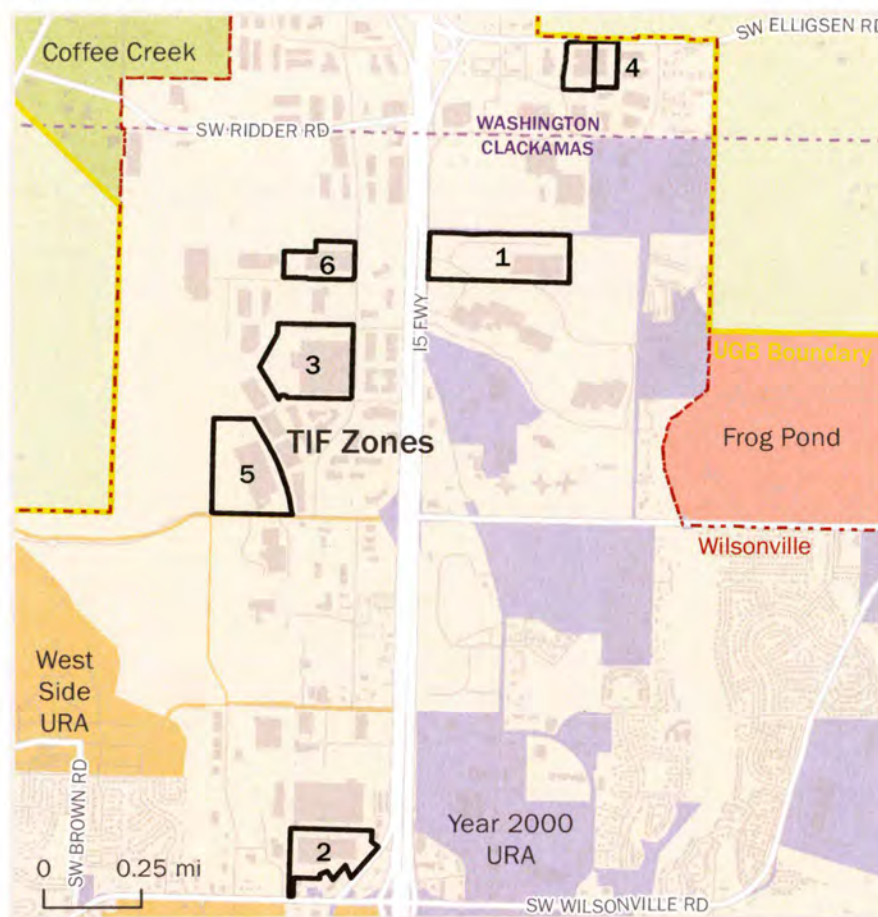
4.1 Background

The City of Wilsonville is reviewing the potential of creating six single-building urban renewal areas for light industrial buildings that were either vacant or under-utilized. Called TIF Zones, the purpose of these areas is to provide an investment incentive similar to Enterprise Zones that are in place in surrounding cities.⁶ Each TIF Zone has only one project, which is to provide a partial property tax rebate on qualifying investments.

Figure 6 shows the locations of the six proposed TIF Zones; Table 9 provides current/prior use, acreage, and assessed value for each TIF Zone.

⁶ For more background on TIF Zones, see the work of the Economic Development Strategy Task Force. <http://ci.wilsonville.or.us/Index.aspx?page=986> (Accessed 9/27/13). The proposal to create TIF Zones was approved by 78% of voters in March 2013.

Figure 6. Locations of TIF Zones



Source: ECONorthwest. Data from City of Wilsonville GIS and Metro RLIS.

Table 9. Address, Use, Assessed Value, and Acres of Proposed TIF Zones

No.	TIF Zone	Current/Prior Use	Assessed Value	Acres
1.	Bldg. 83 – 26440 SW Parkway Ave			27.00
2.	29899 SW Boones Ferry Road	Wilsonville DC	\$14,458,913	15.40
3.	27255 SW 95th Avenue	Pacific Natural Foods / Former Nike DC	\$16,608,823	26.07
4.	25600 SW Parkway Center Drive	Former Hollywood Video DC	\$7,476,210	10.35
5.	9805 SW Boeckman Road	360 Enterprises / Former GI Joes HQ/DC	\$10,879,601	24.98
6.	26755 SW 95th Avenue	Ikon DC / Former Martin DC	\$7,064,499	9.76

Source: City of Wilsonville staff, 2013

Notes: DC is "Distribution Center;" HQ is "Headquarters"

While the TIF Zone incentive packages are similar to Enterprise Zones in concept, they will differ in several key ways that make TIF Zones a lower risk use of public funds and more attractive to potential investors. Each site selected to be a TIF Zone will require the creation of a separate urban renewal plan and report because each site will be an individual urban renewal area. As defined

by the Economic Development Task Force and approved by voters, each TIF Zone property must have 100,000 square feet or more of industrially-zoned building space that has the potential for conversion from warehousing to a higher-value, traded-sector use such as manufacturing.

Each TIF Zone will be active for a maximum of 15 years. If no qualifying investment occurs in the TIF Zone within five years after the effective date of the Plan, then the Plan will immediately be terminated. The maximum amount of indebtedness that may be issued for each Plan is \$12,000,000. For TIF Zones, maximum indebtedness reflects the total of the tax repayment obligation to the qualifying company and represents the maximum amount of tax increment to be collected to meet this obligation as well as administrative costs.

Due to the fact that each TIF Zone contains only one building, they do not weigh too heavily on the ORS limitation of acreage or assessed value that can be contained in urban renewal. Based on their minimal impact and the young age of the program, we do not recommend that the TIF zones be altered at all to facilitate the creation of new urban renewal areas at Coffee Creek or Frog Pond.

5 Summary Acreage and Assessed Value

Table 10 shows a summary of the acreage and assessed values of the existing and proposed urban renewal areas. If Coffee Creek and Frog Pond are annexed, the total acreage of the City of Wilsonville will increase from 4,712 to 5,109. Table 10 assumes that Coffee Creek and Frog Pond would be annexed, as the City would not create urban renewal areas in Coffee Creek and Frog Pond unless they were annexed.

Table 10. Acreage and Assessed Value of Urban Renewal Areas, City of Wilsonville, 2013

	Assessed Value		Acres	
	Dollars	% of City total	Number	% of City total
City of Wilsonville	\$2,368,094,165	100.0%	5109.0	100.0%
Existing URAs:	\$60,614,094	2.6%	1,023	20.0%
Year 2000 Plan	\$44,087,806	1.9%	567	11.1%
West Side Plan	\$16,526,288	0.7%	456	8.9%
Proposed URAs:	\$56,488,046	2.4%	113.6	2.2%
Bldg. 83 – 26440 SW Parkway Avenue			27	0.5%
29899 SW Boones Ferry Road	\$14,458,913	0.6%	15.4	0.3%
27255 SW 95th Avenue	\$16,608,823	0.7%	26.1	0.5%
25600 SW Parkway Center Drive	\$7,476,210	0.3%	10.4	0.2%
9805 SW Boeckman Road	\$10,879,601	0.5%	25.0	0.5%
26755 SW 95th Avenue	\$7,064,499	0.3%	9.8	0.2%
Potential URAs:			397	7.8%
Coffee Creek			216	4.2%
Frog Pond			181	3.5%
Proposed, Existing, and Potential	\$117,102,140	4.9%	1,506.6	29.5%
Maximum allowed in all URAs	\$592,023,541	25%	1,277.3	25%
Surplus/Deficit	\$474,921,401	20.1%	-229.31	-4.5%

Source: ECONorthwest and Elaine Howard Consulting, 2013

6 Next steps

This document serves as a foundation for city and community conversations about how to most effectively use the urban renewal tool in Wilsonville. That process will address the key issues identified in this document, evaluate the trade-offs on various choices, and produce an adoptable Urban Renewal Strategy document that will guide the work of the Urban Renewal Agency over the coming years. The process will result in a recommended timeline for

(potentially) opening new urban renewal areas, closing down existing urban renewal areas, and investing in projects in each of those areas. It will be completed in collaboration with a Task Force of key stakeholders and the Wilsonville City Council, to be adopted in early 2014.

Appendix A. Economic Development Strategy Principles

Insert when available: Requested from Kristin.

Appendix B. Urban Renewal Terminology

“Area” means the properties and rights of way located with an urban renewal boundary.

“Concurrence” is a statutorily-defined threshold of support from affected taxing districts, required for urban renewal plans to deviate from certain statutory limits. Concurrence is calculated as a combination of taxing districts, the sum of whose permanent property tax rates is equal to or greater than 75% of the total permanent tax rate applicable for the urban renewal area.

“Debt Limit” is another term for maximum indebtedness.

“Debt Principal Outstanding” means the outstanding amount of unpaid principal from debt incurred by the Agency for the urban renewal area.

“Frozen base” means the total assessed value including all real, personal, manufactured and utility values within an urban renewal area at the time of adoption. The county assessor certifies the assessed value after the adoption of an urban renewal plan.

“Increment” means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an urban renewal area, or portion thereof, over the assessed value specified in the certified statement.

“Maximum indebtedness” means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness. This is the total amount that can be spent from tax increment proceeds for projects, programs and administration.

“ORS” means the Oregon revised statutes and specifically Chapter 457, which relates to urban renewal.

“Program income” is income that accrues to urban renewal agencies from their programmatic activities (as opposed to from tax increment). A common example is income from a loan repayment program, which may include interest.

“Revenue sharing” is the result of 2009 legislative changes enacted through HB 3056, which established a system of sharing tax increment revenues with overlapping taxing districts when certain thresholds are met for new and substantially amended urban renewal areas. In new areas, when TIF revenues exceed 10% of the Area’s maximum indebtedness, 25% of the amount exceeding 10% of maximum indebtedness is shared. When TIF revenues exceed 12.5% of maximum indebtedness, the urban renewal area’s revenue is capped at 12.5%, and all excess revenues are shared with overlapping taxing districts. When an existing urban renewal area is substantially amended to increase its maximum indebtedness, revenue sharing is also triggered.

“Tax increment financing (TIF)” means the funds that are associated with the division of taxes accomplished through the adoption of an urban renewal plan.

“Tax increment revenues” means the funds allocated by the assessor to an urban renewal area due to increases in assessed value over the frozen base within the area.

“Urban renewal agency” or **“agency”** means an urban renewal agency created under ORS 457.035 and 457.045. This agency is responsible for administration of the urban renewal plan.

Appendix C. Area Fact Sheets

1 Year 2000 Urban Renewal Plan (East Side)

District Formed:	May 1992
Original Acreage:	868
Current acreage:	629* (567 if High School is removed)
Frozen base:	\$44,087,806
Current Assessed Value:	\$387,727,579 (FY 2012-13)
Released Assessed Value:	04/05 \$30,000,000
Maximum Indebtedness:	\$92,687,423
Debt Issued/used:	\$75,385,000
Remaining Debt Limit:	\$17,302,423
Projects remaining from Plan:	\$8,525,400 (will come out of MI shown above)
Amount Remaining of MI after Accounting For Projects Shown Below:	\$8,777,023
Debt Principal Outstanding:	\$10,687,000
Debt Matures:	
Prepayment Penalty:	TBD
Year District could terminate/no new projects:	FY 2018-19

Annual Tax Increment limitation: As a result of a Wilsonville Urban Renewal Agency decision, the Year 2000 Plan is limited to \$4 million in annual tax increment proceeds. The rest of the proceeds are returned to the taxing jurisdictions.

Projects	Est. Cost	Construction Date
Extend Canyon Creek South of Boeckman	\$4,354,800	2014-15*
Old Town Streets	\$3,180,600	2015-16*
Livability Projects	\$200,000	2016
Project Management and Admin.	\$790,000	2013-2017
Total	\$8,525,400	

Source: City of Wilsonville staff

Notes: * These projects are in design stage with the city

Issues:

- Should any projects that are currently planned be deleted from the plan?
- Should any projects be added to the area? If so, what is the impact on maximum indebtedness and longevity of the area?
- Should any projects be deleted from the plan?
- What area could be removed from the Year 2000 Plan that would still comply with bond covenants, produce the increment needed to complete existing projects and keep the locations of the existing projects within the urban renewal area? This question is answered in relation to the acreage needed for other potential urban renewal areas.
- Do boundary changes need to be made to allow for a storefront loan program?
- How much land needs released so that Coffee Creek or Frog Pond can happen?
- When can this happen?

2 West Side Urban Renewal Plan

District Formed:	November 2003
Original Acreage:	385
Current Acreage:	456
Frozen Base:	\$16,526,288
Current Assessed Value:	\$235,387,494 (FY 2012-13)
Maximum Indebtedness:	\$40,000,000
Debt Issued/Used:	\$32,000,000
Remaining Debt Limit:	\$8,000,000
Projects Remaining From Plan:	\$39,943,229 ⁷
New MI Needed	\$31,943,229
Debt Principal Outstanding:	\$27,930,000

Maximum allowed increase in Maximum Indebtedness without concurrence, based on year URA Plan amendment occurs:

Year	MI Increase
2013	\$10,751,331.03
2014	\$11,073,870.97
2015	\$11,406,087.09
2016	\$11,748,269.71
2017	\$12,100,717.80

⁷ Includes least expensive Old Town Escape Option plus \$158,000 admin per year for 5 years starting in FY 14/15

Projects	Anticipated Completion Date	2013 URA Budget	Year of Completion URA Budget
Boeckman Rd. Repair	13/14	\$1,400,000	*
Barber St. (Kinsman Rd. to Coffee Lake Dr.)	13/14	\$4,820,113	\$4,820,113
Kinsman Rd. (Barber to Boeckman Rd.)	15/16	\$4,788,000	\$5,079,589 **
Tooze Rd. (110th to Grahams Ferry Rd.)	16/17	\$8,268,700	\$9,035,431
Sprinklers	13/14	\$2,093,184	\$2,093,184
Parks	13/14	\$880,507	\$880,507
Old Town Escape (Brown Option)	18/19	\$14,820,000	\$17,180,441***
Old Town Escape (Kinsman Option)	18/19	\$7,410,000	\$8,590,220
Other Transportation/Brown Road	17/18	\$3,990,000	\$4,490,780
Administration of \$158,000 per year			

Source: City of Wilsonville staff

Notes: * Boeckman Road repair is being paid from program income

** Potential State funding of \$2,500,000

*** Old Town Escape is only one of these options, not yet determined

Some projects are being paid from other sources than MI: Boeckman Road project is from program income.

Year Existing Debt could be retired: FY 2017-18

Year District could terminate at \$40 million MI FY 2018-19

Year District could terminate if all projects are funded: FY 2030-31

Most projects are required through developer agreements.

Issues:

- Is an increase in maximum indebtedness necessary to fulfill contractual obligations?
- How much, when?
- What would a strategy be for this, what stakeholders would have to sign off?
- Would the city ask for concurrence from taxing jurisdictions?
- What will be the impacts of revenue sharing?
- What parts could be closed early and why?
- If MI is increased, when would the new close date be?
- If MI is not, what is timetable then?
- Should some projects be removed from the area? If so, and if the project is contractually committed, what funding source should be used for those projects?
- Should any projects be added? If so, what is the impact on maximum indebtedness and longevity of the area?
- How much land needs released so that Coffee Creek or Frog Pond can happen?
- When can this happen?

Table 1. Percent of Total Permanent Rate of Taxes Clackamas County

Taxing District	% of total
City of Wilsonville	19.52%
Clackamas County	18.61%
Tualatin Valley Fire & Rescue	11.81%
West Linn Wilsonville Schools	37.69%
Clackamas Comm College	4.32%
Clack Co Library	3.08%
Clack Co ESD	2.85%
Metro	0.75%
Port of Portland	0.54%
County Extension and 4-H	0.39%
County Soil and Conservation	0.39%
Vector Control	0.05%
Total	100.00%

Source: Clackamas County Assessor

Table 2. Percent of Total Permanent Rate of Taxes Washington County

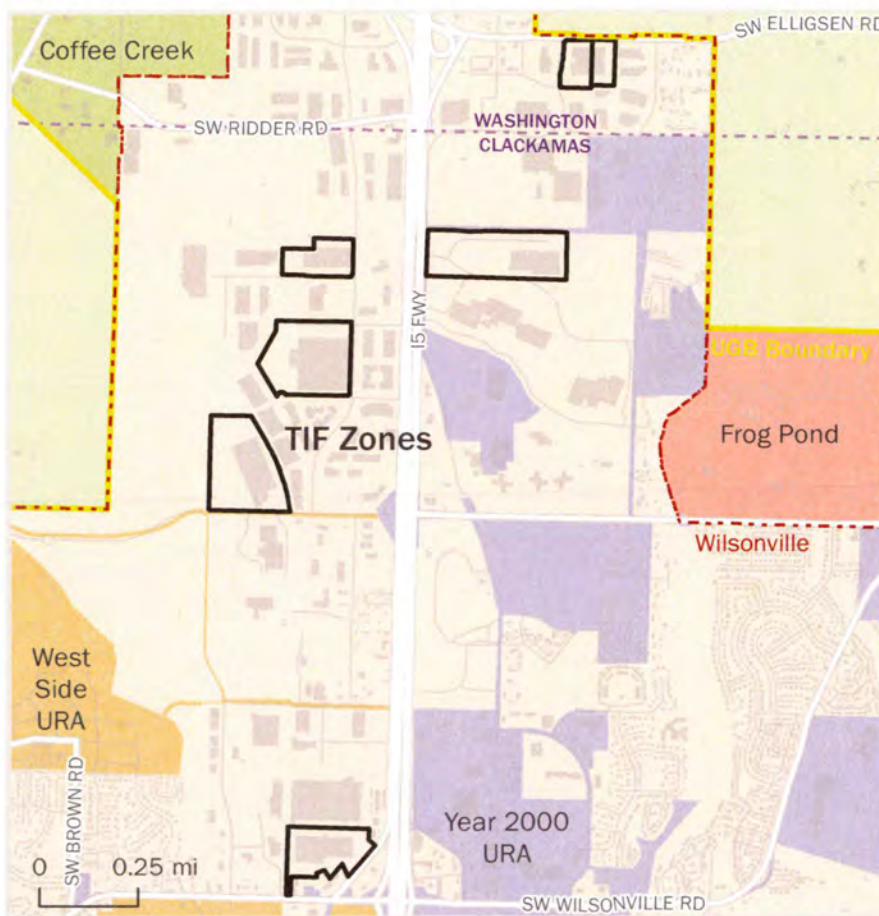
Taxing District	% of total
City of Wilsonville	21.04%
Washington County	18.77%
Tualatin Valley Fire & Rescue	12.73%
West Linn Wilsonville Schools	40.64%
Portland Community College (perm)	2.36%
Clackamas County ESD	3.08%
Metro	0.81%
Port of Portland	0.59%
Total	100.00%

Source: Washington County Assessor

3 Proposed TIF Zones Urban Renewal Plans (6 plans)

Districts to be Formed:	December 2013
Original Acreage:	113.56
Frozen Base:	\$ 56,488,046 (total 5 plans, do not have frozen base of 6 th plan yet)
Maximum Indebtedness:	\$12,000,000 per plan

Figure 7. Locations of TIF Zones



Source: ECONorthwest. Data from City of Wilsonville GIS and Metro RLIS.

4 Coffee Creek Study Area

District Could be Formed:	TBD
Acreage:	219
Acreage to be Annexed:	219
Frozen Base:	\$14,000,000
Estimated Maximum Indebtedness:	\$55,000,000

Projects	Phase 1 (Years 1-4)	Phase 2 (Years 5-20)	Total
On-Site Infrastructure			
Streets	\$5,959,606	\$9,251,048	\$15,210,654
Intersections	\$636,540	\$2,148,323	\$2,784,863
Water	\$338,772	\$1,036,261	\$1,375,032
Sewer	\$750,587	\$419,056	\$1,169,642
Storm Sewer	\$660,622	\$1,465,103	\$2,125,725
Park/Trail/Other	\$397,838	\$1,056,126	\$1,453,963
<i>Subtotal</i>	<i>\$8,743,964</i>	<i>\$15,375,915</i>	<i>\$24,119,880</i>
Off-Site Infrastructure*			
Water	-	\$4,201,164	\$4,201,164
Sewer	-	\$1,018,464	\$1,018,464
Transportation	-	-	-
Grahams Ferry RR underpass	-	\$4,243,600	\$4,243,600
Other Transportation	-	\$2,138,774	\$2,138,774
<i>Total Off-Site</i>	<i>-</i>	<i>\$11,602,002</i>	<i>\$11,602,002</i>
Grand total	\$8,743,964	\$26,977,918	\$35,721,882
Administration of \$158,000 per year			

Issues:

- Estimated maximum indebtedness (\$55 million) is above the \$50,000,000 allowed by ORS for a URA with this size of frozen base. However, the final recommended MI for this area may be smaller and come in under the limit in the final UR Strategy, if other revenue sources are available to support some of the project costs.
- Should urban renewal be used as a tool for this area?
- Not enough acreage to form in 2018 unless acreage deleted from existing areas.
- What year should district be formed?

- Will need to pay for initial infrastructure costs from sources other than TIF. What sources are available? (See Appendix F)
- Does property need to be assembled?

5 Frog Pond Study Area

District Could be Formed:	TBD
Acreage:	181
Acreage to be Annexed:	181
Frozen Base:	\$9,500,000
Estimated Maximum Indebtedness:	\$55,000,000

Project #	Project	Budget
UU-01	Boeckman Road Dip Improvements	\$5,850,000
UU-02	Boeckman Road Urban Upgrade	\$2,100,000
UU-06	Stafford Road Urban Upgrade	\$3,900,000
RT-02	Frog Pond Trail	\$290,000
P15	Frog Pond Community Park	\$10,600,000
P16	Frog Pond Neighborhood Park 1	\$2,650,000
P17	Frog Pond Neighborhood Park 2	\$2,650,000
	Sewer Repair/Replacement & Maintenance Access Along	
2045	Boeckman Creek	\$7,126,650
	Est. Total Road, Park Trail, Sewer	\$35,166,650
	Admin \$158,000 per year	

Issues:

- Should urban renewal be used as a tool for this area?
- Is urban renewal the appropriate tool to facilitate development in the area?
- There would need to be removal of acreage from existing areas to be able to use urban renewal as a tool in Frog Pond.
- If so, when should the district be formed?
- What projects can urban renewal fund?
- Will need to pay for initial infrastructure costs from sources other than TIF. What sources are available? (See Appendix F)

Appendix D. Year 2000 Bond Prepayment Penalty

3.3 Prepayment. Prior to maturity, the Series 2010 Bond may be prepaid, in whole or in part, on any date upon three Business Days' notice by the Agency to the Bank by payment of the principal amount to be prepaid, the accrued interest thereon to the date of prepayment, and a Prepayment Fee. The Prepayment Fee will be calculated as provided below for each Prepaid Installment:

- (i) The Bank will first determine the amount of interest which would have accrued each month for the Prepaid Installment had it remained outstanding until the applicable Original Payment Date at the Initial Cost of Funds Rate applicable to the Prepaid Installment under this Purchase Agreement.
- (ii) The Bank will then subtract from each monthly interest amount determined in (i), above, the amount of interest which would accrue for that Prepaid Installment if it were reinvested from the date of prepayment or redemption through the Original Payment Date, using the Treasury Rate.
- (iii) If (i) minus (ii) for the Prepaid Installment is greater than zero, the Bank will discount the monthly differences to the date of prepayment or redemption by the Treasury Rate. The Bank will then add together all of the discounted monthly differences for the Prepaid Installment and the sum will be the Prepayment Fee.

3.4 Definitions for Prepayment.

"Initial Cost of Funds Rate" means the fixed interest rate of interest per annum representing, in Bank's sole and absolute discretion, the Bank's cost of purchasing funds, or the cost of purchasing and exchanging funds through swaps or other derivative products, for an amount and under terms reflecting the characteristics of the Prepaid Installment from the date the Series 2010 Bond began bearing interest at its interest rate through the maturity date for the Prepaid Installment.

"Original Payment Dates" mean the dates on which the prepaid or redeemed principal would have been paid if there had been no prepayment or redemption.

"Prepaid Installment" means the amount of the prepaid or redeemed principal which would have been paid on a single Original Payment Date.

"Treasury Rate" means the yield on the Treasury Constant Maturity Series with maturity equal to the Original Payment Date of the Prepaid Installment which are principal payments (calculated as of the prepayment in accordance with accepted financial practice and rounded to the nearest quarter-year), as reported in Federal Reserve Statistical Release H. 15, Selected Interest Rates of the Board of Governors of the Federal Reserve System, or any successor publication. If no maturity exactly corresponding to such Original Payment Date appears in Release H.15, the Treasury Rate will be determined by linear interpolation between the yields reported in Release H.15. If for any reason Release H. 15 is no longer published, the Bank shall select a comparable publication to determine the Treasury Rate.

Appendix E. Frog Pond Project Descriptions

Description of Frog Pond projects from Wilsonville Capital Improvement Plans

UU-01 Boeckman Road Dip Improvements

Upgrade at vertical curve east of Canyon Creek Road to meet applicable cross-section standards (i.e., 3 lanes with bike lanes, sidewalks, and transit stop improvements); options should also be considered to make connections to the regional trail system and to remove the culvert and install a bridge

Cost: \$5,850,000

UU-02 Boeckman Road Urban Upgrade

Upgrade to meet applicable cross-section standards (i.e., 3 lanes with bike lanes, sidewalks, and transit stop improvements); project includes a traffic signal or roundabout at the Boeckman Road-Advance Road/Stafford Road-Wilsonville Road Intersection

Cost: \$2,100,000

UU-06 Stafford Road Urban Upgrade

Upgrade to meet applicable cross-section standards (i.e., 3 lanes with bike lanes, sidewalks, and transit stop improvements)

Cost: \$3,900,000

RT-02 Frog Pond Trail

Construct shared-use path through Frog Pond area (from Boeckman Creek Dip to Stafford Road) as part of development to provide an off-street alternative to Boeckman Road and link neighborhoods, schools, parks, and transit stops

Cost: \$290,000

Parks Projects from Chapter 3 Recommended Park System:

P15 Frog Pond Community Park

P15 is a proposed community park that will serve the Frog Pond area and future development areas to the north. The City should prepare to require developers to plan for useable land that can provide adequate park space in this future development. This park should connect to the planned regional trail in this area, providing convenient access to recreation opportunities and an enhancement to neighborhood identity.

Recommendations for this site include:

1. Target acquisition or dedication of a site of approximately 10 acres in size when this future residential area is planned. A site adjacent to the planned regional trail is preferred.

Cost: \$10,600,000

P16 Frog Pond Neighborhood Park and P17 Frog Pond Neighborhood Park

P16 and P17 are two proposed neighborhood parks that will serve the Frog Pond neighborhood, providing convenient access to recreation opportunities and an enhancement to neighborhood identity.

Recommendations for these two sites include:

1. Target land acquisition for Frog Pond neighborhood parks through development agreements for two suitable sites that meet the City's design and development guidelines for neighborhood parks. Sites approximately 2 acres in size are recommended.
2. Act as advocates for future residents in the planning and design of these sites as neighborhood parks. As with the planned Villebois parks, the Frog Pond parks will likely be designed and built before residents are living in the neighborhood. City staff and review bodies will need to ensure that appropriate amenities and facilities are included to meet neighborhood needs.
3. Pursue opportunities for having the residential developers build the neighborhood parks and seek agreements with the new Homeowners Association for maintenance funding.

Cost P16: \$2,650,000

Cost P17: \$2,650,000

#2045 – Sewer Repair/Replacement & Maintenance Access Along Boeckman Creek

[Based on email from City of Wilsonville staff Aug 6.]

Priority/Justification: Medium / City Growth. The High School Interceptor line running along Boeckman Creek has both capacity and maintenance access issues. Large sections of this line will need to be replaced in order to provide capacity for future development in Frog Pond and school facilities on Advance Road. Funds budgeted for 13/14 from the Sewer Fund and Sewer SDCs will allow staff to continue design and analysis for resolving these issues and position the City to be prepared with solid cost estimates and construction documents so that as future partnerships with developers occur, sewer line construction can occur in conjunction with development needs. This project will also reestablish a vehicle maintenance access to the High School Interceptor manholes adjacent to Boeckman Creek. High project costs are due to the size of the sewer line, the depth of the line and amount excavation that will be required, and environmental permitting issues as the project is located in a fish passage and natural resource area.

Cost: \$7,126,650

Appendix F. Initial List: Potential Infrastructure Funding Tools

This appendix provides an initial list of some other sources of funding for infrastructure that might be applicable in Wilsonville. The project team will add to it as more is known about the projects that might need to be funded with sources other than urban renewal. At this point, it is preliminary.

Economic Improvement District (EID)	An EID is for <u>commercial property owners</u> and is authorized by ORS 223.112. An EID is a funding mechanism to enable an area to fulfill its commercial revitalization plans including beautification and property improvements: business development recruitment and retention efforts, marketing commercial districts and other commercial activities. An EID may be an assessment on the value of the property (commercial property only) or it may be a fee paid by the property owner.
Business Improvement District (BID)	A BID is for <u>business owners</u> within a specified area and is authorized by ORS 223.112. A BID is enacted through a business license fee imposed by the City Council after receiving a petition for the formation of the BID signed by 33 percent or more of persons conducting business with the proposed district. A BID is for a maximum of five years, which can be extended, and provides for a hearing of the impacted businesses. If more than 33 percent of the persons conducting business within the district oppose the district in writing, the district and the projects it funds will be terminated. It generally takes nine months to establish a BID.
Local Improvement District	LIDs are authorized by ORS 371.605 – 371.660. A LID is an area determined to be specifically benefitted by a local improvement which properties are assessed to pay for the cost of the local improvement.
Local Improvement District (LID Clackamas County)	LIDs are authorized by ORS 371.605 – 371.660 and Title 4, Chapter 4.02 of the Clackamas County Code. This program is designed to assist county residents in improving their roadways, providing a safer, cleaner access to their homes. It may be initiated by the County or by property owners. ⁸ A LID petition of property owners must be signed by at least 60% of the property owners, representing at least 60% of the land area. After a study by the County, the property owners have a chance to review the financial impact and if 50 percent or more of the property owners representing 50 percent or more of the total assessment request in writing that the project be stopped, the County will discontinue the process.
Zone of Benefit Recovery Charge Clackamas County	Authorized by ORS 368.016 and ORS 203.035(1). The Zone of Benefit Recovery Charges are intended to be charged upon approval of the act of development that increases, or is likely to increase, the impact on road facilities. Such charges are fees for service because they contemplate a development's receipt of essential services based upon the nature of that development. The timing and extent of any development are within the control and discretion of the property owner. The Zone of Benefit Recovery Charges provide a method for more specifically adjusting the improvement requirements imposed on a property owner according to the benefit received by new development. This also serves the purpose of providing reasonable compensation to the requester who finances or causes to be constructed the beneficial road improvements, and thus assists in avoiding disputes over property rights. While Clackamas County may require a person to construct and install necessary road improvements as a condition of development approval, a request to establish a Zone of Benefit Recovery Charge is voluntary, and cannot be made a condition of development approval.
Metro MTIP	Some transportation funding is available through federal transportation funds, which flow through Metro. (MTIP) Metro receives approximately \$20 million every two years, and the funding cycles are every two years. Approximately 75% of the funding is allocated to active transportation: pedestrian and bicycle improvements and 25% for freight efficiency mobility. Funding is for the Clackamas, Washington and Multnomah counties. Clackamas County will typically receive \$4 million of the \$20 million allocation, with 75% of that allocated to pedestrian and bicycle improvements. A large match overmatch of local dollars may improve chances for funding, especially if all of the other tools are in place.
State of Oregon Transportation funding	Some grants or matching funds are available through the State of Oregon to support transportation enhancements. In general, they are competitive and fairly limited in application and scope. The Oregon Transportation Enhancements Program is an example. Through this program, communities can obtain funds to carry out a variety of pedestrian, bicycle, streetscape and other improvements that enhance the cultural, aesthetic, or environmental value of transportation systems. Transportation Enhancement or "TE" projects are selected through a competitive process. The funds are provided through reimbursement, not grants. Participation requires matching funds from the project sponsor, at a minimum of 10.27%. Applications are accepted only from public agencies, and all projects must have a direct relationship to

⁸ The county governing body may designate any public road improved under ORS 371.605 to 371.660 as a county road without invalidating the assessments levied for the purpose of the improvements. Except as otherwise provided in this section, a county may supersede any provision in ORS 371.605 to 371.660 by enacting an ordinance under ORS 203.030 to 203.065 authorizing the use of assessments to finance local improvements, as defined in ORS 223.001, and providing a procedure for levying such assessments.

	surface transportation. Eligible projects include: pedestrian and bicycle facilities, pedestrian and bicycle safety education, acquisition of scenic or historic sites, scenic or historic highway programs, landscaping, historic preservation, rehabilitation of historic transportation facilities (e.g., railroad stations), rail-trails, archaeological planning and research, and transportation museums. By law, enhancement projects "must have a direct relationship to the intermodal surface transportation system."
Program income	Program income is a funding resource specific to urban renewal areas. It is income that accrues to urban renewal agencies from their programmatic activities (as opposed to from tax increment). A common example is income from a loan repayment program, which may include interest.

Appendix D. Meeting Summary Notes – September 25, 2013

DATE: October 2, 2013
TO: Wilsonville Urban Renewal Strategic Plan Task Force
CC: Kristin Retherford, Bryan Cosgrove, Nancy Kraushaar, Joanne Ossanna, Mike Kohlhoff
FROM: Nick Popenuk/Elaine Howard
SUBJECT: SUMMARY NOTES FROM TASK FORCE MEETING SEPTEMBER 25, 2013

Attendance

Committee Members: Bill Bach, Torie Bischopink, Mary Closson, Kathy Connell, Brenner Daniels, Stacey Dukes, Chief Mike Duyck, Amy Dvorak, Lonnie Gieber, Gale Lasko, Doug Middlestetter, Susan Myers, Craig Olson, Ray Phelps, Christine Reynolds, Larry Remmers, Fred Robinson, Dr. Bill Rhoades, Dick Spence, Alan Steiger, Doris Wehler, Scott Starr

Committee Members attending: Mary Closson, Brenner Daniels, Chief Mike Duyck, Gale Lasko, Susan Myers, Ray Phelps, Christine Reynolds, Larry Remmers, Fred Robinson, Dr. Bill Rhoades, Dick Spence, Alan Steiger, Doris Wehler

Consultants and City Staff: Bryan Cosgrove, Mike Kohlhoff, Nancy Kraushaar, Joanne Ossanna, Kristin Retherford, Lorelei Juntunen, Nick Popenuk, Elaine Howard

Introduction

Bryan Cosgrove presided over the meeting of the Urban Renewal Strategy Task Force (Task Force) in place of Councilor Scott Starr, who was unable to attend. Bryan gave a brief project history.

The impetus for this Task Force stems back to Solo-Power. Many lessons were learned from that proposed project, and most have been addressed. First, the city was lacking an economic development strategy. Over the last year and a half, the city has developed both an Economic Development Strategy and convened a task force that gave recommendations on incentives for economic development that included the use of urban renewal. The city is presently working on a tourism and marketing strategy. To tie these all together, we need a strategy on the use of urban renewal and the implications for our present, and future urban renewal areas.

Lorelei Juntunen presented a power point covering the purpose of the Task Force. The main goal is to generate an urban renewal strategy. The variables to discuss are timing, geography and financial capacity.

Some background on key issues:

- Statutory limitations on acreage and assessed value (AV) within a city the size of Wilsonville is 25% of AV and acreage. Wilsonville is pretty close to hitting that right now, at above 24% if the TIF Zones are adopted. Adding in new ones becomes a challenge.

- If the TIF Zones are adopted, the city will have 41.44 acres that can be added to urban renewal.
- The potential areas of Coffee Creek and Frog Pond bring the number to a deficit of 229.31 acres. (this includes annexing both Coffee Creek and Frog Pond)
- Can't do all of the existing areas and proposed areas at once, but that doesn't mean you can't do it all, if you phase it over time.
- Closing portions of or entire existing districts needs to be assessed. This will impact the overall timeline.
- Maximum Indebtedness limits will need to be assessed.
- An analysis of remaining projects and potential new projects will need to be completed.
- Looking at potential for new URAs: is there sufficient revenue capacity to cover project costs.
- All in context of City policies and goals.

Council adoption is slated for end of December. The Task Force will meet three times at a minimum. This meeting, we're presenting information. 2nd meeting is input, and 3rd meeting is decision making.

Lorelei presented a Gant chart that is not yet exactly right. The Task Force will have decisions to make about when these areas will retire or be created. Something like this will be part of the output of this project.

General Questions:

Ray: Is the project sheet a compilation of printed material in a different format?

Elaine: The project sheet shows all the projects in each plan, and whether it's completed, anticipated to be completed, and what we no longer anticipate will be completed with urban renewal plans.

Larry: If you put acreage under the 25% back into play then it frees up that like amount of acreage for new URAs?

Lorelei: Yes, but the question is, can you remove that acreage without impacting the ability of existing URAs to meet their objectives?

Christine: Reference to Plan amendments to reduce Year 2000 Plan to 567 acres, is that factored into the acreage calculations?

Kristin: We're taking the existing high school property out of the URA next month, to add the TIF zones, and that's figured into the charts that you have.

Paul: What are the three colors on the Gant chart for the West Side Plan?

Lorelei: They show different levels of certainty.

Ray: Slide on key issues. One of the takeaways from the first task force. Making these URAs of a short duration with a specific deadline or closure is a goal. I am probably not going to be disposed to continue on these URAs for a very long time.

Bryan Cosgrove: When we look at the existing plans, you'll decide whether the projects are worth funding and continuing or not.

Mike D.: I'll ask Rays' question a little different. You've been very clear about what's allowed under statute. In the first task force, we did adopt some overriding principals.

Bryan Cosgrove: That's for new plans. Very specific, sunset clause, projects are well defined, and limited to infrastructure only.

Mike D.: Even if it was for new plans, I think they apply to amendments to existing plans too.

Bryan Cosgrove: The West Side Plan is when we'll have some issues.

Analysis of the existing and proposed urban renewal areas:

Year 2000 UR Plan.

Sometime that's called the East Side Plan, but we'll refer to the Year 2000 Plan (the formal name of it). The data on the handout was described.

City decided to only collect \$4,000,000 in tax increment annually starting in 2007, and the way they achieved it was by removing acreage every year to limit their collections. Once 2009 legislation passed, cities were allowed to do underlevy, and that's how they do the \$4,000,000 annual limit.

Bryan Cosgrove: I think that's a good point, not every city has done what we've done to be conscientious to the other taxing districts.

Larry: Is a cherry stem a euphemism for road?

Elaine: yes. Or a portion of a road. It is a way to keep an urban renewal area contiguous, which our attorney's advise us to do.

Total cost of projects identified is \$8.5 million. The area has capacity through your maximum indebtedness to do more projects if you wanted. A question to you: are there other projects on the board that people think should be done in that area before the area is terminated?

Bryan Cosgrove: One dataset is missing. Do we have the value of the district in today's terms?

Elaine: We can get that. And we can also get how much assessed value has been released.

Mike D.: So you reduced acreage. Was a portion of the acreage transferred to the West Side Plan?

Kristin: Yes. That was the last time that we pulled property out. The Fred Meyer site was added to the West Side Plan.

Doris: So the \$10 million is what we still owe. The amount of outstanding debt.

Larry: City has the ability and cash flow to accelerate the debt payments. But it may be penalized by bond covenants.

Kristin: But if City chose to change the policy on the \$4M cap, then it could be repaid.

Christine and Susan: Want to know more about the scheduled debt service, and the prepayment penalties.

Kristin: Livability projects are written in the Plan as various kinds of improvements on private property. If there was a decision to do a loan program or storefront improvement grant, that would fall under storefront improvement category. Right now we don't have any plans to do that, but it is a topic for discussion.

Ray: Raised a question on the maximum indebtedness remaining: \$75 issued, remaining \$17, projects \$8.5, is the \$8.5 part of the \$17. If we drop the \$8.5 M in projects, then we would still have \$17M in debt limitation. So, we should see a scenario where we aren't incurring any new debt.

Kristin: The Canyon Creek project is budgeted for design work this year.

Elaine: Old Town streets, however, isn't included in this year's budget.

Issues in this plan really are: Should new projects be added? Should you do loan programs? Should acreage be removed now? And when should the district be closed out? And are there planned projects that should be deleted?

Ray: Not showing the arbitrage amounts.

Joanne: At this points with the low interest rates, I don't plan on any arbitrage.

Susan: if we consider deleting acreage, will give you us info on the acreage?

Elaine: When the assessor's office releases the new tax information, we'll put on a map the AV of different parcels, and where you get the biggest impact on removing acreage.

Mike D.: You mentioned when we started. We have to look at everything in totality. I think what I've found is that the West Side Plan needs some help. At what point do you start to contemplate that?

Elaine: You're right that the West Side Plan does drive a lot of these choices, because it has the biggest issues.

Susan: Are you looking for general statements about need in this Plan now? Or is that for later?

Elaine: if there's something you want to share now, I think it's helpful.

Susan: My company developed within the Town Center Loop over many years. And as we look at it ripen and mature and age, and the way we buy, Fry's has extremely diminished sales, and I know that Regal Cinemas was cannibalized for Bridgeport, and that's in Wilsonville's Town Center and ripe for redevelopment. And I'm not sure the City is interested in making investment in private development. I just see that we have two big box things that would be hard to develop, and would require them being torn down (Regal sells cinemas with a clause that they cannot be used as a theater, so they have to be torn down).

West Side Urban Renewal Area

Restating the facts on the handout.

Remaining Maximum Indebtedness: \$8M

Remaining projects: \$40M

That's the big issue.

Kristin: A number of these projects are City commitments in development agreements. We'll point out which ones are or are not. Kinsman Road project, applied for STIP funding from the State, to get \$2.5M, and we received it. So that will lessen that cost. The STIP funding goes to the State Transportation Commission in the spring.

Elaine: facts about amending maximum indebtedness.

Mike D.: I have no idea what the Council would do, but the Council has a track record of asking for concurrence anyway.

Elaine: Old Town Escape has two options, one of those numbers will go away: either or. And it's not one of the projects required by contract with a development agreement. But the ones above it on the list are required by development agreements. Old Town Escape and Brown Road are not required.

Bryan Cosgrove: What happens if we say we don't have the money for the projects we're contractually obligated to do?

Mike Kohloff: Obviously not a simple answer, because the contracts have the ability to be amended if there's an economic downturn. So that's a possibility.

Bryan Cosgrove: So it may not be an absolute requirement that we have to do them.

Mike K.: The one that jumps out is the Barber Street, which is already in design and will go to construction and is key for the Villebois development.

Kristin: Tooze Rd. is a timing issue, and may have some flexibility.

Bryan: We need to show what's hard and fast and we need to do, and stuff that's more flexible, and in play for this group to decide what to do with.

Christine Reynolds: Clarifying question: Sheet with numbers goes to map that projects 5a and 5b.

Nick: There are different scenarios for when you pay off your indebtedness: (1) what's scheduled now, (2) how fast could you pay off outstanding, (3) how fast could you pay it off if you used up all of your MI? (4) how fast could you pay it off if you increased MI to do all of the projects?

Ray: Gas tax for example? Boeckman Rd. repair for example.

Kristin: Boeckman Road repair is paid out of program income that comes from leasing property or sale of property or repayment of loans or litigation settlement. We paid for it out of UR program income, because it was a project resulting from an original UR project.

Elaine: The Agency does own some other property that it's going to sell, and that's not factored in here.

Larry: Program income is derived from loan proceeds?

Kristin: Program income is derived from loans that the Agency makes to others (like store front improvements), not the loans that URA takes out from a bank.

Elaine: Explained revenue sharing provisions from 2009 legislation. If a plan has a substantial amendment, it becomes subject to revenue sharing as defined in the statute.

Mike D.: But revenue sharing can be waived if taxing districts concurs.

Christine: Do we have details of maximum indebtedness limits, and how revenue sharing would impact the repayment of debt if you did do all the projects?

Nick: I can share those numbers with you.

Larry: How rare is an increase in maximum amendment?

Elaine: It's not rare, but an amendment of this magnitude would be. Part of the problem is that this plan was loaded up with infrastructure projects, which are harder to estimate project costs, and more prone to cost overruns.

Mike D.: How confident are we in these infrastructure bids?

Kristin: Barber Street is well down the path of design, and the same with Kinsman. We're looking to go to bid in the near future. The Tooze Rd. numbers are less solid right now, but starting design efforts there. Over the next six months we'll have a better estimate. Sprinkler systems are pretty solid, because they're based on buildout at Villebois. Parks are a solid number. Then final projects on the list are all pretty squishy numbers.

Susan: What are the sprinklers?

Kristin: We require developers to sprinkle every single family unit, in order to not put the burden on developers, we're reimbursing that portion from urban renewal.

Mike D.: Parks is just property acquisition?

Kristin: The West Side Plan just calls for a \$2 million contribution to parks for Villebois.

Elaine: Other big issues: Do you want to ask for concurrence to increase MI? Should all the projects be completed? Or completed with urban renewal money? Should you add more projects and extend the life? Should you reduce acreage to allow for creation of new districts, and when and how can you do that?

Larry: When making decisions about these projects, how are these decisions influenced by various constituents in town?

Bryan: I think that's a part that we need to get a handle on ourselves. No one has made any promises to constituents.

Kristin: You're making a recommendation to Council, and Council might decide to do something different for constituents or other policy reasons.

TIF Zones

Elaine: Explanation of what TIF Zones are: individual property urban renewal areas.

Doris: on TIF zones, what's the soonest we can close one down if they're not used.

Kristin: if they're not used, they close down in five years.

Larry: Explain it to me?

Bryan: They're empty because they're underutilized. We're trying to get high value, manufacturing, and employment, and the rebate is to help offset the costs and attract this development.

Larry: So the Hollywood warehouse is still empty?

Kristin: Yes.

Alan: And one of the reasons we want the TIF Zones is because we're not allowed to set up enterprise zones.

Elaine: and the levels of investment were modeled after an E Zone.

Christine: are you seeing any benefit of having OIT?

Kristin: Yes.

Doris: I think you should turn down the Xerox building so they can donate it to the school district for the robotics team.

Elaine: We're not anticipating anything will change with the TIF Zones since they are just about to be adopted and have strong support.

Coffee Creek

Intent is that it's an industrial area that needs infrastructure and needs to be annexed. Reviewed fact sheet.

Big issue: Money comes in after new development, but if development can't happen until infrastructure, then how will the City fund the infrastructure to get the whole process going? The other issue is: you don't have enough acreage until you delete acreage from an existing area. Also a fundamental question about whether or not this should be a URA at all.

Larry: Driving around, it seems like there's a lot of work going on there?

Bryan: That's a street improvement for Washington County.

Kristin: That's a project to improve Boones Ferry Road which is NE of the Coffee Creek Area, that's part of the Basalt Creek Concept Plan Area.

Susan: We want to see the total amount of TIF needed to pay for projects, not just the maximum indebtedness portion.

Nick: We can share that with you

Susan: We did have some conclusions in our last meeting that we didn't want to incur a lot of debt. Would like to see those echoed here.

Mike D.: I thought the issue with this area was that we wanted to assemble all the parcels, and that was the need for urban renewal.

Susan: I thought we said City should stay out of that, and just provide infrastructure.

Mike D.: If we did assemble all of it as one parcel, then this could be a candidate for Strategic Investment Program, then you say forget about urban renewal, you can pay for your own infrastructure.

Bryan: That's an option.

Kristin: The minimum investment in Coffee Creek would be \$100M to be SIP eligible. But we do have one area that has a limit of \$25M.

Mike D.: It sets a maximum level of taxation (\$100M), even if the AV is \$1 billion. So if you're following the gain-share conversation in Hillboro, that would happen here.

Ray: This is all infrastructure and we just commented on how hard it is to forecast infrastructure costs.

Kristin: This was done in 2011 with a study with more scrutiny than the numbers that went into the West Side Plan, but still no engineering work done.

Ray: But as an outsider, I would have no confidence in the West Side Plan. So if we're taking the same approach with Coffee Creek, then we want to make absolutely certain that we have the right numbers here. We should learn our lessons.

Bryan: I have way more confidence in these numbers than the West Side Plan.

Kristin: We're also using a higher inflation rate assumption for these costs.

Ray: Coffee Creek has been concept planned and master planned and is ready to go, and I don't believe Frog Pond has been planned.

Frog Pond

Described the statistics of the area from the fact sheet.

Bryan: We've received a grant from Metro, and will be issuing an RFP in a couple of weeks.

Bryan: Frog Pond costs are the total value from CIP, and TIF isn't going to need to cover all of these costs. SDCs and developer contributions will cover a portion of these costs.

Lorelei: If this group decides to proceed with a URA, then later down the road we would study the specific project costs and funding sources in greater detail.

Susan: General question: Frog Pond is residential?

Elaine: Yes.

Mike D.: this doesn't feel like classic urban renewal, but looking at public policy across the region, they have used LIDs. And with the parks, it seems like a classic GO bond, or development agreement.

Elaine: and you also have parks SDCs

Larry: Didn't it used to be that Wilsonville had more people working here than living here. Is that a good situation?

Bryan: We're trying to do a jobs/housing balance, but there's only so much you can do to break that trend.

General Discussion

Dr. Rhoades: Anything you might need from school district. If you can give us those questions in advance that would be useful. For example, we've got plans for future GO bonds, and that might be important.

Fred: List of things to come back with: you'll come back with options for infrastructure funding. Beyond urban renewal, how else can we fund infrastructure.

Mike D.: Did you say you would come back on scenarios for projects, or maximum indebtedness?

Mike D.: We'd like a ROI focus for projects. You want to get an exponential return on investment for your urban renewal dollars. For example, your Year 2000 Plan has been very successful, and can we learn any lessons from that to apply to future urban renewal plans.

Larry: Can we model changes in scenarios live, at the next meeting?

Nick: Yes.

Doris: If we decide not to do either Old Town Escape option. What impact would it have to remove that acreage and the projects?

Elaine: We will assess this if that decision is made.

There was also discussion on the next meetings, Kristin will send a Doodle Poll for our input.

Appendix E. Meeting Summary Notes – October 17, 2013

DATE: October 20, 2013
TO: Wilsonville Urban Renewal Strategic Plan Task Force
CC: Kristin Retherford, Bryan Cosgrove, Nancy Kraushaar, Joanne Ossanna, Mike Kohlhoff
FROM: Nick Popenuk/Elaine Howard
SUBJECT: SUMMARY NOTES FROM TASK FORCE MEETING OCTOBER 17, 2013

Attendance

Committee Members: Bill Bach, Torie Bischopink, Mary Closson, Kathy Connell, Brenner Daniels, Stacey Dukes, Chief Mike Duyck, Amy Dvorak, Lonnie Gieber, Gale Lasko, Doug Middlestetter, Susan Myers, Craig Olson, Ray Phelps, Christine Reynolds, Larry Remmers, Fred Robinson, Dr. Bill Rhoades, Dick Spence, Alan Steiger, Doris Wehler, Scott Starr

Committee Members attending: Chief Mike Duyck, Lonnie Gieber, Susan Myers, Ray Phelps, Christine Reynolds, Larry Remmers, Dr. Bill Rhoades, Dick Spence, Scott Starr, Alan Steiger, Doris Wehler

Consultants and City Staff: Mayor Tim Knapp, Bryan Cosgrove, Mike Kohlhoff, Nancy Kraushaar, Joanne Ossanna, Kristin Retherford, Lorelei Juntunen, Nick Popenuk, Elaine Howard

Introduction

Scott Starr presided over the second meeting of the Urban Renewal Strategy Task Force (Task Force).

Lorelei Juntunen from ECONorthwest (ECONW) reviewed the purpose of the task force. The main goal is to generate an urban renewal strategy. The variables to discuss are timing, geography and financial capacity. She also presented a power point covering the materials to be reviewed during this meeting.

(1) List of projects to be completed. These tables show which projects are completed and on what schedule for each of the urban renewal areas (see Exhibit A). City staff convened between the last task force and this task force to allocate portions of project funding to other sources and to re-check project cost estimates. Exhibit A reflects those changes. Summary:

- Boeckman Rd: paid for with program income
- Barber St: refined estimates, lower
- Kinsman Rd: state funding and SDC contributions remove from project from UR list
- Tooze Rd: more refined cost estimate
- Parks: phasing changed
- Old Town Escape: showing lower cost option as cost ceiling
- Brown Rd: cost estimate reduced by engineers

(2) Review of chart on contractually obligated projects (Exhibit B).

Kristin: Tooze Road is needed earlier than anticipated due to traffic volumes.

(3) Summary of scenarios evaluated. The ECO team developed three scenarios for the Task Force to consider, attached to this memorandum and summarized as Gantt charts that show timing and other key variables that change from scenario to scenario.

These scenarios are not meant to be the only options available to the Task Force. The scenarios represent three possible alternatives that highlight some of the big issues and trade-offs under consideration to support a conversation among the Task Force. Additional trade-offs will be discussed at the meeting. These scenarios hold several important factors constant:

- List of projects to complete (though which projects are completed in which urban renewal area changes from scenario to scenario)
- Cost of the projects and assumptions regarding inflation, bonding (interest rates and terms)
- Amount of project costs funded with TIF revenue (versus other sources)
- Timing for funding projects

The key assumption that varies between the scenarios is the maximum indebtedness of the West Side URA Plan. By modeling different assumptions for increasing maximum indebtedness of the West Side Plan, we see a range of implications for the West Side and Year 2000 urban renewal plans.

Scenario A: Keeps all projects presently in West Side Plan, increases maximum indebtedness (MI) and requires concurrence from taxing jurisdictions. No Increase in MI needed for Year 2000 Plan.

Scenario B: Do as many projects as you can without having to go for concurrence in West Side Plan. Other projects moved to Year 2000 Plan. Requires increase in MI in both areas, but no statutory requirement for concurrence.

Scenario C: Don't increase West Side MI at all, move projects to Year 2000. Increase MI in Year 2000, no statutory requirement for concurrence.

See chart below.

URA Plan	Scenario A	Scenario B	Scenario C
West Side Plan			
Maximum Indebtedness	\$ 58,000,000	\$ 49,000,000	\$ 40,000,000
Required increase in MI	\$ 18,000,000	\$ 9,000,000	\$ -
Requires Concurrence?	Yes	No	No
Year Debt Could be Repaid	2023/24	2021/22	2018/19
Project Costs moved to Year 2000 Plan	\$ -	\$ 8,600,000	\$ 18,200,000
Projects moved to Year 2000 Plan	None	Old Town Escape	Old Town Escape Brown Road Barber Extension
Year 2000 Plan			
Maximum Indebtedness	\$ 85,200,000	\$ 93,900,000	\$ 103,600,000
Required Increase in MI	\$ -	\$ 1,200,000	\$ 10,900,000
Requires Concurrence?	No	No	No
Year Debt Could be Repaid	2018/19	2021/22	2025/26

General Questions:

Ray: lack of concurrence for \$11million MI increase in Year 2000. How close are we to the need for concurrence?

Nick: Close, we will be better able to answer this at the next meeting. ?

Lonnie: What criteria was used to place projects in which urban renewal areas?

Nick: cost of the project and project location

Larry: Was the West Side underfunded by \$40 million ... from last Task Force information?

Nick: Yes, but that was using former project cost numbers, the city has put other funding sources on the table and adjusted some cost estimates.

Kristin: These scenarios do not account for new projects being added to either existing district.

Larry: there is \$8.5 million left to do projects in Year 2000

Do you want to burden Year 2000 with other projects from West Side ...maybe look at the potential additional projects for Year 2000 first.

Scott: There are financial consequences of early payoffs.

Nick: We are starting to look at those implications and the prepayment penalties.

Larry: This issue is substantial.

Susan: Is there any penalty consequence of removing acreage?

Nick: No penalty, need to be able to make payments on bonds.

Christine: Can you remove acreage? (do bond covenants prohibit?)

Nick: We are researching this issue.

Elaine: Sometimes restrictions on removing acreage can be re-negotiated.

Lonnie: Is there a minimum prepayment penalty?

Nick: We are researching this issue.

Susan: What is the benefit of loading projects onto one urban renewal area over the other?

Nick: These scenarios start conversations, not anticipating picking one over the other.

Question from visitor in back: Do Coffee Creek (CC) or Frog Pond (FP) depend on any of these scenarios?

Lorelei: A little bit, impacts timing. The earliest these scenarios show is 2019 or 2020 for FP and CC unless other changes, selectively remove areas that don't have a large AV,

Doris: If you pay off the debt for Year 2000, where does the money come from?

Nick: Present tax increment limit for Year 2000 \$4,000,000 a year. Could use surplus revenues to pay off debt early, could do this by 2017.

Susan: what are we using surplus funds for now?

Nick: projects, debt service

Joanne: The City had excess funding over debt service requirements on both urban renewal areas. We needed additional financing, so we did overnight borrowings to allow us to do projects.

Nick: Most future projects are shown in my spreadsheets using overnight lending (du jour bonds).

Lorelai: Questions on scenarios... What do you like/ don't like?

Alan: Little elephant is Old Town Escape...what is in it for Wilsonville residents?

Nancy: Alternate route out of old town, provides two egresses, will relieve congestion east of Brown Road. The area is impacted by traffic on I-5, provides alternate routes.

Susan: Barber will provide some relief, does it make the need for the Old Town Escape as necessary??

Nancy: Barber will help a lot, doesn't do so much at Kinsman, doesn't provide alternate route out of the area.

Mike D: Fire Dept likes streets, connections, has impacts on response times. Fire District can not meet required times due to traffic. Concurrence: it is one thing to say what the concurrence is, but he thinks the record in Wilsonville is to be more conservative and that the city council has shown their desire to get concurrence anyway, despite whether or not the need to meet statutory requirements .

What are issues with concurrence: Elaine talks about the need to get to 75% and the question about how the County will respond to concurrence.

Lonnie: Can this task force prioritize relative to transportation?

Scott: Yes, but this is ultimately a City Council decision. We look for your input.

Larry: How much of Villebois is built out? 50%, population at build out will be over 5,000, 2700 dwelling units. Tremendous impact on roads those projects become more important due to ingress and egress issues. Road improvements are of value to community, parks are enhancements.

Nancy: Brown Road presently exists, it is just not up to standards.

Larry: Smaller projects be paid with other funds

Kristin: within 5 year CIP looking at the, range of \$1-2.5 M additional capacity for new projects, however, we must look all city projects when establishing priorities.

Larry: A key issue is **need to have** versus **like to have**...differentiate

Lonnie: With Villebois build out ...asking traffic capacity issues and issues for the area and also for Charbonneau.

Kristin: Charbonneau is not in an urban renewal district, there is tremendous acreage in Charbonneau. Is UR a potential funding source? This is a policy and city council decision.

Kristin: Charbonneau is a fully developed area, which makes it less conducive for urban renewal, because it can't generate the same jumps in increment.

Mike D: The group here might think that the projects make sense, but not necessarily when you use TIF to do. For example, some of the park facilities are great, but not a great use of TIF. Is it really going to spur a big private investment for the community?

Mike Kohloff: Parks are economic: they provide economic activity. Support from business community near Murase is a tourism factor. Recent parks survey shows the parks bring tourists and spending.

Mike D: Taxing Jurisdiction concurrence will differ between infrastructure and amenities. If you are going to use TIF, use it to spur on private investment

Kristin: We have an asset in Villebois, 10 acre school property. Can sell and use for projects. Comes in as program income, can be used for other projects; we could use program income to pay for one of the projects: timing issue.

Lonnie: UR Agency decision?

Kristin: Agency and CC

Scott Starr: We want your input. The entire question is less about projects, more about what gives best return on dollar, do we want to end one and when, look at grander questions.

Lorelei: What is the philosophical bent of group?

Scott Starr: Coffee Creek is a huge opportunity...how do we get there?

Ray: Coffee Creek: how do we get the 216 acres? 1500-700 jobs, high annual payroll. Put jobs up against park anytime, must assemble acreage. 3-4 years out Coffee Creek Master Plan is done.

Doris: Scenario A, pay off Year 2000 to free up acreage to work other places.

Lonnie: Agree if we can get a definitive answer on compression to school district.

Kristin: County will look at potential compression impacts, we will review with School District.

Susan: Agrees with Mike on parks, concerned about prepayment penalty in Year 2000. What are consequences of reducing acreage.. Is there a way to avoid prepayment penalty, but reduce acreage. There are issues with Town Center needing help with redevelopment. Theater, econ stimulator. Murase improvements have significant econ stimulator, not a minor thing

Alan: If you close Year 2000 early, don't get concurrence in West Side, voters don't approve GO bond... then what?

Mike D: The last Task Force defined a philosophy on when use urban renewal ...a lot of value to guide this discussion. He think Coffee Creek has potential of being a short term urban renewal plan: this will drive more economic development.

Mike D: There is a scarce supply of industrial land in the metro area.

Christine: Figure the acreage to pull Coffee Creek in and maximize both existing plans, accomplish those things that are important for public infrastructure standpoint and for public safety.

Doris: Likes UR when it is well defined, limited scope, Year 2000 decision based on that; keep faith with people, close out when you say you are going to.

Larry: Coffee Creek and Frog Pond should be linked: huge draw in Coffee Creek, have a weird imbalance, need to create the housing. Do not want to just have jobs and no housing to support the community.

Joanne: Year 2000 Plan has \$11M in outstanding debt, compared to the West Side Plan that has \$25M in outstanding debt, so it seems like it makes more sense to pay off the Year 2000 Plan early (could accomplish it sooner).

Nick: Revenue sharing in West Side is key issue,

Mike D: Could ask for concurrence...could shorten time frame overall for urban renewal.

Lonnie: can you waive rev sharing for some districts

General Answer: no

Susan: Also look at ability to release 218 acres

Nick: will do.

Susan: I know we use urban renewal for Villebois, generally more favorable for jobs versus residential. Can you get infrastructure in Frog Pond using other sources of revenue other than urban renewal?

Kristin: yes, there are other tools

Doris: If you shut down Year 2000, maybe concurrence would be easier to sell

Christine: compression issue; what are the strategies.

Kristin: trying to assess resent potential impact. We don't have a handle on it.

Mike D: There are efforts being undertaken to try to take local option out of \$5 cap. This would help deal with the schools issue.

Ray: Economy is improving. By the time you get Coffee Creek along to the point that it's desirable for industrial use, maybe economy would be better for Frog Pond.

Mayor: I want to ask a question: what is the future of our town center commercial area? In some senses, redevelopment of town center is on the horizon. The model I keep looking at is Lake Oswego. They spent \$5 million building a parking garage in the middle of a block, and that block is now assessed at \$100M in private development. Do we want to keep the Year 2000 Plan around to help fund these redevelopment efforts in the future?

Lonnie: I would agree with Susan, that you can pay for new infrastructure for residential development through SDCs and development agreements.

Any responses to the Mayor's comment on the Town Center?

Lonnie: I don't disagree with Ray about timing of Coffee Creek. If we're going to spend money, let's do it where Wilsonville is: right here. Why are those pads sitting empty? They need to be incentivized. I agree with Tim and Susan, that that's the added project. That could be an added project.

Larry: To the point about Lake Oswego, it's a fabulously successful project, because it creates place. You can replicate that. Look at Bridgeport. I think you could do the same thing here, but you don't have enough population. There's not enough bodies to support it. So if you're not creating residential development, you'll have long term problems.

Susan: The situation that's different here. The town is divided down the middle by the freeway. You have a funnel effect from Newberg and Sherwood. When you start doing residential, then you start adding more cars on the street. Because we're on the edge of the UGB, retailers can't draw population from the south. So we may need to provide incentives, like a parking structure, to stimulate more dense commercial in the core. It's a challenge.

Kristin: I just want to clarify the types of projects we're talking about in Frog Pond. Not the internal projects, but ones that are on the periphery of Frog Pond.

Lorelei: Developers would still be paying SDCs and local roads. It does include large parks that are in your master plan.

Christine: It's hard to predict what's going to happen in the Town Center with Fry's and the movie theater. So managing your projects now, and leaving the year 2000 plan around for future considerations makes some sense.

Christine: I think Frog Pond is lower on the priority list for me, because it is residential.

Mike K: To Larry: You have a tremendous background in commercial lending. You suggested that we need to look at Frog Pond and Coffee Creek in tandem.

Larry: Industrial is a little bit different. If you want to develop the Town Center further, then you need a population base. If you don't create residential development, then you will never convince a lender to build a major retail center. Big banks won't finance it.

Frog Pond?

Mike D. Hillsboro has had tons of growth, and 80% of the people who work there, don't live there. I have curiosity on whether you need TIF to build residential development.

Councilor Starr. This could be reliving the 1990s. 90% of the people left at 5:00. Now it's filled in a little bit. We know that gig. With our history, we should be able to plan better for future phases of development.

Ray: My point about Coffee Creek, and my desire to delay Frog Pond, is so that we have the financial resources to provide and support the infrastructure from our taxes that we'll receive from those heavy industrial undertakings. So that as you add residents you'll already have money for police and fire. More importantly, Villebois is only half built out. So we have capacity. If there is a need for housing, we have an ability to do that.

Ray: Lake Oswego and Bridgeport are smack in the middle of a million people. We're way out on the edge. We've got 19,000 people. Not the same situation.

Lorelei: recapping consensus:

1. Coffee Creek is a high priority
2. Uncertain what to do with Town Center. It has challenges. Might want to invest in it. Questions about whether we want to keep Year 2000 Plan open for a while to preserve the ability to fund improvements in Town Center.
3. Focus on infrastructure instead of amenities.
4. We will need to come back with multiple scenarios.
5. We need to look at the acreage question. How much acreage can we remove?
6. Need to look at any impact to school districts of closing down URAs.
7. If we're looking at Frog Pond, we don't want to fund the parks projects from TIF.

Appendix F. Meeting Summary Notes – January 30, 2014

DATE: January 30, 2014
TO: Wilsonville Urban Renewal Strategic Plan Task Force
CC: Kristin Retherford, Bryan Bryan C, Nancy Kraushaar, Joanne Ossanna, Mike Kohlhoff
FROM: Nick Popenuk/Elaine Howard/Lorelei Juntunen
SUBJECT: SUMMARY NOTES FROM TASK FORCE MEETING JANUARY 30, 2014

Attendance

Committee Members: Bill Bach, Torie Bischopink, Mary Closson, Kathy Connell, Brenner Daniels, Stacey Dukes, Chief Mike Duyck, Amy Dvorak, Lonnie Gieber, Gale Lasko, Doug Middlestetter, Susan Myers, Craig Olson, Ray Phelps, Christine Reynolds, Larry Remmers, Fred Robinson, Dr. Bill Rhoades, Dick Spence, Alan Steiger, Doris Wehler, Scott Starr

Committee Members Attending: Bill Bach, Chief Mike Duyck, Lonnie Gieber, Gale Lasko, Doug Middlestetter, Ray Phelps, Christine Reynolds, Fred Robinson, Dick Spence, Scott Starr, Doris Wehler

Consultants and City Staff: Bryan Cosgrove, Mike Kohlhoff, Nancy Kraushaar, Joanne Ossanna, Kristin Retherford, Lorelei Juntunen, Nick Popenuk, Elaine Howard

Introduction

Scott Starr presided over the third meeting of the Urban Renewal Strategy Task Force (Task Force). Kristin Retherford provided an overview of the agenda.

Findings from interviews

Elaine Howard presented results from a series of stakeholder interviews conducted as part of the Urban Renewal Strategy process. A written summary was provided in meeting materials. Questions / responses and discussion follows.

Mike D: Why was Washington County part of the interview list? Elaine: Coffee Creek is in Washington County. Kristin: Sherwood Schools is the same situation.

Mike D (re: Old Town Escape project): Generally supportive of any connectivity. Asked for data layer, and analyzed improvements based on response times. Reality is, it doesn't hurt us to have the Old Town Escape, but it isn't a dramatic improvement for fire and EMS. We deploy in static setting from a single location; police respond dynamically, so they may see greater improvements.

Ray: Concurrence. I think I heard you say that people supported concurrence. My attitude is to ask other taxing districts to support it. Bryan C / Kristin: We are required to meet (consult) with them regardless; concurrence is an official vote. Ray: I'm looking for the discussion, so that taxing districts have at least some input in a public process. Kristin: For smaller districts, with

small staff and small total percentages, they prefer not to be bothered for a formal vote. Elaine: in TIF zones project, we found that to be true. Smaller districts did not want to have to take an issue to their board and analysis and write a staff report. They indicated that if you've got your 75%, don't bother us. Retherford: Other taxing districts, there's a greater value for concurrence requirement. Mike D: Speaking as one taxing district, they'd rather have the public discussion than not, even if you don't have official concurrence. Ray: Arguably, if the roads and infrastructure is there, and you start adding on ornaments (amenities), they should have a say about it. Elaine: Everyone agreed that we need a healthy discussion with the taxing districts. Mike D: Most said that raising it to where you have to have concurrence is a bad idea? Elaine: Concerns about whether you'd be successful in achieving concurrence. Then what? How much animosity do you want to bring to the process? Bryan C: Especially in an election year. Mike D: Do we need the County? Elaine: We need everyone but the County – every one – if they don't vote for it. Including the little ones that don't want to address it. Kristin: Timing also plays in, relative to the election timeline.

Compression

Nick provided a summary of compression and why it is important to understand the ramifications of compression when dealing with urban renewal. Urban renewal actually moves compression impacts away from schools by placing some of that burden in the general government category. As districts close out, the schools feel impacts as the schools tax rate that was being divided for urban renewal now goes back to the schools category.

Doug M.: He is coming to the Task Force with an education bias. This community is an exceptional community in terms of its commitment to education. The local option helped meet the needs for more teachers in the classrooms. During the recent recession, the trend of growth in local option receipts declined dramatically, resulting in a need to cut staffing.

Shutting down urban renewal will increase compression impacts. If Year 2000 would close this year, it would cause a decrease of approximately \$1.4 million in local option dollars. The school district would prefer to phase any close out of a district so the impact to them is not so dramatic. 20% a year would be more doable. The school district would prefer any close out of a district to occur in the future, after real market values have increased (hopefully).

Lonnie: How much of a discretionary portion of the general fund is there?

Doug: The addition of 300 students makes for improvement in their budget in the current year. Next years may be difficult, as there is never enough to do what we would really like to do with education. There is not a surplus.

Doris: when is Year 2000 slated to be over? Nick: bonds are scheduled to 2030, could actually shut in 2019.

Mike D: There are some legislative changes being looked at that would make the local option exempt from the Measure 5 caps. This legislation could be a help not only for the school district but for any district with local options.

Scenarios

Lorelei: Reviewed the 4 scenarios described in the handouts.

Doris: When you remove acreage for Coffee Creek is it from both urban renewal areas? Lorelei: Yes, mostly Year 2000.

Ray: Frog Pond is too far out and not yet planned.

Mike D.: Not that Frog pond is not a priority, but use of TIF not priority for it.

Lonnie: Question on the contractual obligations of West Side, which projects are obligated?

Kristin: all projects except Old Town Escape.

Lonnie: Can we change the contractual obligations by a vote of public? Mike K: No.

Nancy: Is Boeckman dip presently a project? Kristin: that project is in the urban renewal plan, but not on list to be completed. It might be completed with the development of Frog Pond (a potential future urban renewal area).

Nancy: Boeckman Bridge will be a huge cost. It may be of the magnitude that may need some help for financing.

Lonnie: When is the presumed start time for scenarios? Lorelei: 2015 to allow time for amendments to be completed.

Does Scenario B exacerbate school district situation? Nick: Scenario B it goes longer, so it would be better for the school district in terms of giving more time for RMV to increase.

Discussion

Doris: Don't have to use just one scenario, we could make a new scenario, a B1: Don't do Old Town Escape at all.

Lonnie: Biased in favor of school district. District has a lot of expenses coming up.

Doug M: School district would like to amend their preferences to longer than 5 years – B goes longer. Kristin: Can assume we'll work with school district in any scenario.

Mike D: Is Old Town Escape going to happen whether or not we use TIF? Kristin: Yes. We would need to do this, using SDCs, GO bond, some other source. If we do not use TIF, it could delay the funding of it. It will need to be done when development occurs in that area.

The Task Force decided to vote on the scenarios presented:

All scenarios assumed sufficient acreage could be released to do Coffee Creek.

Scenario A: Increase MI to do all projects remaining in West Side Plan. Would require concurrence for increase in MI and for declining revenue sharing. Complete Year 2000 as soon as possible, completing all projects.

Informal vote: None in support.

Scenario A1: Increase MI to do all projects remaining in West Side Plan. Would require concurrence for increase in MI but NOT FOR declining revenue sharing. Complete Year 2000 as soon as possible, completing all projects.

Informal vote: None in support.

Scenario B: Move Old Town Escape to Year 2000, MI of West Side Plan is increased, but does not require concurrence.

Informal vote: None in support.

Scenario B1: Same as Scenario B except Old Town Escape is NOT funded with TIF. MI increased in West Side, but does not require concurrence.

Informal vote: Unanimous support.

Did not vote on Scenario C as Scenario B1 was chosen unanimously.

The Task Force then proceeded to deal with some of the follow up issues in each of the districts:

Christine: Is there a reason to keep Y2000 plan open? Elaine: Received input that storefront loans may not make sense. Bryan C: Not set up very well – strip retail – doesn't make as much sense. More typical in smaller communities.

Vote on storefront loans in Year 2000 Plan

Informal vote: None in support.

Elaine: Question: What about redevelopment of Frye's and cinema area? Is it worth keeping the Year 2000 plan open for that?

Ray: Could you just start a new one? Why not close it down and re-start? Bryan C: Downside is that you are starting with nothing, and don't have the ability to frontload the project. Ray: I'd rather rely on the developer. It's a temptation to have this money sitting around. Bryan C: If you let the developer lead, you'll get what the developer wants to produce, without having the City with leverage. Phelps: leaving yourself open to the criticism that you're not using UR in the way it's required. Bach: From developers point of view – that parcel won't need incentives to redevelop. It's already in demand, if the current user moves on, it will go. The key is, do you want to get something out of it for the public? Are there public improvements that are needed

that suggest the need for a partnership? This site seems like it might not need it. Don't really care one way or the other, that's just one way to think about it. Elaine: Do you have an opportunity on that site to create a Main Street for your City? Other cities have done that. That site is big enough that you could create it there. Mike D: What would be wrong with waiting until later? Not an apples-to-apples comparison. Sounds like you're saying, let's just sign a check, and we'll leave it on the table, and we might spend it or might not. Sounds foul. Bach: Not "blighted". Just obsolete. No need for assemblage. Bryan C: big items would be open space or public plazas. No vision from the City. Mike K: keeping a toe-hold gives you the ability to set the stage and do some planning. Not going to mess up the timing on closing. Perhaps use the urban renewal area to do some planning and visioning on the properties.

Leave it open and let City council deal with it later as it come up in the future: NO

Vote on whether to consider the redevelopment of Fry's and cinema as a future project?

Informal vote: None in support.

Vote on whether we have an advisory public vote on the MI increase for West Side:

Informal vote: mixed, majority say no. 3 say Yes, minority opinion. All agree that robust public process is required, whether it goes to a vote or not.

Christine: How much does it cost the City? Bryan C: It depends – time with others and it's free. City has historically done an advisory vote. Mike D: How historic? How many years? Bryan C: Over last several votes.

Gene L: What happens if we have a no vote and we have contractual obligations? That puts the City in a bad place. Substantial amendments have not gone to vote. Lonnie: This is an opportunity to get even new residents up to speed on the issue, and for City Council to keep faith on a promise to bring to a vote. Fred: How does the City end up obligated to fund projects legally? Answer: Cost estimates were terrible, and we entered into a development agreement that legally obligated us in exchange for developer contributions. Christine: As a lawyer and a resident, putting an advisory vote out to people on projects that are contractually obligated seems like a bad idea. If they vote no, it puts the Council in a bad position. Lonnie: A continuing PR issue with credibility with the City. We were very happy to get the Council to agree to an advisory vote. Would hate to see opportunity wasted. Worth the effort and expense to take the temperature of the community. Let's have complete transparency.

The thinking is that all advisory votes have been on new districts. Don't believe there was a vote on previous increase in MI. Both messages (need for vote and preference to not vote) will be heard on this issue – Consultant will include both sides in the final report. Starr: People do trust the City. They don't trust urban renewal, but we don't get ourselves anywhere with credibility to change positions relative to an advisory process. Retherford: There is outreach associated with the amendment – that is a public process.

Joanne: The city will work with the school district to decide how to proceed with under levies and shutting down, based on the changing dynamic.

Discussion on School District compression issues: All agree that it should be reviewed annually, but need to also review potential legislation, work with district to address issues, but close it down asap.

Vote on Coffee Creek URA.

Informal vote: All but one agree to pursue urban renewal in Coffee Creek.

Mike D: Can use other tools besides TIF. Elaine: Yes, TIF can be packaged with SDCs, LIDs and other funding sources.

Vote on whether to go for public advisory vote on Coffee Creek.

Informal vote: Unanimous in going for advisory vote to establish a new urban renewal area.

Vote on Concurrence for Coffee Creek?

Informal vote: Majority say yes, seek concurrence. (It was noted this would be Washington County)

Vote on types of projects to use for Coffee Creek?

Informal vote: 100% support for using adopted language from prior Task Force regarding use of TIF in urban renewal.

Mike D – same language regarding what's generally acceptable from previous Task Force recommendation. Not for amenities. If you do this, you'll get concurrence. Bach: Don't use it for acquisition for consolidation of parcels.

Vote on Frog Pond: Do master planning and then come back to us. Use same language regarding use of TIF in urban renewal.

Informal vote: 100% voted to await the master planning and use adopted language from prior Task Force regarding use of TIF in urban renewal.

Recommendations of the Economic Development Strategy Task Force on Business Attributes and Incentives March 2013

Urban renewal district — The Task Force clarified that its support of urban renewal district creation was limited in scope to specific project funding necessary to make development viable and leverage significant private investment: for example, to bring needed infrastructure to the Coffee Creek Industrial Area to facilitate development, or to assemble small parcels into larger parcels for resale and development. The Task Force also recommended that the City continue to conduct advisory votes prior to establishing new urban renewal districts and that any new district should be of limited duration and have a well-defined project list and scope so that the district is closed down and property-tax revenue returned to the other taxing districts as quickly as possible after planned urban renewal projects are completed and paid for.

Appendix G. Financial summaries of the recommended scenario

Methods

TIF revenues are calculated as the product of the assessed value in the URA and the consolidated tax rate. Thus, the first step in the process is to identify the relevant tax rates for the URA. Step two is to forecast assessed value for the URA. Step three is to calculate total TIF revenues. The fourth and final step is to calculate the portion of total TIF revenues that are shared with other taxing districts and the portion that is received by the URA.

Tax Rates

The West Side and Year 2000 URAs only collect taxes from permanent rates, and general obligation bonds and local option levies approved before October of 2001. Permanent rates are, as the name implies, permanent, and therefore do not need to be “forecast” into the future. Local option levies are temporary in nature, and therefore none exist today that were approved prior to 2001. There are, however, some outstanding general obligation bonds approved prior to 2001 for taxing districts overlapping the URA. We used debt service schedules found in the jurisdictions’ annual Certified Annual Financial Reports (CAFRs), and assessed value information from the Clackamas County Assessor’s Office to forecast the future general obligation bond tax rates for these jurisdictions.

Figure 1: 2014 Tax Rates for Tax Codes in URAs, City of Wilsonville

District	Tax Code Areas: 003-033, 003-043 and 003-044	Tax Code Areas: 003-034 and 003- 045
Clackamas County City	2.4042	
Clackamas County Rural		2.9766
County 4-H	0.0500	0.0500
County Library	0.3974	0.3974
County Soil Cons	0.0500	0.0500
Wilsonville (Perm)	2.5206	
Wilsonville (GO)	0.1540	
Fire 64 Tualatin	1.5252	1.5252
Port of Portland	0.0701	0.0701
Metro (Perm)	0.0966	0.0966
Metro (GO)	0.0934	0.0934
Vector Control	0.0065	0.0065
General Government Subtotal	7.3680	5.2658
WL / WILS SD (Perm)	4.8684	4.8684
WL / WILS SD (GO)	0.7816	0.7816
Clack CC (Perm)	0.5582	0.5582
Clack CC (GO)	0.1501	0.1501

Clack ESD	0.3687	0.3687
Education Subtotal	6.7270	6.7270
Consolidated Rate	14.0950	11.9928

Source: Clackamas County 2013-14 Table 4a – Taxing District Detail

Note that Figure 1 shows two sets of tax rates. The first set, applies to tax code areas 003-033, 003-043, and 003-044. These tax code areas are all within Wilsonville city limits. These tax rates apply to all property in the Year 2000 Plan and 99% of the property value in the West Side Plan. The second set of tax rates apply to tax code areas that are outside of Wilsonville city limits. These tax rates are only used to calculate TIF for the small amount of property value in the West Side Plan that is outside of city limits.

Assessed Value

Change in assessed value is caused by two drivers: (1) appreciation or depreciation of existing property values, and (2) “exception” events, such as construction of new property, or appealing a previous valuation. In Oregon, appreciation for existing property is limited to 3% per year, which means that any growth above 3% is due to exception events.

Figure 2 shows the annual forecast of assessed value for both the West Side and Year 2000 plans. Note that the table shows assessed value projections through FYE 2030. Our analysis, however, suggests that each URA could be closed down prior to that time horizon.

Figure 2: Annual Growth Projections and Assessed Value, FYE 2014-2030

Fiscal Year Ending	West Side		Year 2000	
	Annual Growth	Assessed Value	Annual Growth	Assessed Value
2014	12.34%	\$264,441,504	2.17%	\$396,154,818
2015	3.00%	\$272,374,750	3.00%	\$408,039,463
2016	3.00%	\$280,545,992	3.00%	\$420,280,647
2017	21.63%	\$341,238,109	3.00%	\$432,889,066
2018	29.23%	\$440,969,384	3.00%	\$445,875,738
2019	15.26%	\$508,264,993	3.00%	\$459,252,010
2020	12.03%	\$569,420,078	3.00%	\$473,029,570
2021	12.79%	\$642,249,838	3.00%	\$487,220,457
2022	3.00%	\$661,517,333	3.00%	\$501,837,071
2023	3.00%	\$681,362,853	3.00%	\$516,892,183
2024	3.00%	\$701,803,739	3.00%	\$532,398,948
2025	3.00%	\$722,857,851	3.00%	\$548,370,916
2026	3.00%	\$744,543,586	3.00%	\$564,822,043
2027	3.00%	\$766,879,893	3.00%	\$581,766,704
2028	3.00%	\$789,886,290	3.00%	\$599,219,705
2029	3.00%	\$813,582,879	3.00%	\$617,196,296
2030	3.00%	\$837,990,365	3.00%	\$635,712,185

Sources: ECONorthwest and City of Wilsonville

The assessed value forecasts are driven by the following assumptions:

- **West Side:** Development of Villebois is ongoing, with additional housing units scheduled to be built over the next five years. City staff provided us with a detailed schedule of future Villebois construction, as stipulated in development agreements with the City. Our forecast of growth in assessed value for the West Side URA reflects this development schedule.
- **Year 2000:** Although the area may experience new development in future years, this development would be speculative, and therefore is not included in our forecast. Future growth in assessed value of the Year 2000 Plan is somewhat irrelevant, as City policy limits annual TIF collection to \$4 million. Therefore growth in assessed value in the Year 2000 Plan does not correlate into increased TIF revenues for the urban renewal agency.

Total TIF

Multiplying the consolidated tax rate by the assessed value tells us the total TIF to be raised in the URA. In FY 2012-13 the West Side URA raised \$3,108,892 in TIF revenues, and the Year 2000 Plan raised \$4,000,000.¹ Figure 3 shows the total amount of TIF that each URA would raise in future years. Note that for the Year 2000 Plan, we show the maximum amount of TIF that could be raised. City policy, however, limits TIF collections to \$4,000,000 per year.

Figure 3: TIF Projections, FYE 2014-2030

Fiscal Year Ending	West Side	Year 2000
2014	3,494,170	\$4,962,385
2015	3,609,262	\$5,134,703
2016	3,708,703	\$5,284,983
2017	4,520,906	\$5,413,785
2018	5,545,360	\$5,249,922
2019	6,424,612	\$5,424,743
2020	7,223,583	\$5,604,768
2021	8,080,864	\$5,723,457
2022	8,329,603	\$5,912,244
2023	8,585,804	\$6,106,694
2024	8,849,690	\$6,306,978
2025	9,121,494	\$6,513,270
2026	9,401,452	\$6,725,751
2027	9,689,809	\$6,944,607
2028	9,986,815	\$7,170,028
2029	10,292,732	\$7,402,212
2030	10,607,827	\$7,641,361

Source: Calculated by ECONorthwest, with data from Clackamas County Assessor

¹ Clackamas County Table 4c – Estimation of Urban Renewal Revenue from Increment Value

Impacts of revenue sharing

Not all of the TIF generated in URAs is received by URAs. In some situations, “revenue sharing” occurs, and a portion of TIF revenues are distributed to overlapping taxing districts. The Year 2000 Plan shares all TIF revenue above \$4,000,000, per City policy. The West Side Plan is not currently subject to any revenue sharing provisions, but if the Plan were amended to increase its maximum indebtedness, then it would be subject to State revenue sharing requirements. Our analysis assumes that the West Side Plan would be amended to increase maximum indebtedness, and therefore the following State revenue sharing requirements would apply.

Oregon Statutes require that when TIF revenues for the URA exceed the “transition amount”, then the amount of TIF received by the URA is limited to the transition amount, plus 25% of the TIF that exceeds the transition amount. The remaining TIF is shared with overlapping taxing districts. The transition amount is defined as the amount that the URA was eligible to receive in the first year in which the URA Plan was amended.

Note that when TIF received by the URA reaches a second, higher threshold, of 12.5% of the maximum indebtedness of the Plan immediately prior to the amendment, then TIF revenues received by the URA are capped at 12.5% of the original maximum indebtedness, and any increase in TIF above that threshold is shared with overlapping taxing districts. We forecast the West Side Plan would hit that 12.5% threshold in FYE 2018, and that TIF collections for the URA would be limited to \$5,000,000 in all subsequent years.

Figure 4: TIF for URA, FYE 2014-2030

Fiscal Year Ending	West Side	Year 2000
2014	\$3,494,170	\$4,000,000
2015	\$3,609,262	\$4,000,000
2016	\$3,708,703	\$4,000,000
2017	\$4,520,906	\$4,000,000
2018	\$5,545,360	\$4,000,000
2019	\$5,000,000	\$3,479,100
2020	\$5,000,000	-
2021	\$5,000,000	-
2022	\$5,000,000	-
2023	\$5,000,000	-
2024	\$5,000,000	-
2025	\$5,000,000	-
2026	\$5,000,000	-
2027	\$5,000,000	-
2028	-	-

2029	-	-
2030	-	-

Error! Reference source not found. shows a detailed table with the TIF revenue received by the URA in each year of our forecast period.

Source: Calculated by ECONorthwest, with data from Clackamas County Assessor

Finance Plan

Figure 5 and Figure 7 show how the tax increment revenues and other resources will be used to fund projects and debt service for both the West Side and Year 2000 plans. Figure 4 and Figure 6 show the Debt Service Funds, including annual TIF revenues and anticipated debt service payments.

West Side Plan

- It is anticipated that TIF revenues each year will achieve a minimum coverage ratio of 1.25 times debt service².
- All projects are expected to be completed no later than FY 2017-18. Total project costs including URA admin and financing fees, in nominal dollars is \$17,732,581.
- It is anticipated that all debt will be retired by the end of FY 2026-27.

Year 2000 Plan

- It is anticipated that TIF revenues each year will achieve a minimum coverage ratio of 1.3 times debt service.
- All projects are expected to be completed no later than FY 2017-18. Total project costs, including URA admin and financing fees, in nominal dollars is \$19,529,505.
- It is anticipated that all debt could be retired by the end of FY 2019-20.
- The City will work with the School District to explore different options for underlevying TIF revenues that could result in extending the year that all debt would be retired. This would potentially allow for a less dramatic impact on School District local option levy compression losses when the Year 2000 Plan expires.

² FYE 2024 does have a ratio of 0.8, due to an irregularly large payment scheduled for that year, but has sufficient resources from prior years to cover debt service in that year.

Figure 4: West Side Debt Service Fund

FYE	2014	2015	2016	2017	2018	2019	2020
TIF Revenue	\$3,494,170	\$3,609,262	\$3,708,703	\$4,520,906	\$5,545,360	\$5,000,000	\$5,000,000
Debt Service							
Outstanding Loans	\$2,209,198	\$2,210,523	\$2,213,548	\$2,214,528	\$2,213,408	\$2,210,188	\$2,204,745
Loan 2015		\$330,223	\$330,223	\$330,223	\$330,223	\$330,223	\$330,223
Loan 2016			\$283,642	\$283,642	\$283,642	\$283,642	\$283,642
Loan 2017				\$289,993	\$289,993	\$289,993	\$289,993
Total Debt Service Remaining	\$2,209,198	\$2,540,746	\$2,827,413	\$3,118,386	\$3,117,266	\$3,114,046	\$3,108,603
Coverage Ratio	1.58	1.42	1.31	1.45	1.78	1.61	1.61
TIF Revenue After D/S							
Interest Earnings						\$21,788	\$74,608
Annual	\$1,284,973	\$1,068,517	\$881,291	\$1,402,521	\$2,428,095	\$1,885,955	\$1,891,397
Cumulative	\$1,284,973	\$2,353,489	\$3,234,780	\$4,637,300	\$7,065,395	\$8,951,349	\$10,842,746

Figure 5: West Side Debt Service Fund, cont.

FYE	2021	2022	2023	2024	2025	2026	2027
TIF Revenue	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
Debt Service							
Outstanding Loans	\$2,207,178	\$2,207,100	\$2,209,503	\$5,374,428	\$1,427,320	\$3,103,200	\$3,568,875
Loan 2015	\$330,223	\$330,223	\$330,223	\$330,223	\$330,223	\$330,223	\$330,223
Loan 2016	\$283,642	\$283,642	\$283,642	\$283,642	\$283,642	\$283,642	\$283,642
Loan 2017	\$289,993	\$289,993	\$289,993	\$289,993	\$289,993	\$289,993	\$289,993
Total Debt Service Remaining	\$3,111,036	\$3,110,958	\$3,113,361	\$6,278,286	\$2,331,178	\$4,007,058	\$4,472,733
Coverage Ratio	1.61	1.61	1.61	0.80	2.14	1.25	1.12
TIF Revenue After D/S							
Interest Earnings	\$123,424	\$173,381	\$224,571	\$276,964	\$251,524	\$324,105	\$356,581
Annual	\$1,888,965	\$1,889,042	\$1,886,640	(\$1,278,286)	\$2,668,822	\$992,942	\$527,267
Cumulative	\$12,731,711	\$14,620,753	\$16,507,392	\$15,229,107	\$17,897,929	\$18,890,871	\$19,418,138

Figure 5: West Side Project Fund

FYE	2014	2015	2016	2017	2018	2019	2020
Resources							
Beginning Fund Balance	\$414,907	\$985,755					
Transfer from D/S	\$1,284,973	\$1,068,517	\$881,291	\$1,402,521	\$1,338,700	\$12,800	\$13,400
Bonds		\$4,115,306	\$3,534,806	\$3,613,959			
Interest Earnings	\$2,075	\$4,929					
Total Resources	\$1,701,955	\$6,174,506	\$4,416,096	\$5,016,479	\$1,338,700	\$12,800	\$13,400
Expenditures							
Barber St.		\$4,908,800					
Tooze Road			\$2,811,400				
Sprinklers	\$360,000	\$388,800	\$100,500	\$363,500	\$1,164,100		
Parks	\$262,800		\$866,700				
Brown Road				\$3,935,800			
URA Admin	\$93,400	\$794,600	\$566,800	\$644,900	\$174,600	\$12,800	\$13,400
Financing Fees		\$82,306	\$70,696	\$72,279			
Total Expenditures	\$716,200	\$6,174,506	\$4,416,096	\$5,016,479	\$1,338,700	\$12,800	\$13,400
Ending Fund Balance	\$985,755	-	-	-	-	-	-

Figure 6: West Side Project Fund, cont.

FYE	2021	2022	2023	2024	2025	2026	2027
Resources							
Beginning Fund Balance							
Transfer from D/S	\$14,100	\$14,800	\$15,500	\$16,300	\$17,100	\$18,000	\$18,900
Bonds							
Interest Earnings							
Total Resources	\$14,100	\$14,800	\$15,500	\$16,300	\$17,100	\$18,000	\$18,900
Expenditures							
Barber St.							
Tooze Road							
Sprinklers							
Parks							
Brown Road							
URA Admin	\$14,100	\$14,800	\$15,500	\$16,300	\$17,100	\$18,000	\$18,900
Financing Fees							
Total Expenditures	\$14,100	\$14,800	\$15,500	\$16,300	\$17,100	\$18,000	\$18,900
Ending Fund Balance	-	-	-	-	-	-	-

Figure 6: Year 2000 Debt Service Fund

FYE	2014	2015	2016	2017	2018	2019
TIF Revenue	\$4,125,000	\$4,125,000	\$4,125,000	\$4,125,000	\$4,125,000	\$3,604,100
Debt Service						
Outstanding Loans	\$3,073,832	\$1,876,700	\$591,463	\$593,075	\$594,050	\$594,388
Total Debt Service	\$3,073,832	\$1,876,700	\$591,463	\$593,075	\$594,050	\$594,388
Coverage Ratio	1.34	2.20	6.97	6.96	6.94	6.94
TIF Revenue After D/S						
Interest Earnings	\$31,500	\$29,343	\$12,587	\$57,466	\$135,049	\$49,415
Annual	\$1,051,168	\$2,248,300	\$3,533,538	\$3,531,925	\$3,530,950	\$3,530,613
Cumulative	\$1,051,168	\$3,299,468	\$6,833,006	\$10,364,931	\$13,895,881	\$17,426,493

Figure 7: Year 2000 Project Fund

FYE	2014	2015	2016	2017	2018	2019
Resources						
Beginning Fund Balance	\$2,308,920	\$1,151,690				
Interim Loan						
Transfer from D/S		\$5,628,752	\$316,900	\$332,800	\$10,198,500	\$12,800
Bonds						
Interest Earnings	\$11,675	\$5,758				
Total Resources	\$2,320,595	\$7,486,200	\$316,900	\$332,800	\$10,198,500	\$12,800
Expenditures						
Canyon Creek	\$665,250	\$5,460,000				
Old Town Streets					\$1,868,300	
Town Center Planning			\$275,600			
Landover Medians				\$289,400		
Park Improvements		\$441,000				
Old Town Escape					\$7,000,000	
Project Mgmt and Admin.	\$503,655	\$885,200	\$41,300	\$43,400	\$1,330,200	\$12,800
Total Expenditures	\$1,168,905	\$6,786,200	\$316,900	\$332,800	\$10,198,500	\$12,800

Appendix H. Interview Summary

Wilsonville Urban Renewal Strategy Interview Overview

Summary of input of all interviews through January 8, 2013

January 15, 2013

The following is a summary of responses to the interviews conducted for the Wilsonville Urban Renewal Strategy. Answers are shown in italics at the end of each question. The list of interviewees is shown in Attachment A.

Interview:

The City of Wilsonville has two existing urban renewal areas, the Year 2000 Plan on the east side of Wilsonville and the West Side Plan in the Villebois area of Wilsonville. The City is completing an urban renewal strategy to determine how best to complete the two existing urban renewal areas, and how best to use urban renewal in the future. A task force has been convened and we have identified the following issues. We value your input on these issues.

Year 2000 Plan

1. The Year 2000 Plan has one project underway, the extension of Canyon Creek south of Boeckman Road, which will be constructed in 2014/15. There is one other project in the Plan, the improvement of the Old Town Streets.

Extend Canyon Creek South of Boeckman	\$4,354,800	2014/15
Old Town Streets	\$3,180,600	2015/16

Are you supportive of completing the Old Town Streets project?

The connector street within this project was strongly supported.

The majority of responses for the rest of the project were positive, with the caveat that this project should only be completed if desired by the Old Town community. There was some input that completing the streets may be beneficial in adding value to the area, turning it more into a mixed-use area.

2. Are there other projects in the Year 2000 Plan Area or in close proximity that you feel should be added to the project list?

The majority of responders did not feel there were projects to be added. A few talked about the need for storefront loans and redevelopment assistance in the area where the Fry's Electronics store and the Cinema are located. (Note this question was asked before the next question that dealt specifically with these two issues)

The only addition here was the need to correct the dip in Boeckman Road.

3. What is your position on the possibility of including storefront loans or grants in the Year 2000 Plan Area and in the business district in close proximity to the existing boundary? Support/Oppose

Loans were supported more strongly than grants. While there was some support for a storefront loan or grant program, the need for this type of a program was questioned by many respondents and it was indicated that storefront or façade improvement programs would be more appropriate for a traditional main street area. It was pointed out that many of the businesses in these areas are in strip malls where individual businesses do not own their space. This is a different condition than what exists for many storefront loan or grant programs. There were a couple of comments that these types of buildings are typically upgraded by owners as economic conditions warrant, and that storefront loans/grants are not a good fit for many of these businesses. There was also the question of whether these types of loans/grants resulted in new development in the area.

4. What is your opinion about keeping a portion of the Year 2000 Plan active to provide funding to leverage private sector redevelopment in the Town Center area? Do you think it presents opportunities for future redevelopment? Yes/No

There was moderate support for this concept. There was some input that this would be acceptable as long as some acreage is reduced from the area. There are questions regarding the need to know more about the impact of the development and the potential impact of public sector involvement. Is it necessary, what would it produce? What's a financially sustainable plan for the area? Will we have to come back in the future and throw more money at it?

5. Do you think the urban renewal agency should be involved in this redevelopment? Yes/No/Maybe

There was moderate support for the agency using urban renewal funds to assist in the redevelopment of the Fry's/Cinema area. There was input that there should be adequate private business interest in this project that would not need urban renewal assistance. There was also some input that if the city wanted a product that was different than what the market might produce, using redevelopment funds could help steer the development to produce the desired results. There was also the comment that if you want to be innovative, you might need to use urban renewal. There was some support for multi-level parking here.

There is some support for maintaining flexibility for the future.

The West Side Urban Renewal Plan has contractual obligations to complete projects that exceed the present maximum indebtedness capacity of the district. These projects are mainly

infrastructure projects including the construction of a number of streets to serve the Villebois development. The maximum indebtedness is the total amount of funds the agency may allocate in the urban renewal area on projects, programs and administration during the life of the plan. Increasing the maximum indebtedness will lengthen the time frame of urban renewal in the area.

1. Are you open to increasing the maximum indebtedness of the West Side Plan in order to meet these contractual obligations? Yes/No

There was a high level of support for increasing the maximum indebtedness to meet contractual obligations. There was significant discussion about whether the city should ask for concurrence from impacted taxing districts. The majority of the responders stated they felt it was a political hot button, and not asking for concurrence was the best way to proceed.

If no, what source of funds do you think should be used?

General fund
Systems Development Charges
General Obligation Bonds
Other: specify

Since there was a high level of support for increasing the MI, this follow up question was typically not answered. One responder wanted the MI to be assisted with the use of SDCs. A responder who did not support increasing the MI indicated preference for a vote of the people to determine how to fund the contractually obligated projects.

2. The following is a list of projects to be completed in the West Side Plan, and which are contractually obligated. Are there any on this list that you feel should be completed using funding other than tax increment through urban renewal? If so, what source of funds? The Old Town Escape is an either/or option, not both.

The answers above cover a portion of this question. The only dissent was the responder who wanted a vote. In addition, there was some questions about whether urban renewal should be used for parks. The question is: Can you demonstrate that parks increase value in the area? A follow-up comment was: Maybe parks should be funded with GO Bonds, then people get to vote.

Project	Anticipated Completion Date	2013 URA Budget	Year of Completion URA Budget
Boeckman Rd. Repair	13/14	\$1,400,000	
Barber St. (Kinsman Rd. to Coffee Lake Dr.)	13/14	\$4,820,113	\$4,820,113
Kinsman Rd. (Barber to Boeckman Rd.)	15/16	\$4,788,000	\$5,079,589

Tooze Rd. (110th to Grahams Ferry Rd.)	16/17	\$8,268,700	\$9,035,431
Sprinklers	13/14	\$2,093,184	\$2,093,184
Parks	13/14	\$880,507	\$880,507
Other Transportation/Brown Road	17/18	\$3,990,000	\$4,490,780
Old Town Escape (Kinsman Option)	18/19	\$7,410,000	\$8,590,220

3. Are there other projects in the West Side Area or in close proximity that you feel should be added to the project list?

The City may want to use SDCs or GO bonds on projects such as sprinklers and parks.

4. Increasing maximum indebtedness can occur in two ways. The first way would be to increase maximum indebtedness to cover all outstanding project needs. This requires that the Agency receive 75% concurrency from the affected taxing districts. The second way would be to seek a lower level of maximum indebtedness, which would fund all but the Old Town Escape project, which would need to be funded from other sources or transferred to the Year 2000 District. The lower increase in maximum indebtedness does not require 75% concurrency, although the Agency could still seek to receive concurrency. In this scenario, if the Agency received slightly less than 75% concurrency, the projects could still be completed using urban renewal funding.

The following points were made in response to this question:

Pulling acreage out is important. While most responders were supportive of increasing maximum indebtedness, it was suggested that increasing MI at a lower level would avoid a number of political issues and reduce risk, and was thus the preferred alternative.

Other responders were proponents of concurrence and felt the case could be made for increasing maximum indebtedness by showing the results of increased response times for service providers, since many of the projects were streets.

There is limited support for the Old Town Escape project. Most responders wanted to leave that decision to the city in determining the level of need for this project.

New urban renewal areas:

There has been discussion about forming two other urban renewal areas in the future: the Coffee Creek industrial area and Frog Pond, an area designated for residential development.

1. Are you aware of either of these areas and their development visions?

Most responders were aware of these areas and of their potential.

2. Are you supportive of efforts to use urban renewal to assist in infrastructure development to encourage development of either of these areas?

yes/no. Which one or both?

There was nearly unanimous support for the development of Coffee Creek, and the use of urban renewal to help with infrastructure development. Responders were mixed on whether property assemblage by the public sector was needed. The developers interviewed expressed that constructing the major infrastructure framework was a much greater priority than property assemblage.

Most responders were unsure about the need for urban renewal in Frog Pond. There was not opposition, but questions about the need and timing. There is a lot of sentiment that Frog Pond could develop on its own without the need for urban renewal. Some of the questions asked were: What was the business case for using urban renewal for Villebois? Can you make the same case for Frog Pond? Would it lead to higher quality development?

3. If forming urban renewal areas in these locations means releasing acreage from other urban renewal areas, recognizing the need to meet all financial obligations, would you be supportive of that? yes/no

There was support for removal of acreage from other areas to do Coffee Creek. Frog Pond is more of a "wait and see" issue.

Other topics:

1. Are there specific types of projects that you would, or would not support funding with urban renewal, such as:

- A. Infrastructure for industrial development.

Yes, strong support

- B. Infrastructure for residential development.

Varied levels of support, mostly comments to wait and see what the needs will be after further planning efforts are completed.

- C. Amenities, such as parks.

Low levels of support for parks unless they support tourism. The responders who did support parks felt parks were an attribute of livability and therefore added value.

- D. Public facilities (offices, recreation center, etc.).

There was limited support for funding public facilities. The responders who did support public facilities felt they were an attribute of livability and therefore added value.

- E. Leveraging private sector redevelopment of specific areas.

There was moderate support for leveraging private sector redevelopment. The main point is to be able to show return on investment and that new assessed value will be generated.

- F. Loans or grants for storefront or façade improvements. Yes

There was support for storefront loans, with the caveat that they be used outside of where there are strip malls where the building is owned by an investor and little can be done to individualize the spaces.

G. Partial property-tax rebates (TIF Zones).

There was strong support for the TIF Zones, however some respondents expressed that the public sector should not be subsidizing the private sector.

2. Please rank which parameters are most important to you in establishing new urban renewal areas.

- A. ☐ Type of projects to be funded.
- B. ☐ Level of maximum indebtedness.
- C. ☐ Duration of the urban renewal area (a clearly defined termination date).
- D. ☐ Public process (vote).
- E. ☐ Support from other taxing districts.
- F. ☐ Sharing new TIF revenue with other taxing districts.
- G. ☐ Other _____

Responders approached this section differently. The following issues received high levels of support:

Types of projects to be funded

Duration of URA

Support from other Taxing Districts

Although a public process is important, the majority did not feel a vote was necessary.

Sharing TIF was not ranked highly, the stronger comment was to specify a duration and end on time.

Level of Maximum Indebtedness received varied levels of rankings for importance.

3. Do you have other comments or considerations for the City regarding its use of urban renewal as it continues this process?

Comments are listed below.

The Wilsonville community is in strong support of using urban renewal in the right way. Educate them on what you are doing, and then ask for support.

For the next 10 years, most of the urban renewal dollars should be spent on the development of potential industrial sites, providing access and utilities.

May need to do property assemblage in Coffee Creek.

City facilities should not be considered for urban renewal for at least the next 10 years: need to get the existing UR areas off the record before consider any public facilities.

The best UR at this time is one that attracts business that will develop in an area and to get the urban renewal area back on the tax rolls as soon as possible.

Coffee Creek is a prime example of this: it is a great industrial site that needs infrastructure to allow it to develop.

.....

City should do all it its power to minimize subsidizing development costs and not socialize the costs of development and dilute the tax base. City has an obligation to make sure that developers pay the most they can and not give away the farm or put the burden on the tax payers.

.....

Wilsonville has misused urban renewal and it is time for the districts to be terminated. Although the responder generally stated that urban renewal should be used for infrastructure, the responder was quite clear that Wilsonville should not use urban renewal.

.....

Supportive of Coffee Creek. There is a regional push to get more industrial land to develop. Look for regional sources of funds.

Be stingy on the project list: only do those projects absolutely necessary, don't put in more roads than necessary, keep to the basic spine of the transportation network. Make sure any infrastructure improvements do not just help adjacent property owners, but also provide a general benefit.. like a major spine road.

Keep exactions down. Maybe get help in dealing with other governmental agencies like ODOT.

Make sure you get what you want out of developers, maybe some type of claw back provisions so they develop to the levels you want.

Not supportive of design overlay for entire Day Road. May work at the corners, but not the whole stretch.

Make developers sign redevelopment agreements.

.....

When used appropriately urban renewal can be a great tool. It is best when there is a clear beginning, middle and end. Having districts that go too long has been one of the issues in urban renewal. Try to make districts end on time.

Feels some public projects are legitimate such as libraries, public spaces, parks... they all add to the quality of life for residents.

.....

Re: Coffee Creek

Interested in the development of this area

It is a given that there is a lack of developable industrial land in close proximity to the freeway.

Infrastructure is the most important variable to development of the area.

Opposed to the design overlay along Day Road. It will be an impediment to development of those parcels. Industrial development does not call for more than a one story building, and there is not a market for office in that area. It is prime industrial property, but should not have to bear the burden of design standards (including height standards and the inability to double load a building) that produce no economic benefit for the developer).

To encourage this development, city should reduce the risks: construct the infrastructure, eliminate the design overlay, make the zoning code efficient for development, and eliminate barriers to cutting down trees.

Start with the parcels that are most desirable, work down from there. Provide infrastructure to those parcels, the momentum of developing those parcels will cause other development on less desirable parcels to occur.

Land assemblage is not high on priority list. There are developable parcels once infrastructure is in, developing those will put pressure on the smaller land owners to either combine interests or sell. It is politically difficult for a municipality to get in the land assemblage/development business. Best to leave that to the private developers.

Look at both zoning code and public process to make land development easier for the developer. Consider streamlining as much as possible. Waive public hearings for projects that meet predetermined standards. Maybe have a standardized design district, more of a form based code. Make the land ready for easy development.

A LID may be a viable way to help with the public cost of infrastructure.

.....

Re: the opportunities in the Fry's and Theater area. This represents a great opportunity for the city. There probably needs to be a plan crafted for the area. The city can use a performing arts center and a regional sports complex. Supports mixed use development

.....
Urban renewal is best used when there is a likelihood of it to be successful and to generate development. Is there a bird in hand to jump start investment so the district will be successful? Can you generate significant increment to be able to allow for a reasonable time frame of urban renewal? Likes UR areas that have good projects with a likelihood of success, then returns the AV to the property tax rolls.
.....

Would like to see information on the return on investment of the two existing urban renewal areas. There is going to need to be a lot of marketing done to accomplish the MI increase. Would like to see buy-in from the taxing jurisdiction partners.

Urban renewal is effective where you can demonstrate return on investment.
.....

Will there be new jobs or just relocated jobs?

Will there be an influx of people to serve the jobs?

Where might these people live?
.....

Regarding the duration of the URA, we understand that it can cause problems to put a hard and fast expiration date in a plan. One strategy that worked well in Beaverton was to say that they would come back in X years and revisit the plan, and evaluate how well the plan has performed. If the plan is not performing well, then they could have a go / no-go decision at that point in time. This could be a best practice for urban renewal areas.
.....

It is important to have a pretty clear description of benefits and disadvantages of the proposed course of action when it comes to strategic decisions regarding urban renewal.
.....

Exhibit A Interview List

Clackamas County Chair Ludlow

Clackamas County Commissioner Bernard

Clackamas County Commissioner Savas

Clackamas County Commissioner Schrader

Bill Bach, Trammell Crow

Susan Myer, Capital Realty

Greg Specht, The Specht Company

Rob Massar and Andrew Singelakis, Washington County

Dr. Bill Rhoades, Doug Middlestetter, West Linn/Wilsonville School District

Mike Duyck, Tualatin Valley Fire and Rescue

Klaus Gibson, Wilsonville resident

Dr. Heather Cordie, Phil Johanson, Sherwood School District

Appendix I: Summary of Acreage Evaluation

This Appendix describes the analysis that supports the consultant team's conclusion that it is possible to remove sufficient acreage from existing urban renewal plans to create the proposed Coffee Creek urban renewal area, while still maintaining enough assessed value (AV) in the existing urban renewal areas to fund all projects as planned and to meet all outstanding financial obligations.

The analysis has three main steps:

1. Assessment of acreage needed
2. Assessment of financial capacity to remove acreage from existing urban renewal areas
3. Evaluation of low-AV parcels and acreage

Step 1: Assessment of Acreage Needed

The first step in assessing the feasibility of removing acreage from existing urban renewal areas to allow for a Coffee Creek urban renewal area is to determine how much acreage the City needs to be released from existing urban renewal areas. Two numbers drive that analysis:

1. **Acreage required for a Coffee Creek URA.** According to the 2007 Coffee Creek Master Plan, the acreage of Coffee Creek is 216 acres. This analysis assumes that the Coffee Creek urban renewal area would comprise 216 acres.
2. **Maximum acreage allowed in Wilsonville urban renewal areas.** Oregon Revised Statute (ORS) limits the total amount of acreage a city may have in urban renewal to 25% of a city's total acreage.¹ Including the Year 2000 Plan, West Side, and TIF Zone urban renewal areas, 24.12% of Wilsonville is currently in urban renewal areas. The remaining area allowed under the cap is about 41 acres.

However, Wilsonville must annex Coffee Creek before an urban renewal area could be created. The annexation would increase Wilsonville's total acreage, which increases the acreage allowed in urban renewal areas under the 25% ORS cap. If Coffee Creek is annexed but no other changes are made to Wilsonville's urban renewal areas, the remaining area allowed under the cap is about 95 acres.

Comparing these two numbers (Table I-1) shows that about 121 acres must be released from Wilsonville's existing urban renewal areas to allow for the creation of a Coffee Creek urban renewal area. Figure I-1 shows how existing and proposed urban renewal acreage is distributed among urban renewal areas.

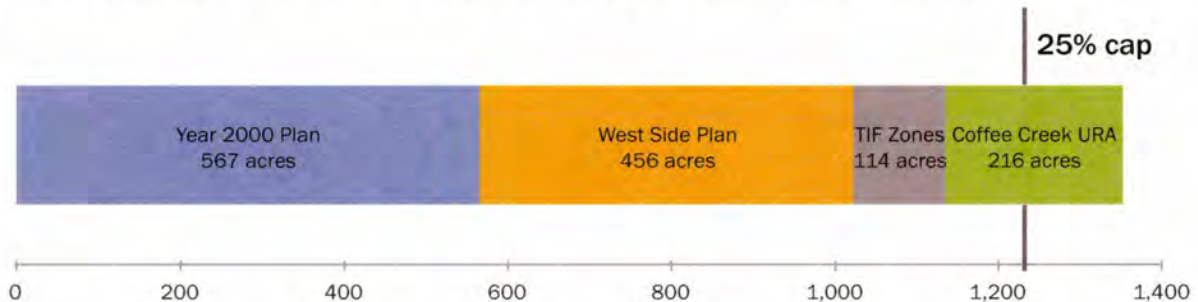
¹ ORS also limits urban renewal frozen base value to 25% of Wilsonville's total AV. This limit does not present a constraint for Wilsonville. Currently, urban renewal frozen base (in West Side Plan, Year 2000 Plan, and TIF Zones) accounts for less than 5% of Wilsonville's AV.

Table I-1. Wilsonville urban renewal areas and ORS acreage limits

	City of Wilsonville (current boundaries)		City of Wilsonville + Coffee Creek Annexation	
	Acres	% of City total	Acres	% of City total
City Total	4,712	100%	4,928	100%
Existing and planned URAs:	1,137	24.1%	1,137	23.1%
Year 2000 Plan	567	12.0%	567	11.5%
West Side Plan	456	9.7%	456	9.3%
TIF Zones	114	2.4%	114	2.3%
Proposed Coffee Creek URA	–	–	216	4.4%
Existing and proposed URAs	1,137	24.1%	1,353	27.4%
Maximum allowed in all URAs	1,178	25%	1,232	25%
Surplus / Deficit	41	0.9%	-121	-2.4%

Source: ECONorthwest and Elaine Howard, data from City of Wilsonville

Figure I-1. Acreage of Wilsonville's existing, planned, and proposal urban renewal areas



Source: ECONorthwest and Elaine Howard, data from City of Wilsonville. 25% cap assumes that Wilsonville has annexed Coffee Creek and that total City acreage is 4,928 acres.

Step 2: Assessment of Financial Capacity to Remove Acreage from Existing Urban Renewal Areas

Any release of acreage must not compromise each urban renewal area's ability to meet its outstanding financial obligations. This step of the analysis considered the financial capacity to remove acreage from the Year 2000 and West Side plans.

To calculate the amount of assessed value that can be removed from the existing urban renewal areas, we figured out how much assessed value is needed to generate enough tax revenue to make the debt service payment and fund projects. The difference between the amount of assessed value that is needed and the total AV in the area is the amount that can be removed from the district.

- \$208 million of AV can be removed from the Year 2000 Plan without compromising the urban renewal area's ability to meet outstanding financial obligations.
- \$42 million of AV can be removed from the West Side Plan without compromising the urban renewal area's ability to meet outstanding financial obligations.

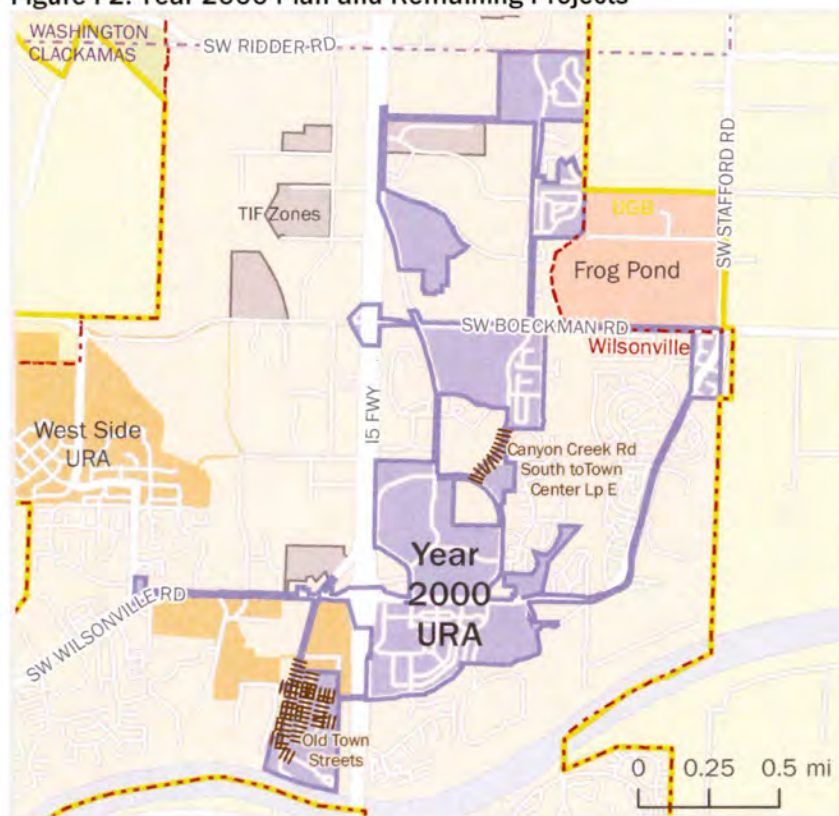
Step 3: Evaluation of low-AV parcels and acreage.

The previous step shows that of Wilsonville's two existing urban renewal areas, Year 2000 Plan has the fewest outstanding financial obligations and so is the best candidate for release of acreage. This step examines parcels and acreage of the Year 2000 Plan to determine if 121 acres can be released that contain less than \$208 million in AV.

Any acreage released from the Year 2000 Plan must meet three criteria:

1. As discussed in Step 2, no more than \$208 million in AV can be removed.
2. Outstanding urban renewal projects must remain inside the urban renewal area. Figure I-2 shows the locations of projects in the Year 2000 Plan.²
3. An urban renewal area must be a single, contiguous area. Acreage cannot be released if it results in a non-contiguous urban renewal area.

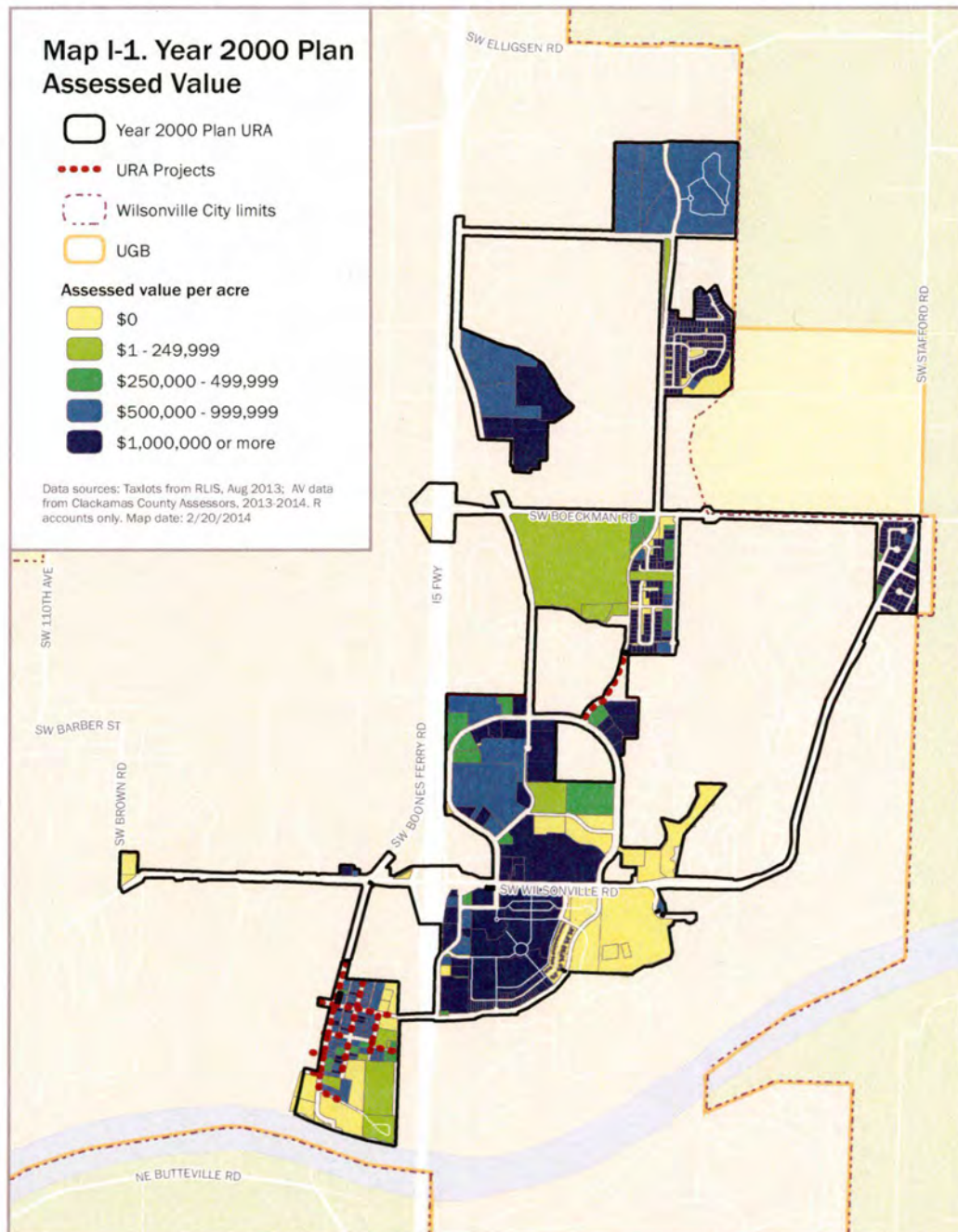
Figure I-2. Year 2000 Plan and Remaining Projects



Source: ECONorthwest. Data from City of Wilsonville GIS and Metro RLIS

² The analysis assumes that the projects shown in Figure I-2 are the only projects that need to be avoided. Several other projects plan to be completed in this area, but their exact locations are not yet identified.

In order to consider all three criteria, we joined real property AV data from Clackamas County Assessors 2013-2014 tax roll with RLIS August 2013 parcel data in GIS. For parcels with multiple tax accounts, AV was summed into one record. Map I-1 shows AV per acre for parcels in the Year 2000 Plan. Parcels with lower assessed value per acre are better candidates for removal from the urban renewal area.



The GIS analysis considered only AV from real property (R) accounts. Personal property (P), manufactured structures (M), and utility (U) accounts also include AV but were not joined to GIS parcel boundaries. In 2013-2014 in the Year 2000 Plan, AV from personal property, manufactured structures, and public utility accounts was \$38,437,331—about 10% of total AV. To account for AV from personal property, manufactured structures, and public utility accounts, the consultant team assumed that AV from these accounts would comprise 15% of total AV.³

Using Map I-1, the consultant team identified areas of low AV that could be candidates for release from the Year 2000 Plan. Map I-2 and Table I-2 show four areas where large amounts of acreage could be removed from relatively low-AV parcels and ROW. As Table I-2 shows, releasing Areas 1 and 2 provides sufficient acreage to allow for a Coffee Creek urban renewal area while remaining well below AV limits. Areas 3 and 4 provide additional options for removing acreage. Releasing all four areas would free up 192 acres while removing less than \$5 million in AV from the Year 2000 Plan.


Table I-2. Potential areas to release from Year 2000 Plan

Area	Description	Acres	AV (R accounts, 2013-2014)	Estimate of AV (non-R accounts)	Estimate of total AV
1	Murase Park, City Hall, Town Center Park, Boeckman Creek Natural Area, SW Wilsonville Rd ROW	77.1	\$325,419	\$48,813	\$374,232
2	Mentor Graphics, low AV parcels, ROW along SW Boeckman Rd and I-5	65.3	\$390,872	\$58,631	\$449,503
3	ROW and low AV parcels in Old Town (south of project area)	25.1	\$1,472,471	\$220,871	\$1,693,342
4	ROW along SW Wilsonville Rd, SW Boones Ferry Rd, and I-5	24.4	\$2,070,340	\$310,551	\$2,380,891
All Areas		191.9	\$4,259,102	\$638,865	\$4,897,967

Source: ECONorthwest. Data from City of Wilsonville GIS and Metro RLIS


³ Even if we assume that 100% of the P, U, and M values in the URA are in the parcels that are removed, the AV removed is still well below \$208 million.

Map I-2. Year 2000 Plan Potential Areas for Release

 Potential areas for release

 Year 2000 Plan URA


 URA Projects

 Wilsonville City limits

 UGB

Assessed value per acre

 \$0

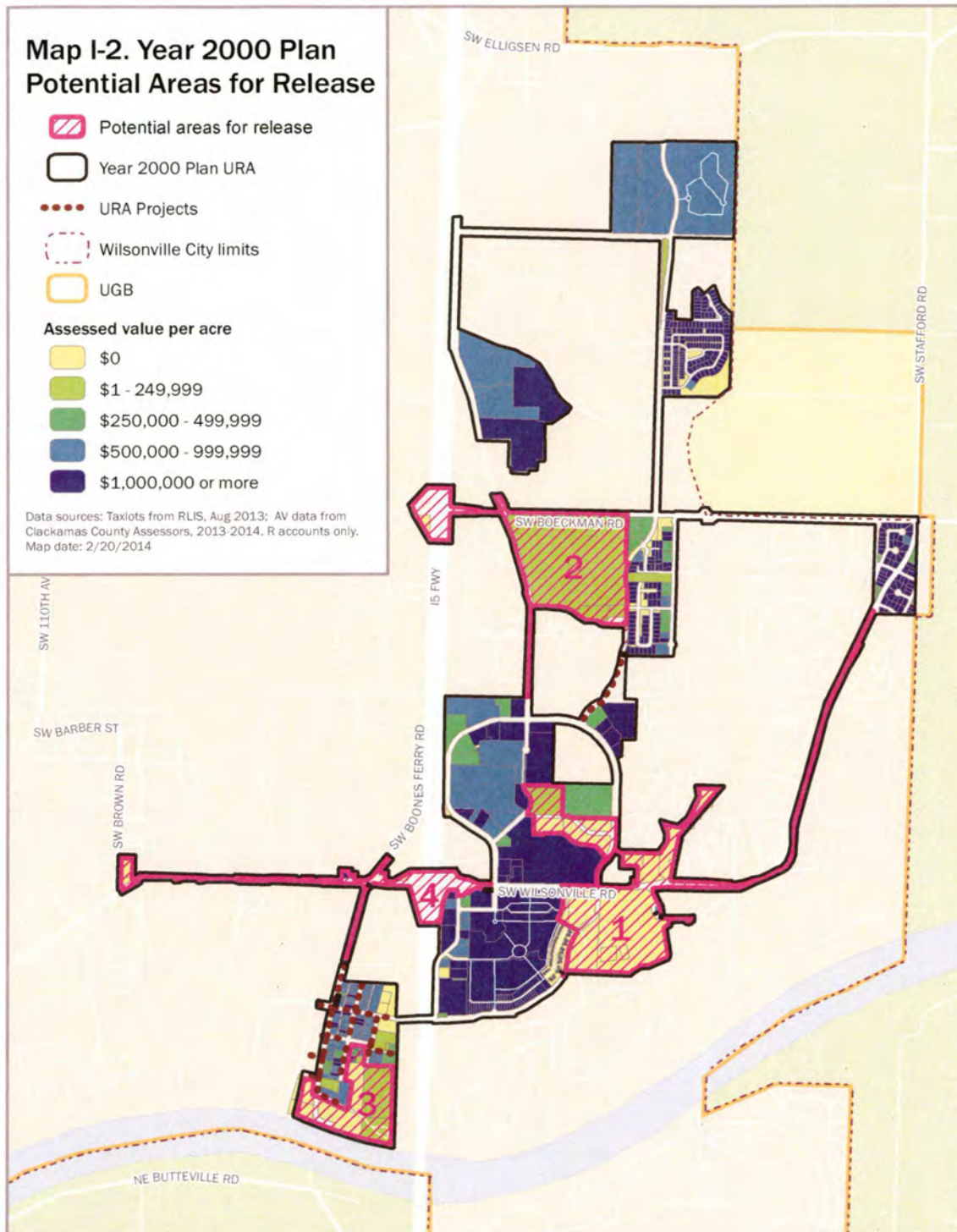
 \$1 - 249,999

 \$250,000 - 499,999

 \$500,000 - 999,999

 \$1,000,000 or more

Data sources: Taxlots from RLIS, Aug 2013; AV data from Clackamas County Assessors, 2013-2014. R accounts only.
Map date: 2/20/2014



Conclusion

As Table I-2 shows, it is possible to remove more than 121 acres (the amount required for a Coffee Creek urban renewal area) with less than \$208 million in AV (the maximum that can be removed without compromising the Year 2000 Plan's ability to meet financial obligations).

Appendix J. Compression Impacts to the School District

Compression impacts to the West Linn-Wilsonville School District

Compression occurs as a result of the property tax rate limits enacted by Measure 5. Measure 5 limited the tax rate for any single property to \$5 per \$1,000 of real market value for education and \$10 per \$1,000 of real market value for general government. If taxes to be raised on an individual property exceed the Measure 5 limits on real market value, then the tax bill for that property is reduced or “compressed” by the assessor until the taxes equal the legal limits. When compression occurs for a property, all taxing districts get proportionately less revenue from that property than what the uncompressed rate would generate.

Urban renewal takes a portion of the tax rate for education, and re-categorizes it as general government, potentially reducing compression losses for education taxing districts in some situations. Wilsonville’s urban renewal districts positively impact the West Linn-Wilsonville school district (District) in this way; by re-categorizing a portion of the tax rate for education to general government and reducing compression losses.

Closure of the Year 2000 Urban Renewal Area (URA) in 2013 or 2014 would have a substantial impact on the school district’s local option tax revenue. We are continuing to evaluate these impacts and will be presenting the amount of estimated impact at the December 11th task force meeting. Estimates of compression impacts are based on current property tax data and based on growth or decrease in real market value, the impact could vary significantly in the future.

Regardless, certain steps can be taken to mitigate whatever financial impacts closing the URA might have on the District.

The issue of compression and its impact to local option levies can be addressed legislatively. The City, the Urban Renewal Agency, the District, and other taxing agencies could advocate for legislative changes that would nullify these impacts.

Secondly, closure of the URA could occur over a period of years. For example, twenty percent of the URA could be removed each year over a five year period so that the impact to the District is spread out over time.

Under Scenario A, this phase out would begin in 2019, under Scenario B it would begin in 2022 and under Scenario C it would begin in 2034. However, under any of these scenarios, legislative changes could occur that would nullify the impacts of compression and eliminate the need for phasing. If legislative changes do not occur, the passage of time could see increasing real market values that could relieve some compression pressure. The Urban Renewal Agency and the District would work together to accelerate closure as real market values increase.

Monthly Report



COMMUNITY DEVELOPMENT DEPARTMENT

OCTOBER 2014

FROM THE DIRECTOR'S OFFICE

After what felt like a slow start, I am happy to report that significant progress is being made on the Basalt Creek Concept Plan. In October, the project team developed the "base case" for land use and infrastructure layout in the planning area. The base case will be used to set base performance measures using the Envision Tomorrow planning tool. Additional scenarios will then be selected that can be measured against the base case. A joint meeting for the Tualatin and Wilsonville City Councils will be held in early December where the results of the base case will be presented.

I had lots of fun being one of seven stations hosting about 100 2nd graders from Lowrie Primary School on October 23 and 24. Our goal was for them to learn about City departments and programs. I talked about the Community Development Department's role in building and road construction in Wilsonville with a focus on their school building and Tooze Road. Those kids sure have a lot of energy!

Very exciting progress has been made on the two new road connections that have been under construction this summer. Canyon Creek Road is just about to open and will finally provide a continuous north-south connection between Elligsen Road and Town Center Loop. Equally exciting is the opening of Villebois Drive, a new road that connects to Boeckman Road (replacing 110th Avenue) on the west side of town.

Construction remains robust in Villebois and at several commercial and industrial sites around Wilsonville - details are provided in our Division reports. Please be safe and aware now that our evenings are again dark. It helps to wear bright outdoor clothing and be on the watch carefully for those who do not.

Happy Harvest! Nancy Kraushaar, PE

Building Department

Single Family Dwelling Permits YTD: 201

Major Projects Under Review:

- Wilsonville Greens
- Carriage Homes @ Villebois

Temporary or Certificates of Occupancy Issued:

- Neighborhood Dudes 9740 SW Wilsonville Rd #210
- Chrysler Dealership 25600 SW Parkway Center Dr
- Republic Services 10303 SW Ridder Rd
- Collins 29100 SW Town Center Loop W
- Human Bean 25250 SW 95th Ave

Engineering Division, Capital Projects

Kinsman Road (4004): Environmental permits are being delayed by multiple requests from the review agencies for additional mitigation features.

Barber Street Extension (4116): Cascade Bridge began work in early October. Construction will take approximately 14 months.

Canyon Creek Road Extension (4184): Construction is proceeding well, on schedule and within budget. Vlahos Drive, from Courtside to Town Center Loop, reopened on October 10th, with the remainder of Canyon Creek Road expected to open mid-November. However this is dependent on having some dry weather and PGE crews available to power up the street lights.

Gesellschaft Well Rehabilitation (1128): Rehabilitation operations and installation of new pump column and shaft is complete. Pump testing of the well indicates a successful rehab by exhibiting an increase in flow rate and a decrease in well drawdown.

Transit ADA Improvements (8104): Bids were received, and a contract awarded to Lee Contractors for \$34,000. Construction will begin in early November.

Waste Water Treatment Plant Outfall Repair (2095): Repairs were completed October 30, 2014.

Water Treatment Plant Master Plan (1122): The team of Corollo Engineers and MWH was selected by the multi-agency review panel. Negotiations on Scope and Cost are pending.

5-year Capital Budget: The Draft 5-year CIP is being prepared for a November 3rd Work Session presentation.

Engineering Division, Private Development

Construction remains on-going at **Villebois Tonquin Meadows, Tonquin Woods 6 & 7 and Calais** subdivisions. We hope to have the Costa Circle / Villebois Drive connection to Boeckman roundabout open in mid-November; weather has delayed this work. Opening of the streets is dependent on dry weather for paving and having PGE crews available to power up the street lights.

A Public Works Permit has been issued to **Lennar Homes** for construction of a 27-lot, single family residential project in Brenchley North on Parkway Avenue.

A Public Works Permit has been issued for the **Fox Center Townhomes** project on Willamette Way East.

Engineering work at **Republic Services Expansion** is completed and **Chrysler** is expected to wrap up soon.

Planning Division, Current

DB14-0063: Oregon Property Partners LLC, DBA **Southern Wine & Spirits**, Applicant/Owner, proposes a building expansion on 25 acres located at 9805 SW Boeckman Road. The Applicant is proposing Site Design Review for an 89,000+ sq. ft. industrial expansion (architecture, landscape, circulation and parking). Staff: Mike Wheeler.



Planning Division, Long Range

Frog Pond Area Plan: The Frog Pond Area Plan will establish the vision for the 500-acre Frog Pond area and define expectations for the type of community it will be in the future. Over the month of October, the project team conducted a series of meetings (Technical Advisory Committee, Task Force, Planning Commission, City Council, in person and online open houses) to solicit input on the three land-use and transportation alternatives that were developed. Over 70 citizens attended the public open house and over 400 online surveys were completed. The input gathered to date is leaning toward a preference for lower density land uses, the grid street network, and retail locations at the 'four corners' and the Grange. The information collected to date will be assimilated into a preferred alternative that will be the basis for the draft concept plan.

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

(Continued on next page)

Planning Division, Long Range, cont'd

Basalt Creek Concept Plan: There are two upcoming meetings on the Basalt Creek Concept Plan:

- **Wilsonville City Council (Work Session):** December 1, 5:00 pm, Wilsonville City Hall.
- **Joint Tualatin & Wilsonville City Council Meeting:** December 2, 6:00 pm, Wilsonville City Hall, Council Chambers.

Underway:

- **Base Case Scenario for Land Use and Infrastructure** – The project team has developed a 'base case' land-use scenario for purposes of analyzing the infrastructure (public utilities and transportation) needs of the area. This information will be presented to the Joint Tualatin & Wilsonville City Council's at their meeting on December 2nd. This scenario, along with two alternative options to be developed later, will be evaluated using the Envision Tomorrow planning tool over the next several months.

Public Open House – Citizens will be asked to share your ideas about the alternatives for land use and infrastructure at a Public Open House planned for spring 2015.

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

Coffee Creek Industrial Area Form Based Code and Pattern Book: A public open house was conducted on October 30th to solicit input into the project. In addition, new tasks have been added to the scope of work to thoroughly apply the new tools to real world scenarios. A specific task was created to "road test" the code and pattern book, as well as the creation of 3-D renderings which will verify the built form derived from application of the code meets community expectations. These new tasks will assist decision makers in evaluating the overall project and should go a long way toward ensuring thoughtful outcomes. The project timeline has been extended due to the scope modifications taking the project into next year (2015) for final review.

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

Economic Development Division

September economic development activity included the development of a survey for business outreach and retention visits, ongoing retention/expansion work with two Wilsonville companies and a business outreach meeting to Intersect Video which operates a studio and sound stage in the Canyon Creek industrial park. Staff was contacted directly by Greater Portland Inc. this month to provide information for a company looking specifically at Wilsonville for an upcoming relocation. This is a software/IT firm that would employ approximately 90 people at salaries ranging between 50-100K per year. Staff provided information on existing business clusters, tech activity and workforce and employment data.

As a part of the department's work on the Coffee Creek Industrial Area, staff met with Joe Mollusky of the Port of Portland to discuss the feasibility process they recently went through for the Gresham Vista Business Park. Staff also coordinated a visit from a delegation from Myanmar and Japan seeking to acquire wind turbines from Xzeres.

Staff also attended a number of events in October, including the Greater Portland Inc. annual summit, attended the Oregon Economic Development Association annual conference, the Association of Oregon Redevelopment Agencies fall meeting, and an event sponsored by the International Council of Shopping Centers on retail trends.

Real estate activity has stayed busy with both acquisition work and processing private sector development easements. The Urban Renewal Strategic Plan was revised in October and will be presented to Council in November.

Kristin Retherford, Economic Development Manager.



Patrick Duke
Library Director

LIBRARY BOARD

Reggie Gaines
Chair

**Megan
Chuinard**

Caroline Berry

Hilly Alexander

Alan Steiger

Wilsonville Public Library Monthly Report to Council November 2014

Headlines:

- **Have you written 28,000 words in November?** That's what you'll need to have written by November 17th to finish your novel during the month of November. Need help? Attend the Library's **Writer's Group** on **November 18th** at 4pm.
- **The Wilsonville Library Playgroup**, is proving to be very popular, with 35 to 40 parents and kids dropping in each week. The Playgroup meets **Monday Morning** from **9:30am to 11am** in the **Oak Room**.
- On **Election Day, November 5th**, **Library volunteers** accepted ballots all day in front of the Library. This year volunteers took over 1,900 ballots.
- **Library Board meeting. December 3rd, 6:30pm** at the Library

October Statistics

- **Physical item circulation: 38,462** items checked out or renewed, down 6%.
- **E-book and downloadable audiobook circulation 1,624** , up 16% from last year.
- **Volunteer hours donated to the library: 1098**
- **Current enrollment in Dolly Parton's Imagination Library: 590**, 45% of WV preschoolers

Adult Services

- October adult programming attendance: **341**

Upcoming Programming (not mentioned above):

- **Book Club: *Immortal Life of Henrietta Lacks* by Rebecca Slood**
Discuss this on **November 13th**, 6pm
- **Genealogy Club. December 15th, 1:00 pm - 2:30 pm**
- **BookNotes Concert Series: *Mary Flower and BBQ Orchestra* on Saturday December 13th at 2pm.**
- **The Great Books Discussion Group** meets on **November 19th** at 4pm. This month: *Iphigeneia at Aulis* by Euripides
- **Knit and Spin, every Tuesday, 6pm**
- **History Pub at Mc Menamins: Tuesday November 25th. Doors open at 5pm.**
- **Literature Classes: Fiction of F. Scott Fitzgerald** continues through November 19th.

Youth Services

- October Youth Services programming attendance was **3,569**. Five hundred and thirty nine kids and parents attended the Library's ***Slightly Spooky Stories*** storytimes during the last week of October.

Upcoming Programming

- **Storytime and other preschool programming:**

This year's weekly schedule:

Wilsonville Playgroup

Monday, 9:30am

Toddler Time

Tuesdays 10 am

Babytime

Tuesdays 11 am

Family Storytime

Tuesday 6:30 pm

Wednesday 10:30 am,
and 1:00 pm

Thursday 10:30 am

Read to the Dogs

Call for appointment

503-570-1599

Bilingual Storytime

Monday 5:30pm

School age programming

each month.

- **K-2 Book Adventures** celebrates **Mo Willems** on **November 20th**

Other Services

- **Cultural Passes** are available for the: Portland Art Museum; Evergreen Aviation and Space Museum; Crystal Springs Rhododendron Garden; Pittock Mansion; Lu Su Chinese Garden; and the Portland Japanese Garden
- **Online Services** include 40 online databases and services and thousands of downloadable e-books and audiobooks.

See more events and services at www.wilsonvillelibrary.org

Library support groups

Wilsonville Friends of the Library:

The Friends will meet on November 18th at 5:30pm at the Library

Wilsonville Public Library Foundation:

The Foundation raised about \$16,000 at its recent Dinner and Auction. Author Molly Gloss spoke about her writing as a counterpoint to the Western myth. . The Foundation meets next on November 19th at 6:30pm at the Library.

Parks and Recreation

October 2014 Report



Spa Day at the Center

On October 4th, the inaugural Spa and Wellness day was held at the Community Center with over 100 community members attending. Local healthcare providers including chiropractors, massage therapists and acupuncture practitioners donated their time and services, providing an opportunity for adults of all ages to experience relief from stress and physical pain. The Center's instructors provided a snapshot of their classes, and those who sampled Meditation, Tai Chi, Pilates and/or Yoga received an additional raffle ticket for door prizes. The next Spa and Wellness day will be held in spring of 2015, in collaboration with the Queen of the High Road 1/2 Marathon and 10k.



Fall Harvest Fest

On October 18th, approximately 400 individuals joined Parks and Recreation staff for the 6th annual Fall Harvest Fest in the Stein Boozier Barn.

Guests were treated to pumpkin decorating, horse and wagon rides, story time provided by the Library and arts and crafts. A costume parade highlighted the event with princesses, superheroes, and everything in between marching around Murase Plaza showing off their Halloween spirit.

Family Fun Center and Bullwinkles Restaurant donated prize coupons and Lambs Thriftway donated 130 pumpkins for the event.



A Matter of Balance

Through a partnership with Oregon Health and Science University, "A Matter of Balance" wrapped up in October with 35 seniors participating in the class, which included both lecture and physical exercise.

A Matter of Balance emphasized practical strategies to reduce the fear of falling and increase participant's physical activity levels. Participants learned to view falls and the fear of falling as controllable, set realistic goals to increase activity, change their environment to reduce fall risk factors, and exercise to increase strength and balance.

Parks and Recreation

Parks Maintenance Update

- Repaired and learned a great deal about the drinking fountain at Sofia Park
- Replaced light bulbs at Sofia Park shelter and bathroom
- Located and treated a large amount of Poison Oak near the Dog Park
- Removed invasive species from a large area near dog park within the passive use trails area
- Cleaned understory and overgrowth at the holly orchard in Memorial Park
- Removed Datsun door and eight bags of garbage from (suspected) abandoned homeless camp in the Boeckman Creek greenway corridor
- Cleared access trail of down and leaning trees within the Boeckman Creek greenway corridor
- Removed two tree forts from the Boeckman Creek greenway corridor
- Prepared for and successfully hosted Fall Harvest Fest
- Three additional seasonals completed Certified Flaggers training
- Deep solid tined (aerated) three soccer fields helping with drainage and improving playability
- Located and destroyed a beaver dam in Boeckman Creek which was causing bank erosion
- Repaired pedestrian bridge at the Boones Ferry trail as a result of 10/25 storm damage
- Cleaned up downed trees and debris throughout all Parks and trails from the 10/25 wind storm
- Routine, daily leaf and debris clean-up of parking lots, sidewalks, paths, and turf areas
- Accepted delivery of the following Capital Equipment purchases:
 - o Kubota 60 hp 4WD loader tractor with turf tires
 - o Lesco ride on rotary fertilizer spreader
 - o Smithco self-contained debris sweeper
 - o Buffalo Turbine tow behind Blower
 - o Turfco tow-behind large area topdreser
 - o John Deere Pro Gator 2020 heavy duty utility vehicle and sprayer
 - o Weidemann XD large area PTO driven deep tine aerator



Upcoming Events and Programs

- * Community Tree Lighting: Thursday, December 4th at 5:30pm. Town Center Park.
- * Reindeer Romp 5K Fun Run and Kids Dash: Saturday, December 6th at 8:45am. Town Center Park.
- * Holiday Fun Fest: Wednesday, December 17th from 4:00pm to 6:00pm. Community Center.

Public Works

October 2014

Seely Ditch Beaver Dams

Roads

Beavers have been very busy this summer building dams in Seely Ditch. It came to Public Works' attention that one of the catch basins on Boeckman Road was about $\frac{3}{4}$ full of water following a very dry year. After doing a little investigating we discovered several beaver dams along Seely ditch that were causing the water to back up. Roads crew put on their hip waders and dismantled two of the dams. We will be keeping an eye on the dams to see if there are any active beavers remaining in the area.



IN THIS ISSUE

- 1 Seely Ditch Beaver Dams
- 2 October Storm
- 3 Utilities: Water Distribution
- 3 Utilities: Sewer and Storm Water



October Storm

Roads

A little over one inch of rain hit the Wilsonville area October 25, along with some very high wind gusts. There were over 20 trees that were damaged or blown over from the high winds. One tree knocked over a street light in the Day Dream Ranch neighborhood. Public Works crews spent most of that Monday clearing off sidewalks, chipping-up downed trees and cleaning storm water catch basins.



Utilities

Water Distribution

The water crew was busy this month with meter maintenance city-wide and meter change outs in the Orchard neighborhood and Oak Leaf Mobile Home Park. During the course of these projects, the crew responded to numerous customer requests, internal work orders and utility locates, some of which were related to recent storm damage in residential areas. In total, the crew performed 687 utility locates in October.

Contractors performed the annual control valve maintenance procedures for Wilsonville Road and Kinsman Road turnouts as well as Boeckman and Canyon Creek Well sites.

Toward the end of the month, the crew participated in flow tests and bacteriological sampling of the newly rehabilitated Gesellshaft Well.



Utilities

Sewer and Storm Water

In October, the crew continued to clean and maintain catch basins with the mini-vector, while the large vector truck went in to Fleet Services for its annual maintenance and repairs.

The crew also cleared heavy vegetation around several key off-street sewer manholes. In late October, the crew completed a new month-long survey of all public storm water catch basins which will help fine-tune their integration into the Cartegraph asset management program.



November 2014

Director's Report

Electric Buses in our Future? I hope so.

The Oregon Legislature passed a law in 2009 that required Metro to study different scenarios to reduce the amount of greenhouse gas (GHGs) produced by cars and light trucks. The Metro Council is expected to adopt a strategy to implement the state law by the end of 2014. Unfortunately, one of the best ways to reduce GHGs – converting the region's diesel buses to battery-electric power -- will not be under consideration by Metro because large buses are neither cars nor light trucks.

TriMet, as the Region's largest transit provider, burns more than 5-million gallons of B5 bio-diesel fuel annually. This generates roughly 51,600 metric tons of CO₂, as well as numerous other forms of pollutants every year. (Burning diesel creates even more GHGs than burning gasoline, which results in more than 20 lbs of CO₂ for every gallon burned.) SMART burns more than 65,000 gallons of B5 biodiesel per year, which equals more than 620 metric tons of CO₂.

One of the strategies being considered by Metro involves spending billions of dollars to upgrade the region's transit fleets and improve transit availability for more riders – essentially discouraging drive-alone trips in cars and light trucks by encouraging transit use.

The technology now exists to replace diesel buses with new buses having battery-electric drivetrains (as well as the potential to retrofit existing diesel buses with battery-electric drivetrains). If the electricity to power those buses comes entirely from non-GHG producing sources, the new buses can be driven without producing any greenhouse gases.

All large buses are expensive and battery-electric buses cost nearly twice what diesel buses cost. Recharging infrastructure is also required for battery-electric buses, adding more cost to the equation. Still, if the region is going to invest billions of dollars in transit capital, investing in battery-electric buses and their charging infrastructure is a way to significantly reduce GHG production.

Separate from GHG considerations, investing in battery-electric buses makes good business sense when one considers that large transit buses are typically kept in service for 15 years. The return on investment (ROI) for battery-electric buses now appears to be roughly 10 years, even if all funding comes from local sources. If federal grant funds continue to be available, as much as 80% of the needed funds for battery-electric buses and charging infrastructure could come from federal sources.

It is my hope that, within the next few years, we will see whisper-quiet battery-electric buses humming along on SMART's cross-town #4 Route.

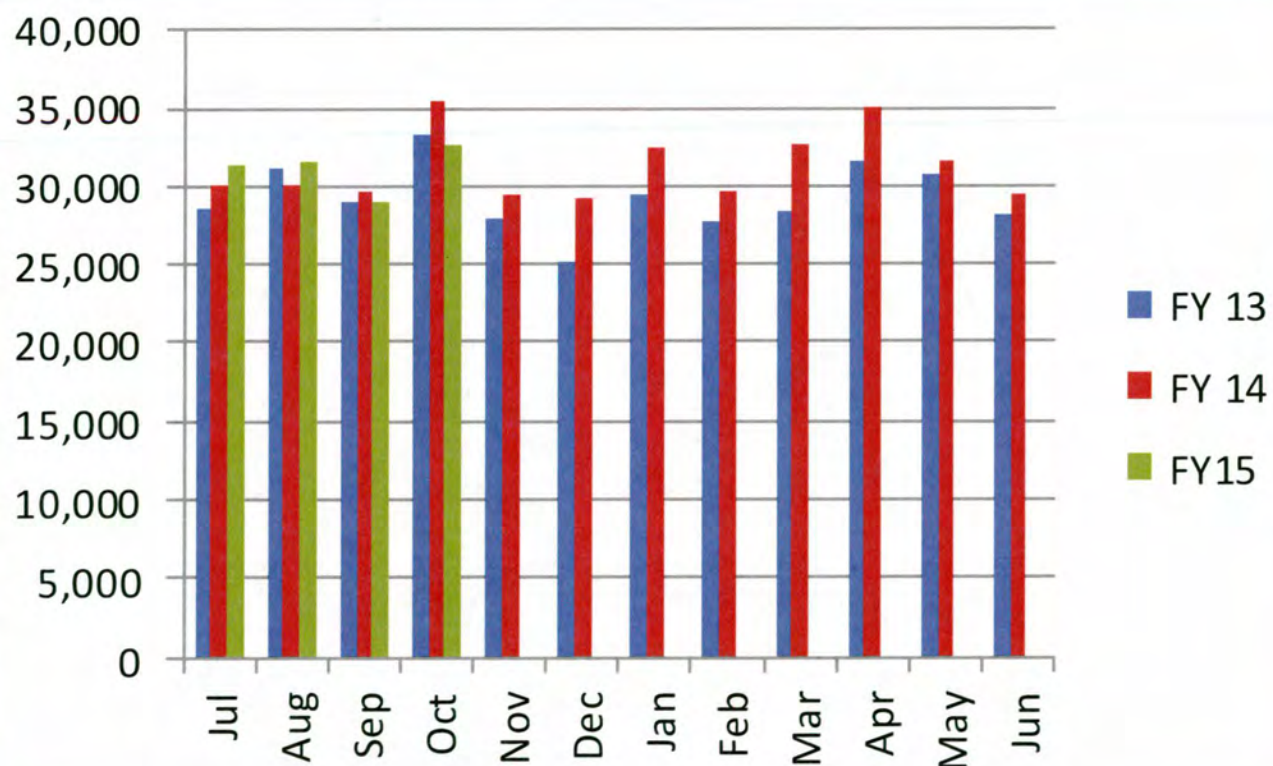
Stephan Lashbrook

October Operations Report

Ridership remains robust, however it is down from the record breaking month of last October by 8.2%. Year to date overall ridership is close to last year's record pace, falling short by only 606 rides out of about 125,000. Both out-of-town commute routes, 2X Barbur Blvd. and 1X Salem, along with Route 4 Crosstown, experienced lower ridership from last October. Although both Octobers had 23 workdays, this year's more intense wind and rain storms may have had an adverse effect on the decision to wait for a bus in this inclement weather.

The annual Halloween trolley rides in Town Center proved to be a big success, carrying upward of 200 children with their parents in a period of about 3 hours.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 13	28,511	31,067	29,066	33,326	28,027	25,199	29,525	27,812	28,356	31,492	30,776	28,217	351,374
FY 14	30,094	30,024	29,661	35,481	29,342	29,216	32,432	29,551	32,645	35,010	31,581	29,371	374,408
FY15	31,421	31,650	28,971	32,612									124,654



2014 Wilsonville Bicycle & Pedestrian Count Results



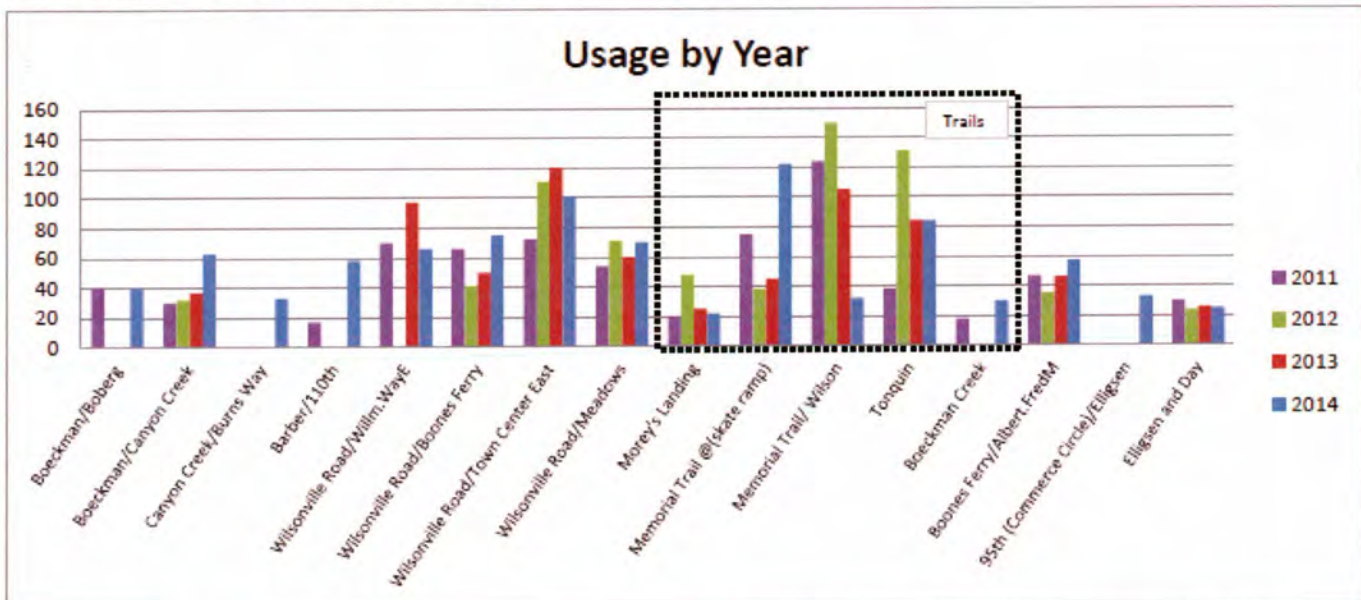
A special thanks
to our wonderful
volunteers!



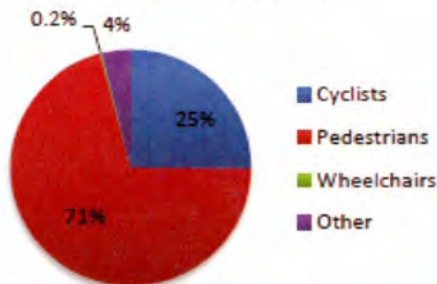
The counts are in! With the support of The National Bicycle and Pedestrian Project, Metro, and 30 volunteers, SMART was able to conduct counts at 16 intersections and trails throughout Wilsonville. These counts help to determine when and where to build new trails and how to respond to the needs of the trail users. The data collected best represents usage during the month of September and is not accurate for other times of the year.

Count Summary

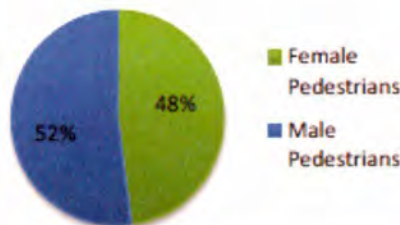
- Consistent with the counts from previous years, the intersection to receive the most non-motorized traffic was Wilsonville Road at Town Center Loop. The trail to receive the most non-motorized traffic was Memorial Park Trail located near the skate park.
- The fewest non-motorized trips were taken on the Morey's Landing Trail.
- Mode Split: The majority of non-motorized trips recorded were pedestrians.
- Gender Split: The majority of non-motorized trips recorded were taken by males, however there has been a consistent increase in the amount of female cyclists and pedestrians since the counts started in 2010.



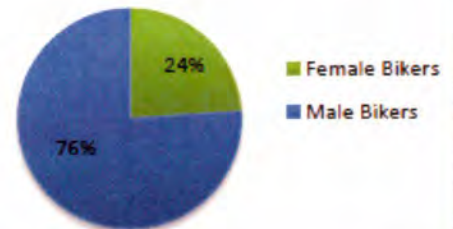
Trip Mode Split



Pedestrian Gender Split



Cyclist Gender Split



With staff direction and oversight, Wilsonville's annual Bike/Ped count activities are coordinated by SMART Options Program interns as part of their summer work plan assignments.

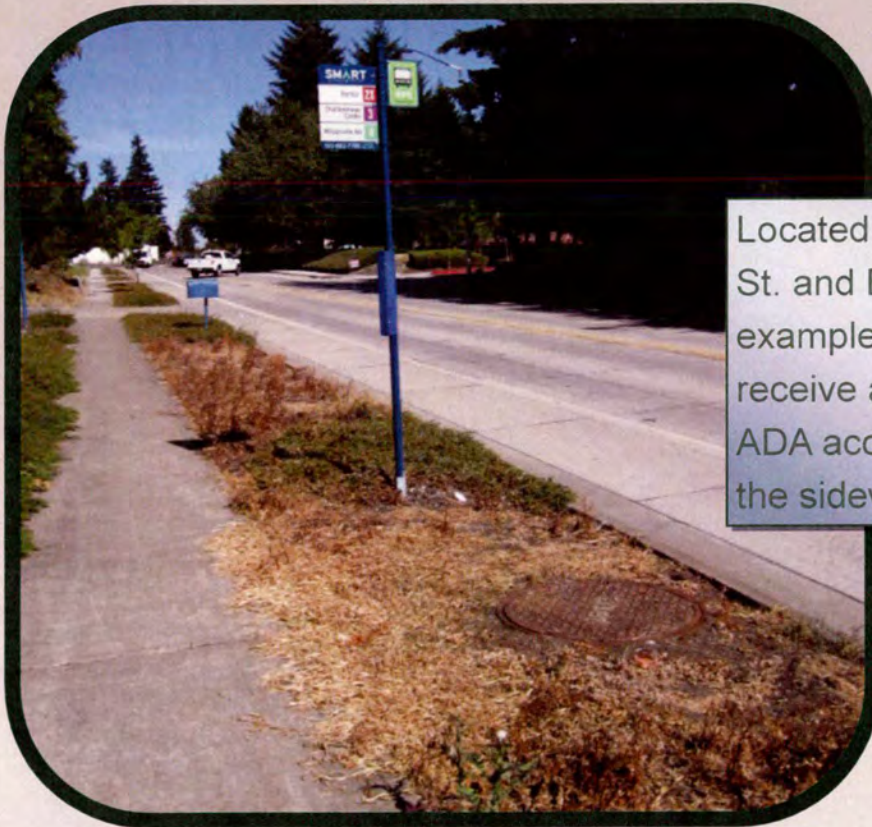
Transit Access ADA Improvements

Lee Contractors will be performing the construction of 22 concrete bus stop pads at existing SMART Transit bus stops throughout the City. In almost all cases, these will be small concrete pads connecting the curb to the sidewalk, so our passengers will have a smooth surface to move to and from buses.

Most pads will be 5-foot by 5-foot in size. All work will be performed in the Public Right of Way or Easement.

If warranted, there will be temporary direction of traffic posted at each location. Local driveway access will remain open at all times.

During construction, our buses will be stopping a short distance from the current stop locations. This will affect every route except 1X and 3. In most cases the buses will simply have to stop a little before or a little after their usual stops.



Located near the corner of Barber St. and Boberg Rd., here is an example of a bus stop that will receive an upgrade to allow for ADA access between the bus and the sidewalk.

PUBLIC NOTICE

Opportunity to comment on proposed change to SMART fares.

South Metro Area Regional Transit (SMART) is proposing to increase the cost of a monthly pass on the 1X route from \$75.00 to \$85.00. The proposed change is intended to assure that SMART's fares for this route match those of the Salem-Keizer Transit District, which shares service on the 1X route between Wilsonville and Salem. It will take effect in January, 2015. No other changes to SMART's fares are proposed at this time.

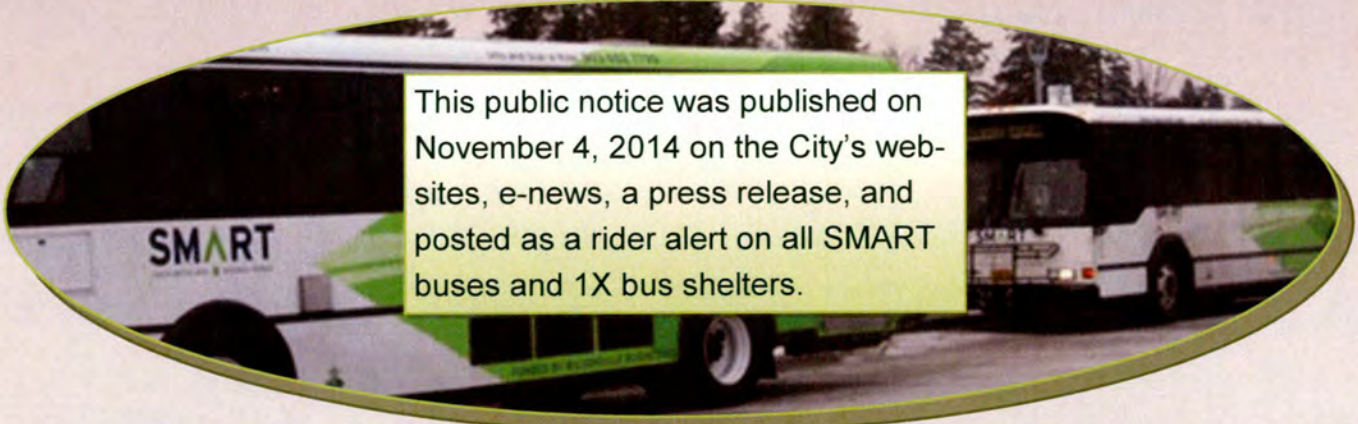
All services provided within the Wilsonville city limits will remain free of charge.

An opportunity for public comments will be held at the Wilsonville City Council Chambers on Thursday, November 13, 2014, at 6:30 pm. The address is 29799 Town Center Loop E., Wilsonville, OR.

A Public Hearing before Council will be held at the same location December 1, 2014, at 7:00 pm.

You may also comment on the proposed change by emailing comments to smart@ridesmart.com or mailing comments to: SMART, 29799 Town Center Loop E., Wilsonville, OR 97070.

Thank you for your continued interest in SMART.



This public notice was published on November 4, 2014 on the City's websites, e-news, a press release, and posted as a rider alert on all SMART buses and 1X bus shelters.

CONGRATULATIONS!

With your help

WE ELIMINATED

1,082,491 vehicle miles

in 14 Days!



1 0 8 2 4 9 1

Vehicle Miles Saved Counter

"This level of participation demonstrates how we can collectively make a difference, even over just 14 days, in reducing the state's greenhouse gas emissions," said ODOT Director Matt Garrett. "Trying out a different mode of travel also helps reduce congestion on our roadways, so we look at this response as simply good for Oregon and Oregonians."

Did You Know?

SMART can answer your question about a program or service in 200+ languages. Call 503-682-7790 and indicate the language you speak.

SMART puede responder a su pregunta acerca de un programa o servicio en más de 200 idiomas. Llame 503-682-7790 e indique el idioma que habla.

www.RideSmart.com

Contact Us

Stephan Lashbrook

Transit Director

503-570-1576

Lashbrook@ridesmart.com

Steve Allen

Operations Manager

503-570-1577

Allen@ridesmart.com

Scott Simonton

Fleet Manager

503-570-1541

Simonton@ridesmart.com

Jen Massa Smith

Program Manager

503-682-4523

Massa@ridesmart.com

King, Sandy

From: King, Sandy
Sent: Friday, October 24, 2014 11:14 AM
To: 'LFaxon@CommNewspapers.com'
Subject: Public Hearing Notice
Attachments: Ord754.758.docx

Please publish the attached public hearing notice in the November 5, 2014 edition of the Spokesman and send proof of publication. Thank you.

Sandra C. King, MMC
City Recorder
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070
503-570-1506

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**CITY OF WILSONVILLE
CITY COUNCIL
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN that the Wilsonville City Council will conduct a public hearing on **November 17, 2014**, 7 p.m. at City Hall, 29799 SW Town Center Loop, Wilsonville, Oregon.

The purpose of this public hearing is to consider public testimony on proposed ordinances entitled:

Ordinance No. 754

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 9.000 Of The Wilsonville Code (Structural Specialty Code); And Repealing Ordinance No. 683. (staff – Brown)

Ordinance No. 755

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. (staff – Brown)

Ordinance No. 756

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. (staff – Brown)

Ordinance No. 757

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. (staff – Brown)

Ordinance No. 758

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". (staff – Brown)

Copies may be obtained at a cost of 25 cents per page, at City Hall or by calling the City Recorder at 503-570-1506 and requesting a copy to be mailed to you.

Specific suggestions or questions concerning the proposed ordinance may be directed to Martin Brown, Building Official at 503-570-1557. Public testimony, both oral and written will be accepted at the public hearing. Written statements are encouraged and may be submitted to Sandra C. King, MMC, City Recorder, 29799 SW Town Center Loop E, Wilsonville, OR 97070.

Assistive listening devices are available for persons with impaired hearing and can be scheduled for this meeting. The City will endeavor to provide qualified sign language interpreters without cost if requested at least 48 hours prior to the meeting. To obtain such services call the office of the City Recorder at 682-1011.

Published in the Wilsonville Spokesman November 5, 2014.

King, Sandy

From: King, Sandy
Sent: Friday, October 24, 2014 2:32 PM
To: 'LFaxon@CommNewspapers.com'
Subject: Public Hearing notice
Attachments: Ord759.docx

Good afternoon;

Please publish the attached public hearing notice two consecutive times, in the October 29th, 2014 and the November 5th, 2014 editions of the Spokesman and send a proof of publication.

Many thanks.

Sandra C. King, MMC
City Recorder
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070
503-570-1506

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**CITY OF WILSONVILLE
CITY COUNCIL
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN that the Wilsonville City Council will conduct a public hearing on **November 17, 2014**, 7 p.m. at City Hall, 29799 SW Town Center Loop, Wilsonville, Oregon.

The purpose of this public hearing is to consider public testimony on a proposed ordinance entitled:

Ordinance No. 759 – An Ordinance Of The 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.)

Copies may be obtained at a cost of 25 cents per page, at City Hall or by calling the City Recorder at 503-570-1506 and requesting a copy to be mailed to you.

Specific suggestions or questions concerning the proposed ordinance may be directed to Kristin Retherford, at 503-570-1539. Public testimony, both oral and written will be accepted at the public hearing. Written statements are encouraged and may be submitted to Sandra C. King, MMC, City Recorder, 29799 SW Town Center Loop E, Wilsonville, OR 97070.

Assistive listening devices are available for persons with impaired hearing and can be scheduled for this meeting. The City will endeavor to provide qualified sign language interpreters without cost if requested at least 48 hours prior to the meeting. To obtain such services call the office of the City Recorder at 682-1011.

Published in the Wilsonville Spokesman October 29, 2014 and November 5, 2014.

City of Wilsonville
November 17, 2014 City Council Meeting

SPEAKER CARD

✓ Advocates for
Sports Complex
in WV

NAME: Fred Robinson

ADDRESS: 10877 Glenbrook Ct.

TELEPHONE: 503 902 1004 E-MAIL fred@robinson6.net

AGENDA ITEM YOU WANT TO ADDRESS: Sports Field
improvement + Expansion

Please limit your comments to 3 minutes. Thank you.

City of Wilsonville
November 17, 2014 City Council Meeting

SPEAKER CARD

Advocates for
Sports Complex
in WV

NAME: Donna Grace

ADDRESS: 28430 SW Willow Creek Dr

TELEPHONE: 503-816-4220 E-MAIL donnagraced047@gmail.com

AGENDA ITEM YOU WANT TO ADDRESS: Sports Park

Please limit your comments to 3 minutes. Thank you.

City of Wilsonville
November 17, 2014 City Council Meeting

SPEAKER CARD

Advocates for
Sports Complex
in WV

NAME: George Grace

ADDRESS: 28430 SW Willow Creek Dr.

TELEPHONE: 503-459-9990 E-MAIL ggrace@gmail.com

AGENDA ITEM YOU WANT TO ADDRESS: Sports Park

Please limit your comments to 3 minutes. Thank you.

City of Wilsonville
November 17, 2014 City Council Meeting

SPEAKER CARD

✓ Opposes Strategic
LIR Plan
as Drafted

NAME: ALAN KIRK

ADDRESS: 30170 S.W. OREGON WILSONVILLE, OR 97070

TELEPHONE: 503-682-6411 E-MAIL AKIRK@OREGON.COM

AGENDA ITEM YOU WANT TO ADDRESS: URBAN RENEWAL

Please limit your comments to 3 minutes. Thank you.

**City of Wilsonville
City Council Meeting
November 17, 2014 Sign In Sheet**

[illegible]

City of Wilsonville

November 17, 2014 City Council Meeting Action Minutes

COUNCILORS	STAFF	STAFF	STAFF
Mayor Knapp	Bryan Cosgrove	Mark Ottenad	Steve Allen
Councilor Goddard Arrived 5:45 p.m.	Mike Kohlhoff	Jon Gail	Kristin Retherford
Councilor Starr	Jeanna Troha	Jen Massa Smith	Martin Brown
Councilor Fitzgerald	Sandra King	Angela Handran	Kerry Rappold
Councilor Stevens	Stephan Lashbrook	Chris Neamtzu	
	Nancy Kraushaar	Stan Sherer	
	Andrea Villagrana	Barbara Jacobson	

AGENDA	ACTIONS
WORK SESSION	
Council Concerns	
<ul style="list-style-type: none"> Starr – Opening date of Villebois Drive 	Staff is waiting for street lights to be installed; anticipate opening at the end of November.
<ul style="list-style-type: none"> Starr – Preparation for joint meeting with School Board 	Draft agenda items will be sent to Council for review and comment/additions.
<ul style="list-style-type: none"> Fitzgerald – temporary signs on Canyon Creek Rd. working well 	
<ul style="list-style-type: none"> Knapp – use of technology throughout City - is enough being done, are we keeping up? Digital packets, LED Streetlights 	Technology Strategic Plan on CM work schedule for 2015.
Risk Management Elected Official Training	Council and Staff watched a short video prepared by CIS the City's insurance company on risk management.
Tourism Development Strategy Next Steps	Staff and Council discussed the development of a DMO intended as a stand-alone non-profit organization. At the end of the conversation it was decided to create a 9-11 member Tourism Promotion Committee, appointed by Council, with members representing the tourism businesses in the area. Washington and Clackamas counties would be ex officio members.
Transit Integration Plan	A presentation was given outlining the recommendations for SMART's out of town medical and I-5 corridor (route 2X) services. Council approved of the proposed changes.
Asset Management Program	Continued to the 12/1/14 Council Work Session.
REGULAR MEETING	
<u>Mayor's Business</u>	The Mayor reported on the meetings he attended on behalf of the City.
<u>Consent Agenda</u>	
<ul style="list-style-type: none"> Resolution 2497- authorizing purchase of 4.45 acre credits from Mud Slough Mitigation Bank LLC 	Consent Agenda adopted 5-0

<ul style="list-style-type: none"> Minutes of 10/20/14 Council meeting 	
<u>Public Hearing</u> <ul style="list-style-type: none"> Ordinance 754 – Structural Specialty Code Ordinance 755 – Mechanical Specialty Code Ordinance 756 - Plumbing Specialty Code Ordinance 757 – Oregon Residential Specialty Code Ordinance 758 – Fire Prevention Code Ordinance 759 – Vacation Of Portion Of Vlahos Dr. ROW Ordinance 760 – Stormwater Management related definitions Ordinance 761 – Appeal and Call-up Procedures 	All ordinances were adopted 5-0 on first reading
<u>Continuing Business</u> <ul style="list-style-type: none"> Ordinance 750 – Amending Ch. 5 Vehicles & Traffic (sleeping in vehicles) Ordinance 751 – Exclusion Ordinance 752 – Water Safety Regulations 	<p>Adopted 5-0 on second reading.</p> <p>Adopted 5-0 on second reading</p> <p>Continued to 12/1/14 Council meeting</p>
<u>New Business</u> <ul style="list-style-type: none"> Resolution 2498 – Adopting Urban Renewal Strategic Plan 	Adopted 3-1-1
<u>City Manager's Business</u>	No report.
<u>Legal Business</u>	No report.
Adjourn	10:07 p.m.

RECORDED BY: SCK