

AGENDA

**WILSONVILLE CITY COUNCIL MEETING
DECEMBER 1, 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 | [25 min.] |
| A. | Pursuant to ORS 192.660(2)(f) Exempt Public Records
ORS 192.660(2)(h) Litigation
ORS 192.660(2) (e) Real Property Transactions | |
| 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. | Annexation & Zone Change (Pauly) | [20 min.] |
| B. | US EPA Green Power Communities / PGE Clean Wind Program (Ottenad) | [15 min.] |
| C. | Basalt Creek Concept Briefing (Neamtzu) | [20 min.] |
| D. | Board & Commission Appointments/Reappointments | [10 min.] |
| E. | French Prairie Bridge (Weigel) | [10 min.] |
| F. | 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, December 1, 2014 at City Hall. Legislative matters must

have been filed in the office of the City Recorder by 10 a.m. on November 18, 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. Greater Portland 2020 Introduction
- B. Upcoming Meetings

7:10 P.M. COMMUNICATIONS

- A. Wilsonville Leadership Academy Update (staff – Gail / Handran)

7:25 P.M. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

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

7:30 P.M. COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

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

7:45 P.M. CONSENT AGENDA

- A. **Resolution No. 2500** *(Placeholder abstracts not yet received at time of packet preparation.)*
A Resolution Adopting The Canvass Of Votes Of The November 4, 2014 General Election. (staff – King)
- B. Minutes of the November 3, 2014 Council Meetings. (staff – King)

7:50 P.M. PUBLIC HEARING

- A. **Ordinance No. 763** - 1st reading
An Ordinance Of The City Of Wilsonville Annexing Approximately 9.8 Acres At 11650 SW Tooze Road And A Small Triangular, Approximately 6315 Square Foot, Property Across SW Grahams Ferry Road From 28333 SW Grahams Ferry Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lots 1100, 1101, And 1503 (Formerly 1591) Of Section 15 T3S-R1W, Clackamas

County, Oregon, City Of Wilsonville, Applicant. (Staff – Pauly)

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

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

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

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

D. **Resolution No. 2503**

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

8:30 P.M. CONTINUING BUSINESS

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

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.000 Of The Wilsonville Code (Structural Specialty Code); And Repealing Ordinance No. 683. (staff – Brown)

B. **Ordinance No. 755** 2nd reading

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

C. **Ordinance No. 756** 2nd reading

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

- D. **Ordinance No. 757** 2nd reading
An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.400 Of The Wilsonville Code (Oregon Residential Specialty Code); And Repealing Ordinance No. 696. (staff – Brown)
- E. **Ordinance No. 758** 2nd reading
An Ordinance Of The City Of Wilsonville Repealing Ordinance No. 685 And Amending Chapter 9, Section 9.300 Of The Wilsonville Code, Designated As “Fire Prevention Code”. (staff – Brown)
- F. **Ordinance No. 759** 2nd reading
An Ordinance Of City Of Wilsonville Declaring And Authorizing The Vacation Of A Portion Of Vlahos Drive Right Of Way As Part Of The Canyon Creek Road South To Town Center Loop East Project (CIP #4184). (staff – Retherford)
- G. **Ordinance No. 760** 2nd Reading
An Ordinance Amending Ordinance No. 747 To Include Stormwater Management-Related Definitions In The City Of Wilsonville 2014 Public Works Standards. (staff – Rappold)
- H. **Ordinance No. 761** 2nd Reading
An Ordinance Amending Wilsonville Code Section 4.022(.03)A. Appeal And Call-Up Procedures. (staff - Neamtzu)
- I. **Ordinance No. 752** – 2nd Reading (continued from 11/17/14 Council meeting)
An Ordinance Of The City Of Wilsonville Adding Section 3.022 Water Safety Regulations To The Wilsonville City Code. (staff – Kohlhoff)

9:00 P.M. NEW BUSINESS

- A. **Resolution No. 2502**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Goods And Services Contract With Columbia Cascade Company For Playground Equipment For Murase Plaza In Memorial Park, Parks And Recreation Project #3001 (staff – Sherer)
- B. **Resolution No. 2499**
A Resolution Of The City Of Wilsonville Authorizing The Mayor To Sign An Intergovernmental Agreement With The State Of Oregon, Acting By And Through Its Department Of Transportation (ODOT) For Planning And Preliminary Design Of The French Prairie Bridge (Capital Improvement Project #9137). (staff – Weigel)
- C. **Resolution No. 2504**
A Resolution of The City Council Amending Exhibits To Resolution No. 2440 Which Approved A Minor Amendment To The City Of Wilsonville’s Year 2000 Urban Renewal Plan Related To Urban Renewal District Boundaries. (staff – Retherford)

D. **Resolution No. 2501**

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

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

8:25 P.M. LEGAL BUSINESS

9:30 P.M. ADJOURN

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

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 1, 2014		Subject: City Participation in EPA "Green Power Communities" and PGE "Clean Wind" programs Staff Member: Mark Ottenad, Public/Government Affairs Director Department: Administration	
Action Required		Advisory Board/Commission Recommendation	
☒ Motion ☐ Public Hearing Date: ☐ Ordinance 1 st Reading Date: ☐ Ordinance 2 nd Reading Date: ☐ Resolution ☐ Information or Direction ☐ Information Only ☒ Council Direction ☐ Consent Agenda		☐ Approval ☐ Denial ☐ None Forwarded ☒ Not Applicable Comments:	
Staff Recommendations: Staff recommends participation in the EPA's "Green Power Communities" program through participation in PGE's qualifying "Clean Wind" program.			
Recommended Language for Motion: NA			
PROJECT / ISSUE RELATES TO:			
☒ Council Goals/Priorities: 3. Environmental Stewardship	☐ Adopted Master Plan(s)	☐ Not Applicable	

ISSUE BEFORE COUNCIL

Does the City Council wish for the City and the greater Wilsonville community to participate in the "Green Power Communities" program by the U.S. Environmental Protection Agency (EPA) through participation in the qualifying "Clean Wind" program offered by Portland General Electric (PGE)?

EXECUTIVE SUMMARY

As a component of the City Councils' goals for Environmental Stewardship, the City has an opportunity to participate in the "Green Power Community Program." Green Power Communities are "towns, villages, cities, counties, or tribal governments in which the local government, businesses, and residents collectively use green power in amounts that meet or

exceed EPA's Green Power Community purchase requirements." Locally, a participating "Green Power Community" purchases qualifying "Clean Wind" renewable electrical power from PGE. See Attachment A, *EPA's Green Power Communities*.

Participation Requirements for Green Power Communities

The minimum requirements for Wilsonville to be designated as a "Green Power Community" are:

- 1) City Council approval of implementing the program in Wilsonville.
- 2) City to purchase at least 5% of the municipal government's commercial electric usage from renewable energy sources such as PGE's "Clean Wind" program. (The percentage amount to purchase is determined by city size and power usage.)
- 3) A total of 3% of business and residential electricity accounts within city limits must purchase renewable power. Currently Wilsonville residential/business participation surpasses the minimum threshold and is at 11%.

PGE proposes running a community-wide "Green Power Challenge" campaign to increase awareness and support by signing-up an additional 200 residents and 20 businesses.

Levels of Participation

PGE's Clean Wind program offers various levels of participation—Bronze, Silver, Gold and Platinum—of utilizing renewable power. Each participation level is accompanied by various marketing/promotional benefits. For details of the benefits, see Attachment B, *Levels/Benefits Matrix: Commercial & Industrial Customer Benefits, PGE Clean Wind Renewable Power*.

The City Manager recommends consideration of the Silver level as the minimum level of participation. The City Council may elect to increase the level of the City's participation.

Costs and Benefits to City for Participation

Based on the City of Wilsonville's annual commercial usage (12-month usage ending 6/2014) of 11.9 million kWh, and a minimum threshold for participation of 5%, the minimum annual purchase necessary for Green Power Community designation is 596,595 kWh. In order to purchase this amount of via PGE's Clean Wind program, the total additional annual cost or premium to be paid is \$1,790.

The complete set of participation levels and potential costs to City are summarized below:

Clean Wind Award Level	Monthly Premium	Annual Premium
100% Platinum	\$2,982.97	\$35,795.67
6.9% Gold	\$205.83	\$2,469.90
5% Silver	\$149.15	\$1,789.78
5% Bronze	\$149.15	\$1,789.78

As part of a community-wide Green Power Challenge, the City is expected to promote the PGE Clean Wind program locally to residents and businesses and encourage their participation. Staff members of the City Manager's office are able to accommodate promotion of the program as part of the City's larger, on-going outreach efforts through utilizing publications like the all-city

newsletter, *The Boones Ferry Messenger*, and utility bill-stuffers and helping to organize promotional events.

Participation in the EPA Green Power Communities program and the PGE Clean Wind program each provide marketing promotional benefits to the City. The EPA promotion includes:

- Being highlighted on EPA's website (www.epa.gov/greenpower/communities)
- Using the EPA Green Power Partner mark on marketing materials and websites.
- Becoming eligible for EPA's Green Power Community of the Year Award
- Receiving two Green Power Community signs for outdoor display

PGE provides additional marketing benefits directly proportional to the level of participation in the Clean Wind program. For details on the specific benefits by participation level, see Attachment C, PGE Clean Wind Proposal Prepared for City of Wilsonville, and Attachment D, Sample PGE ad.

BACKGROUND INFORMATION

As the world, the U.S., the state and even the greater Metro region grapples with how to deal with the issue of climate change brought about by "greenhouse gas" carbon-producing activities, increasing attention is being paid to lower-carbon emitting, "clean," renewable energy sources that are more sustainable in the long-run.

On the national level, the EPA is advancing the Green Power Communities program to incentivize and promote sustainable energy sources. Locally, PGE is supporting interested jurisdictions in obtaining Green Power Community status by facilitating local "Green Power Challenges" and providing the option for municipalities and residents and businesses of the community to purchase renewable power through the PGE "Clean Wind" program.

According to the EPA, of the 53 Green Power Communities in the U.S., 11 are located in Oregon, with eight of those ranking in the top-15 for the amount of renewable power purchased.

Regional City Participants of Note

According to PGE, over 100 local-area governmental units and businesses are now participating in green power programs; a total of 109,000 customers are participating. The cities of Beaverton, Milwaukie, Portland and Hillsboro are participating at the Platinum level; Gresham, Lake Oswego and Salem are at the Gold level. Hillsboro has received national recognition by the EPA as using a "higher percentage of sustainable power than any other 'Green Power Community' in the nation." See Attachment E, Article: "Hillsboro is the greenest of any 'Green Power Community' in the nation, EPA says."

Wilsonville Businesses Participating in PGE's Clean Wind Program

A total of 10% of Wilsonville residents (zip code 97070) and 0.6% of the 1,593 business accounts are enrolled in PGE's renewable power program. Participating businesses include:

- | | |
|------------------------------|------------------------------------|
| 1. Animal Care Clinic, Inc. | 5. Lamb's Markets |
| 2. CBS Outdoor | 6. Mentor Graphics Corp |
| 3. Chemi-Green Solutions LLC | 7. The Better Bean Company |
| 4. David C Bany | 8. Tiffany Home Design Group, Inc. |

UPCOMING CITY COUNCIL MEETINGS

Wilsonville's prospective participation in the EPA "Green Power Communities" and PGE Clean Wind programs is currently scheduled for the following City Council meeting dates:

- **Dec. 1 Work Session:** Informal presentation and review of the programs and Council acknowledgment to proceed.
- **Jan. 5 Meeting:** Formal presentation and adoption of the programs through proclamation.

CURRENT YEAR BUDGET IMPACTS

The annual cost to the City to participate in the PGE "Green Power Challenge" program is estimated to range from a low of \$1,790/year to a high of \$35,796/year, depending on Clean Wind program participation level selected.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 11/20/14

The current fiscal year budget may absorb the estimated rate increase without issue. Next fiscal year's budget can be designed to accommodate the Clean Energy premium.

LEGAL REVIEW / COMMENTS

Reviewed by: MEK Date: 11/19/2014

The City Council has the authority to authorize the City's participation in the program and to do so at the level the Council deems appropriate.

CITY MANAGER COMMENT

City participation in the EPA "Green Power Communities" and PGE Clean Wind programs is in alignment with City Council goal number three, "Environmental Stewardship," by providing the City's electrical power consumption be produced by sustainable, environmentally friendly wind-power generation. Additionally, Wilsonville joins with other local jurisdictions to participate in the program, which also provides regional recognition and marketing promotions benefits.

ATTACHMENTS

- A. Flyer: *EPA's Green Power Communities*, April 2014
- B. Levels/Benefits Matrix: *Commercial & Industrial Customer Benefits, PGE Clean Wind Renewable Power*
- C. PGE Clean Wind Proposal Prepared for City of Wilsonville, Sept. 2014
- D. Sample PGE marketing advertisement for qualifying Clean Wind program participants
- E. Article: "Hillsboro is the greenest of any 'Green Power Community' in the nation, EPA says," *The Oregonian / OregonLive.com*, Sept. 22, 2014



EPA's

Green Power Communities

An Environmental Choice for Your Community



What Is Green Power?

Cities and towns across the country are increasingly recognizing the roles they can play in fighting climate change. Many of these leading local governments are partnering with the U.S. Environmental Protection Agency (EPA) to become Green Power Communities (GPCs), in which the local government, businesses, and residents collectively buy green power in amounts that meet or exceed EPA's GPC green power use requirements.

Become an EPA Green Power Community

There are two pathways to becoming a Green Power Community:

A. For any locality:

1. The local government must join the Green Power Partnership as a Partner and meet EPA minimum usage requirements. The local government can be a town, village, city, county, or tribal government.
2. The local government (or its designee) initiates a community-wide green power campaign to encourage local businesses and residents to use green power.
3. Once the community has met the green power usage requirement, the local government submits the GPC Partnership Agreement.

B. For localities that have implemented Community Choice Aggregations (CCA), also known as Municipal Aggregations:

1. A CCA locality must meet or exceed the established GPC minimum green power usage requirements as a result of its CCA purchase.
2. An appropriate representative from the CCA locality's local government submits the GPC Partnership Agreement. Note that the CCA locality will not be listed separately as a Green Power Partner unless it makes a qualifying green power procurement for its own municipal electricity consumption.

Clean Renewable Energy

Green power is electricity generated from environmentally preferable renewable resources, such as solar, wind, geothermal, low-impact biomass, and low-impact hydro resources.

An Environmental Choice

Conventional electricity is one of the most significant environmental impacts in your community. Purchasing or using on-site green power is one of the easiest ways for a community to reduce its carbon footprint.

Supporting Domestic Energy Supply

Using green power helps to accelerate the development of new, domestic renewable energy sources, while playing an important role in the security of America's energy supply.

Join Now and Position Your Community for the Future



Benefits for Green Power Communities

Why Buy Green Power?

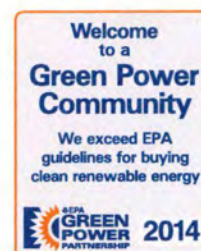
- A green power purchase is an easy and effective way for a community to reduce its carbon footprint.
- A local government purchase of green power can demonstrate civic leadership and spur local residents and businesses to follow suit.
- Using green power can create positive publicity and enhance your community's public image, including increasing citizen pride.
- Purchasing green power can be a stepping stone for more sustainable action within a community.

EPA's Green Power Partnership is ready to assist you in achieving your environmental goals through a green power purchase. The Green Power Partnership offers the following assistance to communities that join the Partnership.

Publicity and Recognition

EPA actively promotes and recognizes Green Power Communities as environmental leaders. Your community can benefit from EPA's recognition and publicity efforts by:

- Being highlighted on EPA's website (www.epa.gov/greenpower/communities)
- Using the EPA Green Power Partner mark on marketing materials and websites.
- Becoming eligible for EPA's Green Power Community of the Year Award
- Receiving two Green Power Community signs for outdoor display



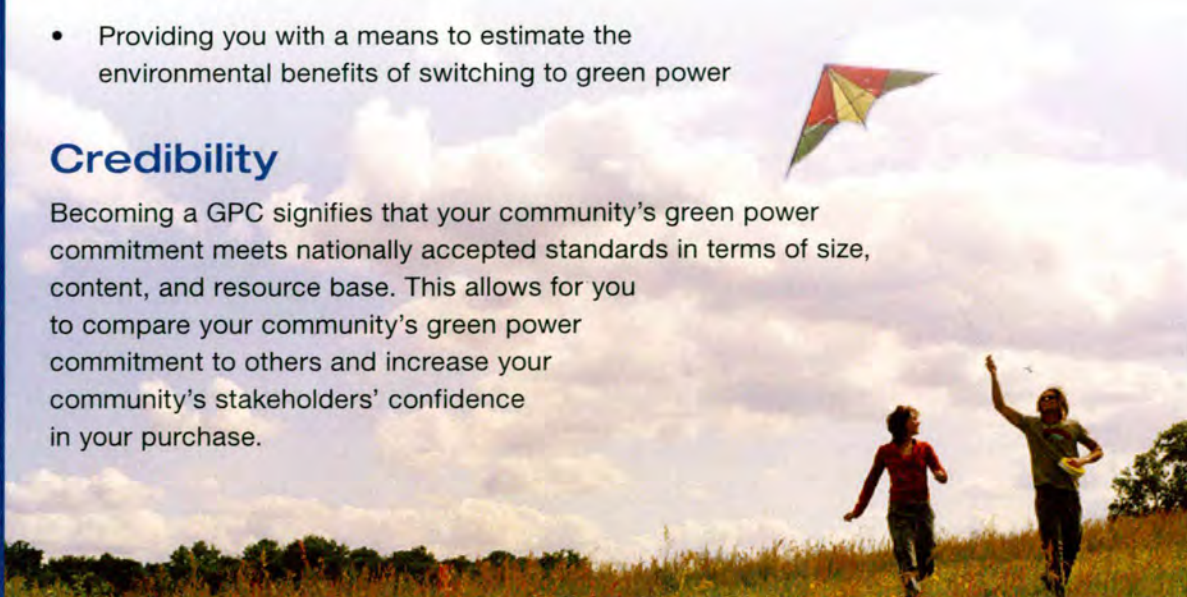
Tools and Resources

EPA offers communities a variety of tools and resources located on the EPA website. EPA's tools and resources can be invaluable by:

- Offering relevant and timely answers to procurement questions
- Fostering peer-exchange opportunities for communities to share information on best practices and lessons learned about green power procurement
- Assisting with messaging and promoting the concept of green power to your community stakeholders
- Providing you with a means to estimate the environmental benefits of switching to green power

Credibility

Becoming a GPC signifies that your community's green power commitment meets nationally accepted standards in terms of size, content, and resource base. This allows for you to compare your community's green power commitment to others and increase your community's stakeholders' confidence in your purchase.



GPCs Across the Country



EPA's Green Power Communities are collectively buying billions of kWh of green power annually, equivalent to avoiding the carbon dioxide (CO₂) emissions from the electricity use of hundreds of thousands of homes.

Santa Clara, California

Since 2008, the City of Santa Clara, California, has been a proud EPA Green Power Community. With seven percent of residents and businesses in the community purchasing green power, Santa Clara is near the top of the list of EPA Green Power Communities using the most kilowatt-hours of green power annually and is home to EPA's top green power user, Intel Corporation. In February 2007, the City Council issued a challenge to its residents to use clean power; people responded, and ever since, enrollment in green power programs has been climbing.



Washington, D.C.

In 2011, Washington, D.C., became the largest EPA Green Power Community and was one of two winners of the first-ever GPC Challenge, using more than 750 million kilowatt-hours of green power annually, equal to more than eight percent of total electricity consumption. D.C. repeated its success in the second and third annual GPC Challenge, using more than 1 billion kilowatt-hours annually. "This is a huge honor for Washington, D.C., and we are proud to be recognized by the U.S. Environmental Protection Agency," said Mayor Vincent Gray. "The purchase of green power by our citizens and businesses is cleaning our air and supporting growth of the clean energy economy."



Oak Park, Illinois

Oak Park, IL is recognized as a regional leader in green power use for its Community Choice Aggregation (CCA) program. In 2011, Oak Park set a national precedent with its CCA program by aggregating the community electricity load and purchasing green power from an alternate electricity supplier while still receiving transmission and distribution service from its existing provider. Oak Park was the first municipality in Illinois to choose a 100 percent green power portfolio standard for its residents and small business operators who participate in the CCA program. The program boasts an impressive 95 percent participation rate.



Cornwall, Connecticut

In 2010 the Town of Cornwall, Connecticut, became the first EPA Green Power Community in New England. The Town's green power campaign was led by the Cornwall Energy Task Force, which, through a grassroots effort, was able to motivate more than 30 percent of the local households to switch to green power. In recognition of the Task Force's accomplishments promoting clean energy and environmentally-friendly actions, they were honored by the Governor at an event in Hartford in 2009.



Launch Your Green Power Campaign Today

Join other leading U.S. communities by launching a green power campaign today. Before signing the GPC Partnership Agreement, communities must be collectively purchasing or producing green power on-site in amounts that meet EPA requirements. The table below outlines the respective EPA Green Power Community usage requirements based on the community's electricity use. Working with your local utility or power provider, determine the amount of electricity used within the community boundary (city limits). The community must collectively use green power in amounts that meet or exceed the corresponding percentage for the matching baseload electricity use level.

Green Power Community Usage Requirements

If your community's annual electricity use in kilowatt-hours is...	Your community must, at a minimum, use this much green power to qualify as a GPC...
≥ 100,000,001 kWh	3% of your use
10,000,001-100,000,000 kWh	5% of your use
1,000,001-10,000,000 kWh	10% of your use
≤ 1,000,000 kWh	20% of your use

About EPA's Green Power Partnership

The Green Power Partnership is a voluntary program that encourages organizations to buy green power as a way to reduce the environmental impacts associated with purchased electricity use. The Partnership currently has more than 1,500 Partners voluntarily using billions of kilowatt-hours of green power annually. Partners include a wide variety of leading organizations such as Fortune 500® companies, small and medium sized businesses, local, state, federal, and tribal governments, and colleges and universities.

For More Information:

www.epa.gov/greenpower/communities/index.htm

Mollie Lemon

Green Power Partnership

lemon.mollie@epa.gov

202-343-9859

EPA's Green Power Community Challenge

The U.S. Environmental Protection Agency (EPA) hosts an annual national, year-long campaign to encourage communities coast to coast to use renewable energy and fight climate change. As part of the campaign, Communities compete to see which one can achieve the highest green power percentage of total electricity use and which one can use the most green power. The winning communities are declared in September.

Year	Most Green Power	Highest Percentage
2010-2011	Washington, DC	Brookeville, MD
2011-2012	Washington, DC	Oak Park, IL
2012-2013	Washington, DC	Oak Park, IL

How Does the Challenge Work?

Over the course of a year, GPCs track and report their collective green power use and green power percentage of total electricity use. GPCs are ranked according to the two award categories on EPA's website on a quarterly schedule.

What Will Happen During the Challenge?

The Challenge begins in September of each year. EPA will update the rankings in December, and April and June of the following year. Communities will be able to review the standings and make changes to their purchases until September 1, when the final green power use is determined. Throughout the Challenge, EPA is available to provide technical and outreach assistance to participants to help them increase their green power usage rates.

The winning GPCs will receive recognition from EPA, including being featured on the GPP website.



Commercial & Industrial Customer Benefits

PGE Clean WindSM Renewable Power

Complimentary Publicity and Recognition

Awards	Platinum	Gold	Silver	Bronze
Personalized Ad <i>Ad will appear in a publication such as Portland Monthly, Portland Business Journal or a regional issue of national magazines</i>	■			
Press release <i>Timing to be coordinated with your PR goals; usually release is sent within one month of your enrollment.</i>	■			
Exclusive 100% renewable window decal	■			
Eligible for profile in PGE Renewable Report newsletter with coupon potential	■	■		
Profile on GreenPowerOregon.com <i>PGE's green community website. Profile will be posted within three months of your enrollment.</i>	■			
Recognition at customized employee event <i>PGE provides a customized event to educate your employees on your commitment to buy green power</i>	■	■		
Inclusion in page dominant Business Journal and Portland Monthly ads <i>Platinum level receives premium recognition, Gold receive secondary recognition, Silver get tertiary mention. Limit 25 characters maximum. See the back of this page for more details.</i>	■	■	■	
Engraved recognition plaque – Presented at annual customer recognition event	■	■	■	
Invitation to annual customer recognition event <i>Previous VIP presenters of awards include State Senators, Leading CEOs</i>	■	■	■	■
One-time listing in "welcome new customers" ad in newspaper				■
Listing in Renewable Report newsletter – Circulation more than 100,000 customers <i>Listing also appears on PortlandGeneral.com and GreenPowerOregon.com</i>	■	■	■	■
Marketing toolkit: Online photos, Web graphics and marketing messages	■	■	■	■
Eligible for inclusion in PGE's Green Community coupon book/mobile coupons	■	■	■	■
Annual CO₂ offset certificate – Delivered annually in 1st Quarter	■	■	■	■

Attachment B, p. 1

Commercial & Industrial Award Levels

PGE Clean WindSM Renewable Power

	Platinum*	Gold	Silver	Bronze
Points Needed to Achieve Levels	25,000*	12,500	7,500	2,500

*To reach the highest Platinum level, you must also be at 100% Renewable.

Green Actions	Points Given
Every 1,000 kWh/A Purchased	10
100% of Annual Usage	1,000
75% of Annual Usage	500
50% of Annual Usage	200
Employee/Customer Enrollment Program	500
Business Referral	100
Recycling program at work or BEST	100
Commuter Program	100
Energy Efficiency Walk-Through	100
Branch Location Enrollments	500
Qualifying LEED® Projects	500
Four or more of the above	500

Business Journal/Portland Monthly Ad:

- This ad runs three to six times a year in each publication.
- Platinum level customers receive premium recognition, with Gold level customers receiving secondary recognition and Silver level customers receiving tertiary mention.
- There is a 25-character limit to each organization name listed



Portland General Electric



You have the **power** to make a difference.

Thank you for considering Clean Wind power. Clean Wind is 100 percent new wind power with the same reliability you depend on from PGE. This carbon-free power comes from wind farms in the northwest and is endorsed by such groups as the Renewable Northwest Project, Northwest Energy Coalition and Natural Resources Defense Council.



Gold level benefits for your green leadership*

With a 6.9% purchase of Clean Wind (including 2 locations) PGE will provide you with a range of marketing tools related to your level of commitment, including:

- Inclusion in ads recognizing Wilsonville Green City Challenge
- Window decals and web graphics
- Eligible for profile in PGE Renewable Report newsletter
- Annual CO₂ offset certificate
- Invitation to annual customer recognition event
- Promoting your purchase of renewable energy to your employees and residents



Reduce your carbon footprint

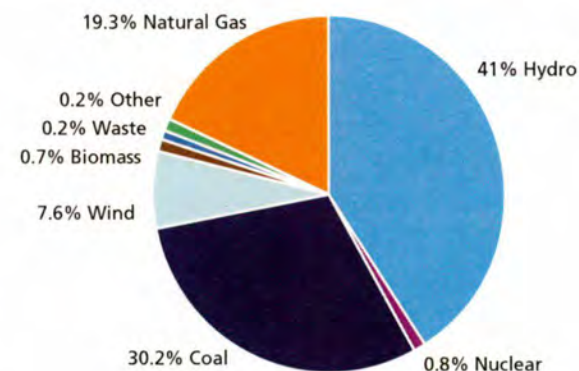
If you purchase Clean Wind at the Gold level, your company will be avoiding more than 1.1 million pounds of CO₂ from entering the atmosphere, which has the same environmental impact as taking 105 cars off the road for one year.



Join the No. 1 renewable power program in America

Citizens in Oregon are signing up for green power in near record numbers — PGE is currently ranked 1st in the entire nation for sales of renewable power.

BASIC SERVICE



Clean Wind Proposal



Clean Wind matters to your customers

In your ZIP code alone, 11 percent of PGE customers are buying renewable energy. Clean Wind provides you with a simple way to demonstrate your concern for the environment and commitment to renewable energy.



Made in the Northwest

Your purchase of Clean Wind helps support wind farms here in Oregon, Washington and Idaho. Local wind farms create jobs, income streams for farms and increased tax revenues for rural counties.

Join our growing green community

Examples of EPA Green Power Communities purchasing Clean Wind include:

1. City of Portland
2. City of Beaverton
3. City of Milwaukie
4. City of Salem
5. City of Gresham

Basic Service

12 Month Usage Ending 6/2014:

11,931,891

Averaged Monthly Usage:

994,324

Clean Wind Award Level

	Annual Premium	Monthly Premium	kWh Purchased Year	kWh Purchased Month	Addtl. Branch Locations 100% Needed
100% Platinum	\$35,795.67	\$2,982.97	11,931,891	994,324	All
6.9% Gold	\$2,469.90	\$205.83	823,300	68,608	10
5% Silver	\$1,789.78	\$149.15	596,595	49,716	1
5% Bronze	\$1,789.78	\$149.15	596,595	49,716	0



Clean Wind is Green-e certified



Clean Wind can help you meet your LEED® certification goals

Customer Name	Annual Commercial kWh Usage	kWh Required (5%) EPA GPLC
City of Wilsonville	11,931,891	596,595

Disclaimer: You do not need to purchase this product to continue to receive safe, reliable power from PGE. You may buy similar products and services from other providers.



PortlandGeneral.com/CleanWind

WE'D LIKE TO THANK THE FOLLOWING. Or rather, the leading.



Yet more thriving businesses are choosing Clean WindSM power from PGE. Proving once more that doing good and doing well aren't mutually exclusive. Join them and their loyal customers at PortlandGeneral.com/CleanWind or 503-464-2035.

PLATINUM

Burgerville · City of Beaverton · City of Milwaukie · Dave's Killer Bread
EasyStreet Online Services · Organically Grown Company
Portland Timbers · Wieden+Kennedy

GOLD

Ajinomoto · Alpha and Omega Semiconductor · BrucePac · City of Gresham · City of Hillsboro
 City of Salem · Elephants Delicatessen · Epson Portland, Inc. · ESCO · EVRAZ · Food Front · Intel
 Kaiser Permanente · Lamb's Markets · Legacy Good Samaritan Hospital · Legacy Meridian Park Hospital
 Legacy Mount Hood Medical Center · Linde Group · Metro · Multnomah County · National College of Natural Medicine
 New Seasons Market · NORPAC Foods, Inc. · OHSU · OMSI · ON Semiconductor · Portland Streetcar
 Precision Castparts · Sanyo Solar · Oregon Siltronic · Staples, Inc. · Stimson Lumber · Tektronix
 The Standard · Tokyo Electron (TEL) · TriQuint Semiconductor · U.S. Bank National Association
 VA Medical Hospital · Vestas Portland HQ, LLC · ViaWest, Inc. · Willamette University · Xerox · Yahoo!

SILVER

A to Z Wineworks, LLC · American Honda Motor Co, Inc. · College Housing Northwest
 Computer Forms, Inc. · Deschutes Brewery · Grand Central Baking Company · Green Zebra Grocery · Mercy Corps
 Our Lady of the Lake · Shorenstein Realty Services · Stacy and Witbeck, Inc. · Suburban Door Company
 The Ecotrust Building · The Yeon Building · Torpet, LLC · Toyota Motor Sales USA, Inc.
 Tuality Healthcare · University of Portland · World Foods



Hillsboro is the greenest of any 'Green Power Community' in the nation, EPA says

By Luke Hammill | lhammill@oregonian.com

September 22, 2014

http://www.oregonlive.com/hillsboro/index.ssf/2014/09/hillsboro_is_the_greenest_of_a.html

Solar panels produced by Solarworld AG in a field near to the company's plant in Freiberg, Germany. SolarWorld's U.S. operations are based in Hillsboro. (Bloomberg/file photo)



Hillsboro uses a higher percentage of sustainable power than any other "Green Power Community" in the nation, according to the results of an Environmental Protection Agency competition announced Monday.

The city took first place in one of two categories in the EPA's fourth-annual **Green Power Community Challenge** because just over 50 percent of its total electricity use comes from green power. That's a far higher share than the second-place town – Brookeville, Md., which came in at just over 40 percent.

Fifty-three communities nationwide competed in the challenge. To qualify, a municipality had to be certified as an EPA "Green Power Community" for meeting the agency's minimum standards for power usage. Green power is electricity from renewable sources such as wind, solar or low-impact hydropower.

Hillsboro also took second place in the other category, which ranked communities for their total green power usage. Hillsboro used over 1 billion kilowatt-hours of green power in 2013-14. Only Washington, D.C. used more – almost 1.2 billion kilowatt-hours. But only 12.7 percent of the electricity used in the nation's capital came from green sources, ranking it 21st in the category Hillsboro won.

Portland ranked third in the total usage category, with 610 million kilowatt-hours of green power in 2013-14, and took 33rd in the other ranking – 8 percent of its power is green, according to the EPA.

Beaverton, Gresham, Bend, Salem, Medford, Corvallis, Hood River, Cannon Beach and Milwaukie also competed in the challenge. The rankings are available at [the EPA's website](#).

Hillsboro's use of over 1 billion kilowatt-hours of green power is equal to avoiding the carbon emissions of more than 150,000 passenger vehicles per year, the city said in a news release. It's also enough to power over 98,000 homes per year.

"This is a great achievement for the City of Hillsboro and a testament to our community's commitment to voluntarily seek out ways to become more sustainable," said Hillsboro Mayor Jerry Willey in a written statement. "My family knows the value of green power firsthand from our experience installing solar power panels on our roof, and our purchase of green power through our electricity supplier, Portland General Electric."

-- Luke Hammill

CITY COUNCIL WORKSESSION STAFF REPORT

Meeting Date: December 1, 2014	Subject: Preparation for the December 2, 2014 joint Wilsonville/Tualatin City Council worksession on the Basalt Creek Concept Plan. Staff Member: Chris Neamtzu, Planning Director Department: Community Development	
Action Required ☐ Motion ☐ Public Hearing Date: ☐ Ordinance 1 st Reading Date: ☐ Ordinance 2 nd Reading Date: ☐ Resolution ☒ Information or Direction ☐ Information Only ☐ Council Direction ☐ Consent Agenda	Advisory Board/Commission Recommendation ☐ Approval ☐ Denial ☐ None Forwarded ☒ Not Applicable Comments: NA	
Staff Recommendation: This item is in preparation for the December 2, 2014 joint Wilsonville/Tualatin City Council meeting on the Basalt Creek Concept Plan.		
Recommended Language for Motion: NA		
PROJECT / ISSUE RELATES TO:		
☒ Council Goals/Priorities Economic Development – Concept Plan Basalt Creek	☐ Adopted Master Plan(s)	☐ Not Applicable

ISSUE BEFORE COUNCIL: City Council will receive an update on the Basalt Creek Concept Plan project, including a preview of some of the information that will be presented by the consulting team of Fregonese Associates and CH2M Hill at the December 2 Joint City Council meeting with Tualatin.

EXECUTIVE SUMMARY: The City Council will meet jointly with the Tualatin City Council for a presentation of the Base Case Scenario that has been developed and evaluated. The Base Case is the first of three scenarios that will be developed as part of the project. The purpose of this work session presentation is to prepare for that meeting (see Attachment A for the meeting agenda).

At the last Council briefing in September, staff and the consultant team shared the land suitability analysis identifying areas of the Basalt Creek planning area that are most suitable for development based on natural and man-made constraints, parcel size, slope, and various other factors. After completing the land suitability analysis, staff began looking at the types of land uses that would be suitable in different parts of the planning area, and how those land uses might be served by roads and infrastructure (sewer, storm and water). Other tasks that went into developing the Base Case Scenario include:

- identifying land uses that might be appropriate in the area
- sketching in connecting and local roads
- designing and cost estimating wet infrastructure (sewer, storm, water)
- evaluating the scenario for traffic generation, jobs and public utility systems
- identification of a base case jurisdictional boundary based on the 2004 Metro UGB Ordinance.

Council will review the Base Case Scenario and how it affects transportation and utility systems at the Joint City Council meeting Tuesday, December 2nd, at Wilsonville City Hall. Staff will be asking for Council's input about the Base Case Scenario to inform the creation of two additional scenarios which will occur in winter of 2015. Given their project advisory role, it will be imperative for the Council to clearly communicate specific land use, jurisdictional boundary, utility service and transportation options that will be tested in the creation of the next two scenarios. These will be the basis of the final concept plan going forward.

EXPECTED RESULTS: The worksession will provide the City Council with an opportunity to preview the Base Case scenario in preparation for the joint Council meeting the following night.

TIMELINE: Another Joint City Council meeting is planned for February 2015, followed by a March public open house to discuss alternative scenarios.

CURRENT YEAR BUDGET IMPACTS: This is a grant funded project (Metro CET). Community Development Department staff time is used to technically inform and manage the project.

FINANCIAL REVIEW / COMMENTS: Reviewed by: _____
N/A

LEGAL REVIEW / COMMENT: Reviewed by: _____
N/A

COMMUNITY INVOLVEMENT PROCESS:

The project team is implementing the Public Involvement Plan, including:

- Maintaining the project website, located at www.BasaltCreek.com.
- Over 145 individuals have subscribed to the project listserv.
- Project updates in the Boones Ferry Messenger and email press releases.
- Social media blasts are sent via Twitter, Facebook.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses,

neighborhoods, protected and other groups): One of the outcomes of the Basalt Creek Concept Plan project will be to establish the future boundary between the cities of Wilsonville and Tualatin. The Basalt Creek area will be important for the long-term growth of Wilsonville's industrial base and the associated employment opportunities.

ALTERNATIVES: None at this time.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Draft Agenda - December 2, 2014 Joint Wilsonville City Council and Tualatin City Council Meeting
- B. Summary Power Point Presentation

MEETING NOTICE AND AGENDA

JOINT CITY OF TUALATIN AND CITY OF WILSONVILLE COUNCIL WORK SESSION

Basalt Creek Concept Plan
Joint Meeting #3

Wilsonville City Hall Council Chambers
29799 SW Town Center Loop E
Wilsonville, Oregon 97070

December 2, 2014
6:00 p.m.

Purpose

- Tualatin and Wilsonville Councilors are updated on the current status of the project
 - The Basecase Scenario and evaluation results are presented
 - Councilors provide input to inform creation of two alternative scenarios
- =====

Basalt Creek Concept Plan Project – Update Joint Council Work Session

A. AGENDA

B. CALL TO ORDER

C. WELCOME AND INTRODUCTIONS

D. PRESENTATIONS

1. Project Update
2. Building the Basecase
3. Scenario Development
4. Basecase Scenario
 - a. Land Use
 - b. Transportation
 - c. Wet Infrastructure

E. ROUNDTABLE DISCUSSION

1. **Discussion:** After hearing about the Basecase Scenario, what elements should the project team consider including in two additional alternative scenarios?

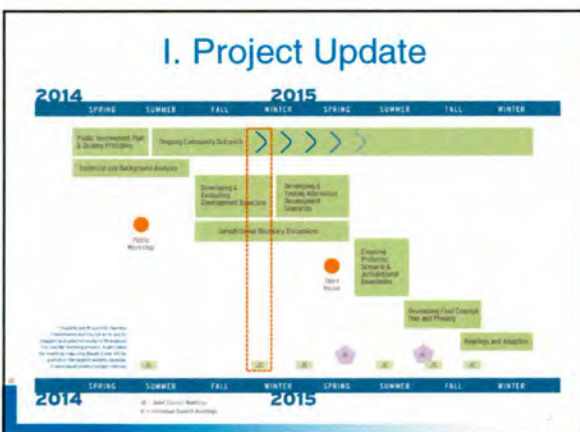
F. NEXT STEPS

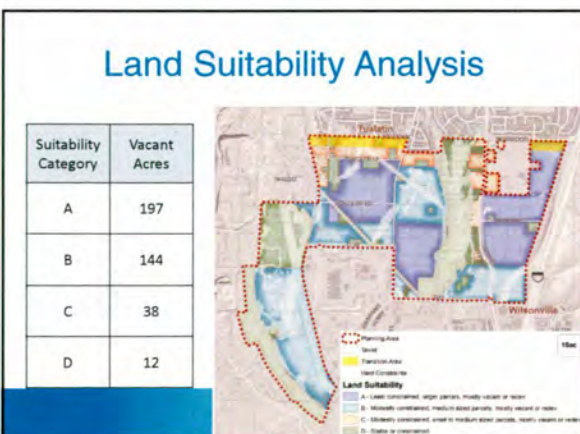


Progress Report + Joint Council Meeting Preview

Wilsonville City Council Work Session
12/01/14



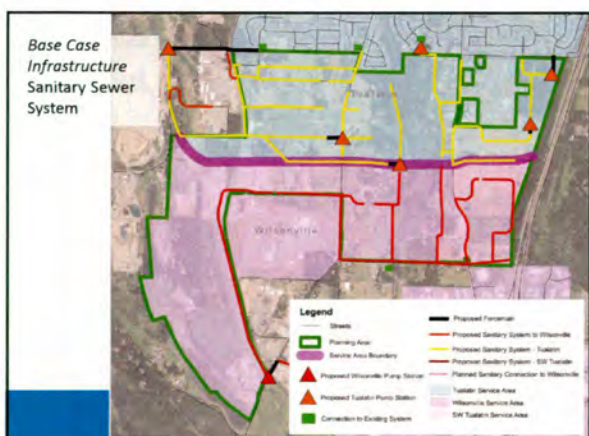
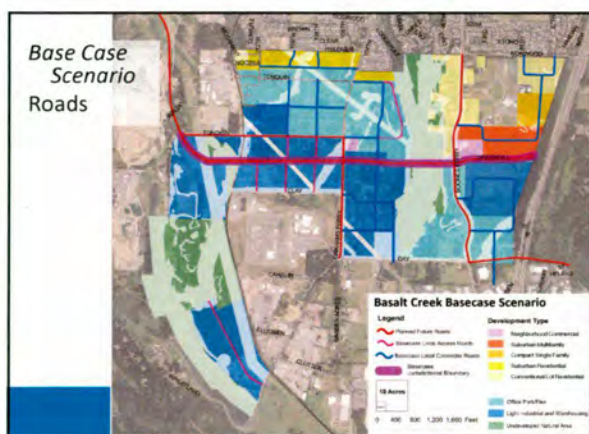



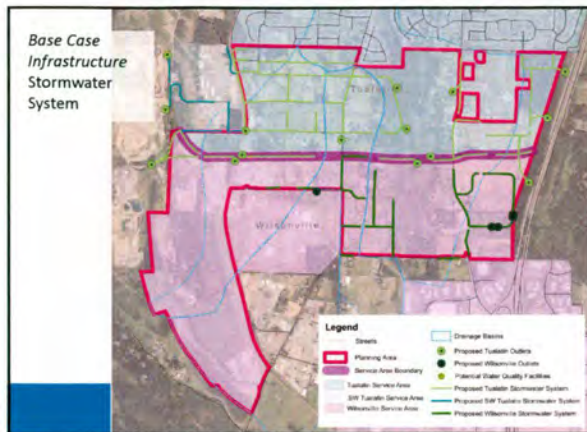


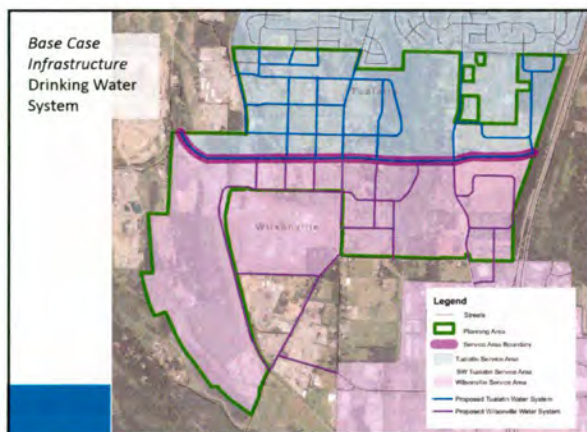
Comparison to Forecast

	New Households	New jobs	New trips generated*
Transportation Refinement Plan Forecast	1,386	2,562	1,989
Urban Growth Report Forecast	1,214	2,316	1,638
Base Case	653	4,058	1,968

*PM Peak Hour trips. Trip rates: Households = 0.63, Retail jobs = 0.73, non-retail jobs = 0.37







V. Next Steps

- Base Case Scenario
 - December 2, 2014 – Joint City Council Meeting
 - 6:00-8:00 pm, Wilsonville City Hall
- Alternative Scenarios
 - February 24, 2015 – Joint City Council Meeting
- Public Open House on All 3 Scenarios
 - March 31, 2015

Discussion

- Are the land uses and placement appropriate?
- Are the roads located correctly?
- Feedback or questions on wet infrastructure placement?
- Feedback or questions on the base case jurisdictional boundary?
- Input on design ideas to include in the additional alternative scenarios?

GRACE LUCINI
23677 SW Boones Ferry Road
Tualatin, Oregon 97062
December 7, 2014

To: All Tualatin City Council Members and Wilsonville City Council Members -Joint Cities Basalt Creek Concept Planning Meeting -**Meeting December 2, 2014**
All Wilsonville Planning Commission Members -Commission Meeting -**December 10, 2014**
All Tualatin Planning Commission Members -Commission Meeting - **December 18, 2014**

Re: Basalt Creek Area Concept Planning

Please Include this communication as part of the public record for the Basalt Creek Area Concept Planning-- to be associated with the Public Meetings listed above.

I have been observing the Basalt Creek Concept Planning process. Several unaddressed issues become apparent as the Basalt Creek Area Base Case Scenario is presented. These issues are created when the comments and presentations on the concept planning process are compared to the stated intent of Metro Ordinance 04-1040B----which is the basis for the entire concept planning process.

Unaddressed issues are:

1. The entire Basalt Creek Concept Planning process is based upon the current designated location of the East West Connector
2. The utility, safety, feasibility, and cost of the East-West Connector has not been established due to the lack of the appropriate level of due diligence
3. Due to lack of appropriate level of due diligence, if the location or design of the East-West Connector needs to be revised-planning based upon the current location will be of questionable use---- at the expense of the taxpayers.
4. Current presentations on conceptual planning for the Basalt Creek Area do not appear to conform to statements which are specific to the future development of the Tualatin Study Area within Metro Ordinance 04-1040B, which is the basis and authorizing tool for the Basalt Creek planning process.
5. The Base Case presentation – the first of three alternative scenarios to be presented for consideration-includes road and infrastructure detail which will need to accommodate the stated primary purpose of the 124th-East West Connector – which is to have limited local access /cross traffic to increase the volume and flow of regional freight traffic from Highway 99 to Interstate 5 unless overpasses are constructed for local roads across the 5-6 lane 6% grade East-West Connector –adding significant design and construction costs.
6. The Base Case Scenario presentation provides an extremely high level magnitude discrepancy factor for anticipated cost factors on construction through known masses of large basalt rock formations and mountain

ridges and steep grades. Topographical maps and onsite inspection of the location of the proposed concept plan (as presented) - easily suggests cost factors will weigh significantly towards the upper end of construction costs.

An update on the Basalt Creek Concept Planning Project is being presented on the progress on the staff and consultants' findings and to present their Base Case primary Base Case scenario for Concept Planning. Two additional scenarios are to be developed within the next month based upon the feedback provided by the City Councils, and their respective Planning Commissions.

When Metro authorized the process of the concept planning for the Basalt Creek Area in 2004, Metro Ordinance 04-1040B included remarks specific to the Basalt Creek Concept Planning process including:

- Establishment of a Highway 99-I-5 Regional Freight Transportation Connection
- Utilizing the Connection as a basis for jurisdictional boundaries
- Zoning on the north side of the Connector to be "Outside Residential Neighborhoods"
- Zoning on the south side of the Connector to be "Industrial"
- Acknowledged and Identified over ½ of the acreage within the Tualatin Study area and the Coffee Creek Study area was not conducive for Industrial Development
- And provided for the Evaluation and Protection of the Natural Resources within the Basalt Creek Area as part of the process

METRO ORDINANCE 04-1040B

II. Specific Findings for Particular Areas Added To UGB in Task 2 Remand Decision - Metro Ordinance 04-1040B

E. Tualatin

"The City of Tualatin and many residents of the area expressed concern about compatibility between industrial use and residential neighborhoods at the south end of the city. They have also worried about preserving an opportunity to choose an alignment between Tualatin and Wilsonville for the I-5/99W Connector; the south alignment for this facility passes through the northern portion of the Tualatin Study Area."

"In response to these concerns, the Council placed several conditions upon addition of this area to the UGB. First, the Council extended the normal time for Title 11 planning for the area: two years following the identification of a final alignment for the Connector, or seven years after the effective date of Ordinance No. 04-1040B, whichever comes sooner. This allows Title 11 planning by Washington County, the cities of Tualatin and Wilsonville and Metro to accommodate planning for the Connector alignment. "

"Second, the Council states that, so long as the alignment for the Connector falls close to the South Alignment shown on the 2040 Growth Concept Map, it will serve as the buffer between residential development to the north (the portion least suitable for industrial uses) and industrial development to the south (the portion of the area most suitable for industrial use)"

II. SPECIFIC CONDITIONS FOR PARTICULAR AREAS - Metro Ordinance 04-1040B

C. Tualatin Area

"Washington County or, upon annexation to the Cities of Tualatin or Wilsonville, the cities, in conjunction with Metro, shall complete Title 11 planning within two years following the selection of the right-of-way alignment for

the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040, whichever occurs earlier.

Title 11 planning shall incorporate the general location of the projected right of way alignment for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the "South Alignment," as shown on the Region 2040 Growth Concept Map, as amended by Ordinance No. 03-1014, October 15, 2003, **the portion of the Tualatin Area that lies north of the right-of-way shall be designated "Outer Neighborhood" on the Growth Concept Map; the portion that lies south shall be designated "Industrial."**

The governments responsible for Title 11 planning shall consider using the I-5/99W connector as a boundary between the city limits of the City of Tualatin and the City of Wilsonville in this area."

Staff Report Suitability for Industrial Development- Metro Ordinance 04-1040B

Table 2. Chief Operating Officer's Recommendation

EXPANSION AREAS				SUITABILITY FACTORS		
	Total Acres	Net Acres	Dominant Earthquake Zone ⁴	Access	Proximity	Slope less 10%
Damascus West	102	69	D	✓	✓	✓
Tualatin (MPAC-partial)	646	339	D	✓	✓	✓
Quarry (partial)	354	236	D	✓	✓	✓
Borland Rd N. (partial)	575	164	A	✓	✓	✓
Beavercreek (partial)	63	30	D	--	✓	✓
Coffee Creek (partial)	264	97	D	✓	✓	✓

(Indicates approximately ½ of the Tualatin Study Area and less than ½ of the Coffee Creek Study Area was appropriate and/or anticipated to be Industrial Development)

Condition IG of Exhibit F - Metro Ordinance 04-1040B

"Requires the county or city to consider Metro's inventory of Goal 5 resources in their application of Goal 5 to the Tualatin Study Area. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires the county or city to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the county or city to protect fish and wildlife habitat and water quality."

Entire Concept Planning process based upon location on East West Connector

It has been stated the location of the East West Connector as adopted by the Basalt Creek Concept Planning PAG Group in December 2012, and then adopted by Washington County Ordinance 767 in 2013, is to be incorporated and included as an existing factor within the Basalt Creek Concept Plan.

This is an important factor, as the East-West Connector is geographically located in the middle of the Basalt Creek Area, and includes a bridge which will tower approximately 100 feet into the air at the eastern end where it is anticipated the width of the bridge will be 5-6 lanes wide (to make accommodations for slow acceleration of freight trucks due to the steep grade).

(Please see attached Preliminary Design for East West Connector including topographical cross-section)

- A. It should be noted, the 124th East West connector does not in fact terminate at Interstate 5, nor do plans include any direct connection onto Interstate 5. All of the Interstate 5 regional freight traffic will be directed onto surface arterials and collectors which will then feed into an already compromised Elligsen/ Interstate-5 Interchange, competing with other local commercial and residential traffic.
- B. Preliminary design of the East West Connector indicates cut and fill of large amounts of land in order to achieve a minimum 6% road grade for regional freight traffic (which is within Washington County standards, but exceeds Federal Highway recommendations for design of highways for freight traffic).
- C. Preliminary design of the East West Connector indicates the East West Connector requires traffic stop lights at the top and bottom of a 6% grade bridge --- a known significant factor which will decrease speed and flow of freight traffic through the intersections and surrounding area.
- D. The steep expressway grade of the East West Connector will significantly and negatively impact local traffic when the 6% grade bridge over the wetlands becomes icy and the East-West Connector becomes slick and unsafe. Due to the above and below ground-level design of the East-West Connector (road cut and lengthy 100 foot bridge elevation); timely emergency vehicle access to attend accidents will be reduced due to limited access roads or off road access.
- E. The 6% grade of the Connector exceeds Federal ADA Recommendations may limit multimodality use of the East West Connector which is contrary to the current emphasis of State, Regional and local transportation goals. Design changes to accommodate ADA recommendations may increase design and construction costs which were not included during East-West Connector location discussions.
- F. Due to the need to cut and fill large amounts of land to construct the East-West Connector (which may also include an additional cross traffic proposed local road) in this area of known and identified - wetlands, high value riparian, and high value uplands habitat---- Have the appropriate State and Federal agencies been consulted and these projects properly vetted as to impact on known wetlands and Significant Natural Resources identified within Goal 5, 3 and 13 standards?
- G. Was the specific location and design of the East-West Connector as identified in Washington County Ordinance 767 reviewed or vetted by those agencies responsible for protection of local, state and federal natural resources- as addressed in Metro 04- 1040B.

If the appropriate reviews by the appropriate State and Federal agencies was not done during and as part of the Tualatin –Wilsonville IGA and/or PAG evaluation process (as to the specific location and design of the East West Connector within the Basalt Creek Area) and its impact upon identified Significant Natural Resources has not been determined-- it is not known if the present location of the Connector will require changes in location or design to comply with water quality standards or other environmental constraints.

If there are additional design features which are needed to reduce the 6% grade of the East-West Connector, or significant bridge design accommodations needed to increase multi-modal use- the ability and cost to achieve these changes---this information needs to be identified and included in the Concept Planning process for purpose of funding and to ensure compatibility with future planning.

Has the integrity and stability of the one basalt rock formation within the known wetlands upon which Washington County plans to use as the center footing for large 5-6 lane regional freight bridge ---has the appropriate level of due diligence been done to determine its feasibility for its intended use?

It seems appropriate these basic feasibility issues should be addressed and resolved immediately if the entire concept design process for the Basalt Creek Area revolves upon the viability of the specific location of this 5-6 lane connector and bridge before any concept scenario is presented for evaluation to the Cities or public.

Based upon the above, the design and location of the East-West Connector seems extremely counter intuitive for an expressway whose main purpose is to increase the flow of regional freight through this area- especially when other alternative scenarios did not pose such problems.

Spending time, effort and costs in concept planning based upon the location of the East-West Connector when appropriate feasibility studies specific to the connector's planned location may not have been obtained ---may be a significant oversight in the planning process. This may eventually cause a significant and unnecessary expense to taxpayers and may cause an unnecessary delay in resolution and implementation of the plan--- should the present location of the East West Connector be deemed inappropriate for construction.

Boundary and Zoning Issues

1. Comments continue to be raised regarding the utilization of the East-West Connector as a basis for jurisdictional boundaries (as suggested in Metro Ordinance 04-1040B)--due to concerns about different types of zoning on the north and south sides of the Connector.

If the current location of the East-West Connector remains as indicated- a significant portion bisects land with known wetlands, and Significant Natural Resources which pose constraints upon development limiting development on approximately ½ of either side of the East-West Connector. And, due to the topography of the area, the eastern bridge portion of the East West Connector is anticipated to rise 100 feet above the ground. Consequently there will not be development at face to face street level on a large portion of the East-West Connector. Both of these issues should ease some concerns expressed about driving along the East West Connector and seeing different types of development abutting the expressway at street level and should be able to remove this concern as a limiting factor in the decision making process.

2. Those preparing concept zoning plans within the Basalt Creek Area should be cognizant and respectful of the numerous existing homes and neighborhoods which were built under the zoning, the laws and the regulations in place at time. It is these people and families who will bear significant impact by changes in governance or zoning implemented by this process. It is again important to recognize the residents and property owners within the Basalt Creek Area have no elected representation within the Basalt Creek Concept Planning process.

Issues which should be addressed regarding the proposed Basalt Creek Base Case Scenario:

If the entire basis of the 124th East-West Connector is predicated on increasing the flow of Regional Freight Traffic from Highway 99 to Interstate 5 --in part by limiting the number of local access points interrupting the speed and flow of truck

traffic—then questions should be asked regarding the Base Case Scenario proposing a local road which intersect the East-West Connector and not included within the preliminary design plan for the East West Connector

- What type of traffic control is intended at the intersection of the 5 lane East-West Connector and the Base Case proposed local road which runs north and south parallel and between SW Boones Ferry Road and SW Grahams Ferry Road (as identified in the December 2014 Basalt Creek Concept Plan Base Case Scenario)?
- is a less expensive traffic light sufficient to meet the local traffic needs without significantly interrupting truck east-west truck traffic (which is estimated by Washington County Staff will be twice the volume of current Tualatin Sherwood Highway traffic)?
- will an overpass/s be required for proposed local north south roads, and
- who will pay for significant design and construction upgrade improvements to the East-West Connector plans, as well as the additional design & construction costs for the local road for any overpass across the 6% grade 5-6 lane Expressway through undulating topography?

Please see the attached topographical map –Indicating the approximate locations of the East-West Connector and the proposed Base Case north-south local road which intersects the Connector in the middle of a steep ridge.

A Recommendation for future Basalt Creek Concept Planning discussions and presentations:

As the topography of this area presents important constraints to the entire concept planning due to an extremely wide range of topographical features including steep grades and natural wetlands, it seems reasonable future concept plans should be presented with topographical overlays when making presentations to city officials and to the public-- to provide greater understanding and visual conceptualization of this complex project.

I appreciate your consideration of these issues when you forward your comments, recommendations or suggestions to the Basalt Creek Concept Planning staff and consultants as they make their revisions and create the next- and last- two alternative scenarios to be presented in February 2015.

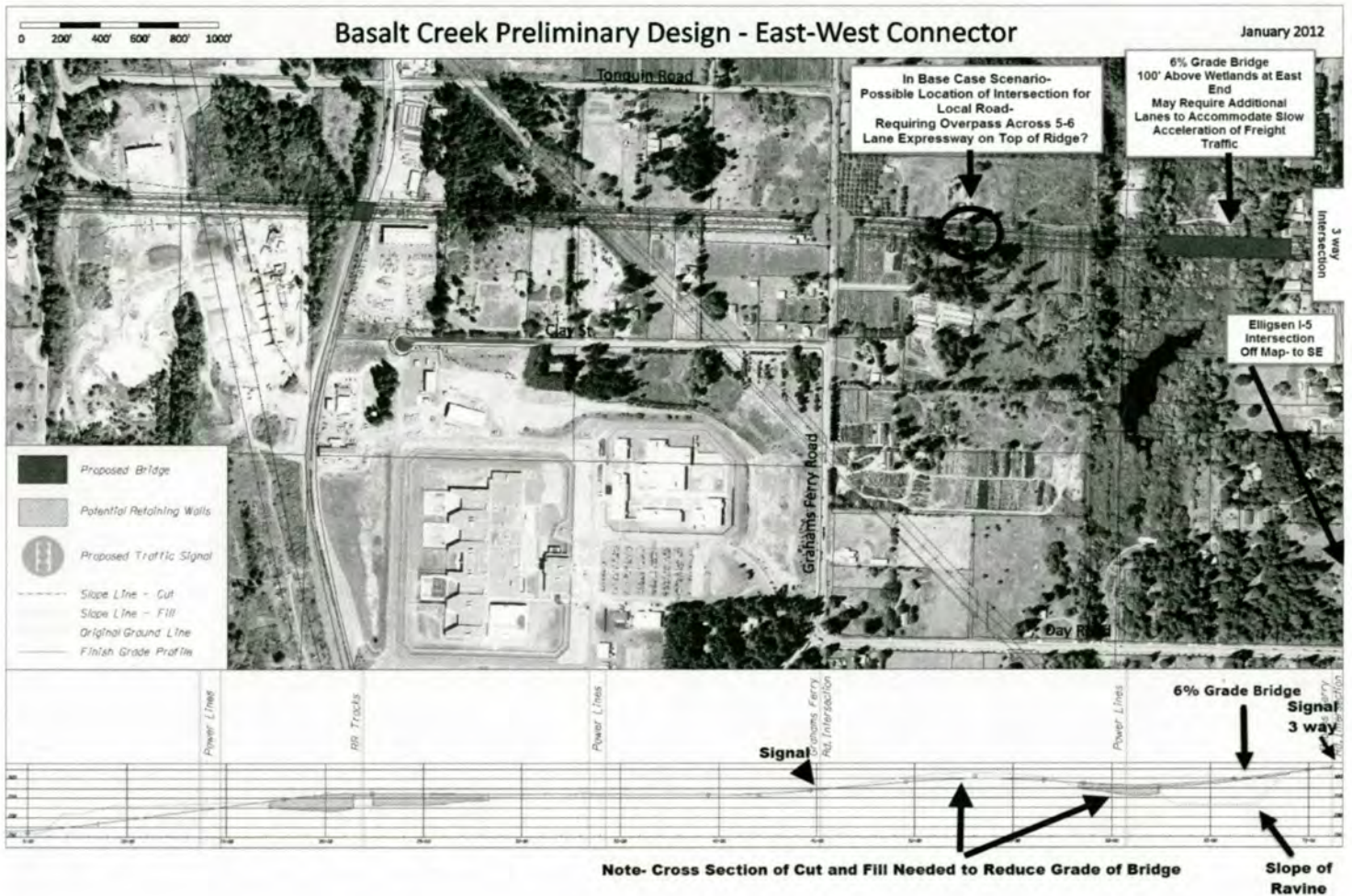
Respectfully submitted,

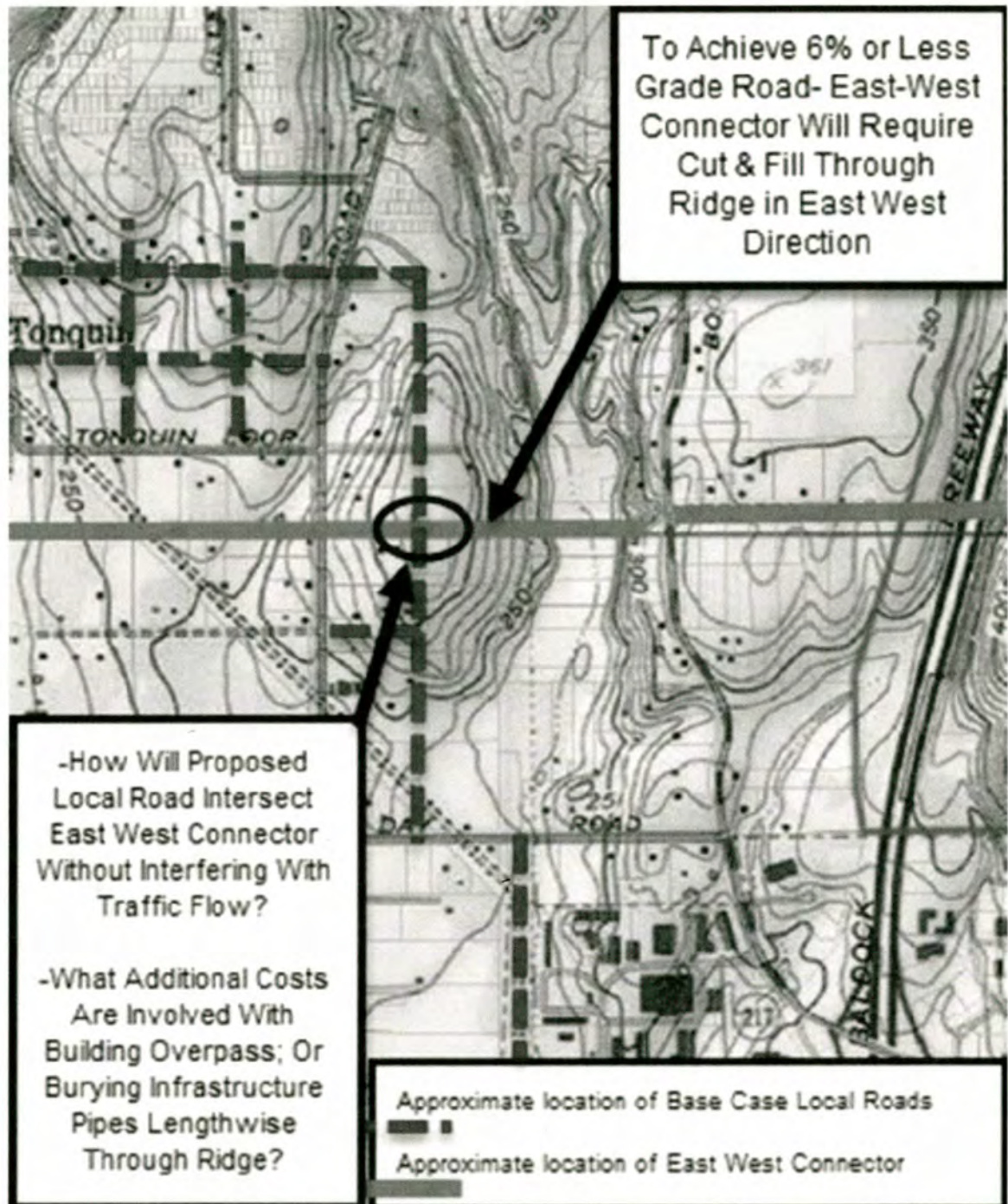
Grace Lucini

Attachments:

Preliminary Design for East West Connector-Washington County
Topographical Map East West Connector with Base Case Local Road Overlay

CC: Cindy Hahn, City of Tualatin
Aquilla Hurd-Ravich, City of Tualatin
Chris Neamtzu, City of Wilsonville





CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 1, 2014	Subject: Board and Commission Appointments / Re-Appointments Staff Member: Sandra King Department: Administration	
Action Required ☐ Motion ☐ Public Hearing Date: ☐ Ordinance 1 st Reading Date: ☐ Ordinance 2 nd Reading Date: ☐ Resolution ☒ Information or Direction ☐ Information Only ☐ Council Direction ☐ Consent Agenda	Advisory Board/Commission Recommendation ☐ Approval ☐ Denial ☐ None Forwarded ☒ Not Applicable Comments:	
Staff Recommendation: No staff recommendation has been made; the report is for Council information and direction to staff.		
Recommended Language for Motion: N/A		
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
☐ Council Goals/Priorities	☐ Adopted Master Plan(s)	☒ Not Applicable

ISSUE BEFORE COUNCIL:

Review the applications received through the current recruitment process to fill the expiring seats on the Budget Committee, Development Review Board Panels, Planning Commission, and the Parks and Recreation Board.

EXECUTIVE SUMMARY:

There are a number of terms expiring at the end of the year on the City's standing Boards and Commissions. Several of the board members are eligible for reappointment and have expressed interest in serving another term as shown in the table below.

**BOARD OR COMMISSION MEMBER
WHOSE TERM WILL END 12/31/14**

BOARD OR COMMISSION	ELIGIBLE FOR REAPPOINTMENT	WANTS TO BE REAPPOINTED
BUDGET COMMITTEE 3-year terms 10 members		
Alan Steiger	YES	YES
Lonnie Gieber	YES	YES
DRB Panel A 2 year terms 5 members		
Mary Bower	NO	
Kenneth Ruud	YES	NO
Simon Springall	YES	YES
Kristin Akervall	YES	YES
DRB Panel B 2 year terms 5 members		
Andrew Karr	NO	N/A
Jhuma Chaudhuri	YES	NO
Aaron Woods (No response to inquiry on reappointment.)	YES	
PARKS & RECREATION BOARD 4 year terms, 5 members		
Ken Rice	YES	YES
Parker Johnstone	NO	N/A
PLANNING COMMISSION 4 year terms 7 members		
Ben Altman	YES	NO

The vacancy notice and application information was posted on the City's website, included in the *Boones Ferry Messenger*, announced during Council meetings, included in the *Wilsonville Spokesman*, and posted in city buildings. The deadline for the thirty-day application period was November 21, 2014.

EXPECTED RESULTS:

All Boards and Commissions will have a full complement of members.

TIMELINE:

The application period ended November 21, 2014. Following the process contained in Resolution No. 2321 the newly received applications as well as the letters expressing interest for reappointment to a second term have been provided to the Council via the Council packet. Council has two weeks to interview the applicants and make their recommendations to the Mayor. Thereafter the Mayor will make the appointment subject to Council approval at a Council meeting (tentatively scheduled for December 1st.)

CURRENT YEAR BUDGET IMPACTS: None.

FINANCIAL REVIEW / COMMENTS: N/A

LEGAL REVIEW / COMMENT: N/A

COMMUNITY INVOLVEMENT PROCESS:

Advertisements were placed on the City's website, inserted into the *Boones Ferry Messenger*, posted in all city buildings and announced at Council meetings. In addition, the *Wilsonville Spokesman* included an announcement.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The benefit to the community is having fully seated boards to address and move forward the work of the City.

ALTERNATIVES:

1. Council may interview the applicants and make the appointment; or
2. Direct staff to re-advertise the vacancies for an additional time period with the goal of receiving additional applications.

CITY MANAGER COMMENT:

ATTACHMENTS

A. Board and Commission Applications are separately bound.

Asset Management Program

The relationship between

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

City Council Work Session

December 1, 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: 1214
 Manufacturer: 2001 Valve Company
 Model: 723
 Branch Valve Depth: 22 ft
 Branch Valve Size: 4 in
 Inserter to Drop Depth: 55 ft
 Height at Connection: 9 ft
 Status: ☒ In Service

Locations

Street: FREEMAN DR
 Subordinate Description: 4100 Freeman Dr @ St
 Branch Valve Location: 12 north

Attachments

Images:

Events

Activity	When Started	When Ended	Who	Completed	Work Order Number	Notes
Rebuild	01/25/2005	01/25/2005	Anderson, Jerry	☒		Hydrant seals
Maintenance	08/09/2006	08/09/2006	Anderson, Jerry	☒		
Maintenance	01/21/2011	01/21/2011	Anderson, Jerry	☒		

Assets Inventoried to Date

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



Create Work Orders Linked to Assets

Work Order Information

Work Order: 1

Features

Asset:
 Address Number:
 Route:
 IFEMA:
 Details:

Assigned To

Assigned To:
 Department:
 Entered By:

Go To Work Order
 Associated Requests
 Resources
 Help

Status

Work Order Status: Planned
 Priority:
 Start Date:
 Stop Date:
 Request Entry Date: 11/30/2010 5:16:25 PM
 Request Interval:
 Notes:

Close Work Order
 Planned Work Orders
 Completed Work Orders

LABOR | Equipment | Material | Associated Asset Events

ID	Activity	Cost	Entry Date	Standard Hour	Overtime Hour	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 amendments to adopted capital improvement plans

City of Wilsonville
Stormwater Master Plan
*A Commitment to Clean Water
 and Healthy Watersheds*
 March 2012

Parks Master Plan

Sanitary Sewer Master
 Plan

**Wilsonville
 Transportation System Plan**

Adopted by Council (Ord. 718)
 June 17, 2013

City of Wilsonville

ADOPTED:
 September 06, 2012
 Ord. 707

WATER SYSTEM
 MASTER PLAN



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

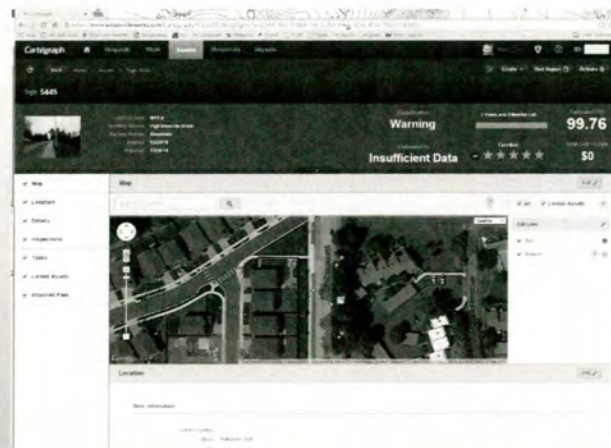


Budgeting

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



Questions?





GREATER
PORTLAND
20|20

BLUEPRINT FOR the Regional Economy

Greater Portland 2020 is a groundbreaking opportunity to unite public, nonprofit, and business leaders in the development and execution of a regional economic strategy that will allow us to compete in the global economy for generations to come.

Building a thriving 21st century economic requires us to make the leap from successful programs embedded inside individual communities to a unified region-wide movement. For the first time in our region's history, Greater Portland 2020 will unite two states, seven counties and dozens of municipalities to set regional priorities, develop concrete action items, and set measurable metrics that will increase family-wage jobs and build a foundation for our shared economic future.

Join us in mapping out the region's economic future.

The Need

Economic development is the sum of many concurrent efforts — no single organization does it alone. In Greater Portland, more than 100 organizations work on pieces of the economic ecosystem, and great progress has been made. We also know that with an integrated action plan that ties our work together, we could do even more.

The Path Ahead

Our region already has the benefit of a wide array of data and strategic plans that economic development organizations are actively working to achieve. That's why Greater Portland 2020 isn't a planning effort — it's a 5-year action initiative.

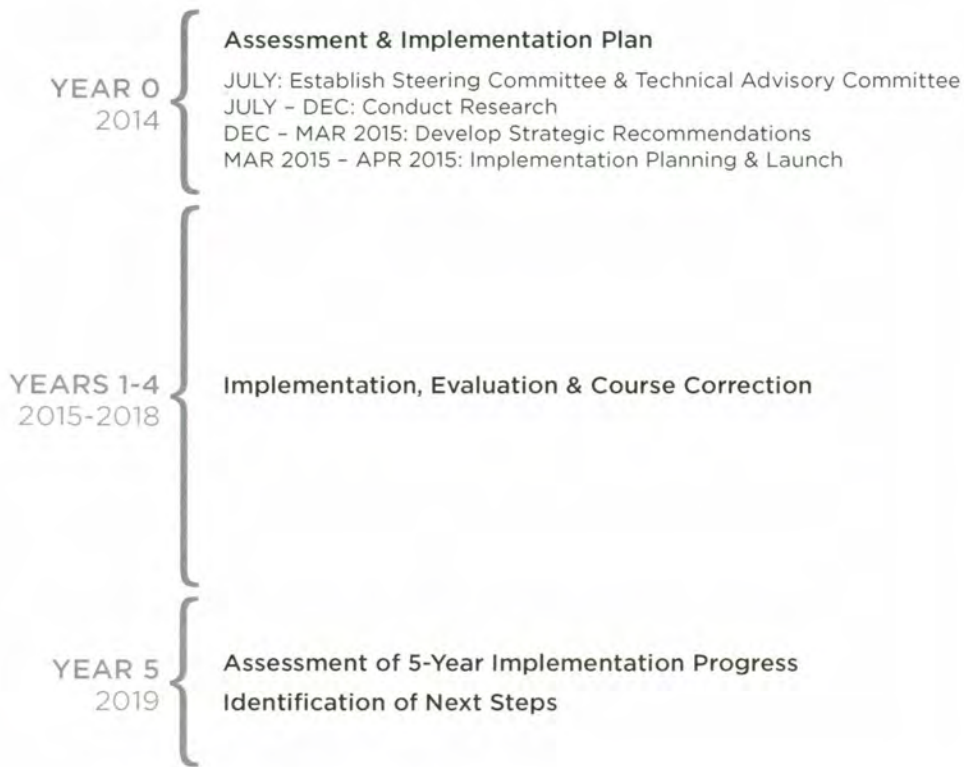
The core objective of the first year will be to unite the market intelligence that already exists within the region and to **build a shared blueprint for job growth across the economic ecosystem**. A steering committee composed of key public, business and non profit regional leaders will lead the process to identify competitive opportunities, set the targets to be achieved by 2020, and map the collaborative actions needed to achieve each target.

The Economic Ecosystem

A comprehensive economic development strategy brings all the pieces together.



GREATER PORTLAND 2020 Timeline



The Results

- **Improved coordination and guidance** for 100+ organizations driving economic development
- **Prioritization of projects and initiatives**, focusing regional money, time and energy
- **Results-focused action plan** with clear metrics, timelines, budgets, and responsible parties
- **Better communication platform** to rally public and business support around shared economic priorities
- **Success in our collective work** to grow jobs and the regional economy



Case Study: Opportunity Austin

Greater Portland 2020 builds on the success and best practices demonstrated in similar initiatives conducted in other metropolitan regions. In 2004, Austin, Texas launched Opportunity Austin, a five-year, five-county economic development initiative aimed at fostering job-creating investment in Central Texas.

- Launched in 2004 by the Austin Chamber of Commerce
- The regional business community invested \$14.4 million to execute the initiative
- The region set goals to create 72,000 new jobs and increase payroll by \$2.9 billion
- Since 2004, Opportunity Austin created 190,900 new jobs and increased payroll by \$9.9 billion (as of December 2012)

PHOTO CREDITS: OPPORTUNITY AUSTIN ANNUAL REPORT 2012

Greater Portland 2020 Process

There are six phases of work completed in a total of 10 months and facilitated by Market Street Services (see Greater Portland 2020 Facilitation page). Each phase includes consultation and input by the Steering Committee and Technical Advisory Committee.

Phase 1: Competitive Assessment (July – September)

- Selecting benchmark communities
- Analysis of Greater Portland's **People, Place and Prosperity** issues (*economic performance; workforce competitiveness; innovation and entrepreneurship; business environment; quality of life and place*)

Phase 2: Regional Talent Review (September – October)

- Examines People, Place and Prosperity in light of the talent needed to grow the region in each of these categories
- Addresses resources and attraction for young workers

Phase 3: Target Business Analysis (November – December)

- Examination of target industries for the region:
 - Target definition and national trends
 - Occupational analysis (People)
 - Industry sector analysis (Prosperity)
 - Geographic dynamics (Place)

Phase 4: Marketing Review (November – December)

- A review of GPI's marketing tools to gauge the organizational effectiveness based on Phases 1-3, includes:
 - Audience-based analysis
 - Metrics for measuring success
 - Expanded input from the client
 - Best practice examples

Phase 5: Greater Portland 2020 (December – February)

- Review of key findings from previous deliverables
- Draft Greater Portland 2020
- National best practices review

Phase 6: Implementation Plan (March – April)

- Implementation priorities
- Implementation partners
- Budget and funding
- Staffing capacity
- Performance metrics
- Communications recommendations

Outcomes

Greater Portland 2020 will produce:

- A strategic action-agenda for the region
- A detailed implementation plan that will outline steps for executing strategic actions
- Provide a five-year cycle for Greater Portland Inc and the region in economic development planning

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2014-15

December

DATE	DAY	TIME	MEETING	LOCATION
12/1	Monday	7 p.m.	City Council Meeting	Council Chambers
12/2	Tuesday	6:00 p.m.	Joint meeting with City of Tualatin	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
12/25	Thursday		City offices closed for Christmas	

COMMUNITY EVENTS & MEETINGS

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.

SECOND ANNUAL REINDEER ROMP – 5K WALK / RUN

December 6th – 8:45 a.m.

Both races begin at Town Center Park.

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 LIGHT DRIVES

December 16, 17, 18 and 19. The SMART Bus will leave the Community Center at 6:30 p.m. for the Portland International Raceway to see "Winter Wonderland" and return at approximately 8:30 p.m. Seating is limited and reservations required. Call 503-682-3727 to book your adventure. No charge for the trip, but we ask each rider to bring one new toothbrush to be donated to Wilsonville Community Sharing.

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.



RESOLUTION NO. 2500

A RESOLUTION ADOPTING THE CANVASS OF VOTES OF THE NOVEMBER 4, 2014 GENERAL ELECTION.

WHEREAS, at the General Election held November 4, 2014, the electorate of the City of Wilsonville cast ballots for two City Councilor positions; and

WHEREAS, the terms City Council positions are four-year terms, and

WHEREAS, the General Election of the registered voters of Clackamas County was conducted by mail; and

WHEREAS, the County Clerk of Clackamas County, who by statute, is in charge of conducting all elections, has filed an abstract of the tally of votes cast at the election, which tally for Clackamas County was duly received by the City Recorder on November 24, 2014; and from Washington County was duly received by the City Recorder on November 24, 2014, copies of which are attached hereto and incorporated by reference.

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

1. That the City Council of the City of Wilsonville does hereby adopt the votes of the November 4, 2014, General Election as follows:

FOR THE POSITION OF CITY COUNCILOR

Clackamas County:	Precinct 201	Precinct 202	Precinct 203	Totals
Scott Starr	1,546	1,947	1,024	4,517
Charlotte Lehan	1,368	1,654	1,075	4,097
Uncertified	80	98	17	195
Totals	2,994	3,699	2,116	8,809

Washington County:	
Scott Starr	93
Charlotte Lehan	85
Under Votes	140
Write In	6
Totals	324

TOTAL VOTES CAST IN BOTH COUNTIES

Scott Starr	4,610
Charlotte Lehan	4,182
Under Votes	335
Write In	6

1. Based upon the adopted canvass of votes, the City Council affirms that Scott Starr and Charlotte Lehan have each been elected to the position of City Councilor for a four-year term beginning January 1, 2015.

2. The City Recorder shall file the Certificates of Election in accordance with the above.

3. This resolution shall be effective upon its adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting this 1st day of December, 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 -

Council President Starr -

Councilor Goddard -

Councilor Fitzgerald -

Councilor Stevens -

Attachments:

Certificate of Election

Abstract of Vote – Clackamas and Washington counties

**City of Wilsonville
Certificate of the November 4, 2014
General Election Results**

State of Oregon)
)
Counties of Clackamas)
And Washington)
)
City of Wilsonville)

I Sandra C. King, MMC, do hereby certify that I am the City Recorder and the Election Official for the City of Wilsonville, Clackamas and Washington counties, Oregon, and I state:

1. A regular election was held November 4, 2014 for the electorate of the City of Wilsonville to cast ballots for two City Councilor positions.

2. The November 4, 2014 General Election was conducted by mail by the Clackamas County Elections Division.

3. The County Clerk of Clackamas County, who by statute, is in charge of conducting all elections, has tallied the votes cast for this election and delivered to the City a final copy of the Abstract of Votes, a copy of which is attached as Exhibit A, and incorporated herein.

I hereby certify the results of the November 4, 2014 General Election voted upon by the qualified voters of the City of Wilsonville as follows:

a. That **Scott Starr** was elected to the office of City Councilor, for a four-year term commencing January 1, 2015.

b. That **Charlotte Lehan** was elected to the office of City Councilor, for a four-year term commencing January 1, 2015.

Dated this _____ day of November, 2014.

Sandra C. King, MMC, City Recorder



CLACKAMAS COUNTY

Office of County Clerk

SHERRY HALL
CLERK

1710 Red Soils Ct. Ste 100
OREGON CITY, OR 97045
503.722.6086

November 24, 2014

City of Wilsonville – Sandra King
29799 SW Town Center Loop E
Wilsonville, OR 97070

Dear Ms King:

Attached please find the certified results of the November, 2014 General Election.

Let us know if any additional information is needed.

Sincerely,


Steve Kindred
Deputy Clerk, Elections Manager

Board of Property Tax Appeals
1710 Red Soils Court, Ste 100
Oregon City, OR 97045
503.655.8662
FAX 503.650.5687

Elections Division
1710 Red Soils Court, Ste 100
Oregon City, OR 97045
503.655.8510
FAX 503.655.8461

Recording Division
1710 Red Soils Court Ste 110
Oregon City, OR 97045
503.655.8551
FAX 503.650.5688

Records Management Division
1810 Red Soils Court, Ste 120
Oregon City, OR 97045
503.655.8323
FAX 503.655.8195

Canvass Report — Election Voters — Official
Clackamas County, Oregon — General Election — November 04, 2014

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Total Number of Voters : 161,652 of 229,859 = 70.33

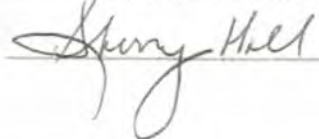
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Precincts Reporting 118 of 118 = 100.00%

City of Wilsonville City Councilor (2 seats)

Precinct	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Scott Starr	Charlotte Lehan	Uncertified	Totals
201	2534	2534	3593	70.53%	1546	1368	80	2994
202	3220	3220	4873	66.08%	1947	1654	98	3699
203	1770	1770	2140	82.71%	1024	1075	17	2116
Totals	7524	7524	10606		4517	4097	195	8809

CERTIFIED COPY OF THE ORIGINAL
 SHERRY HALL, COUNTY CLERK

BY: 

Resolution No. 2500

Exhibit A

Resolution No. 2500

Exhibit A

NUMBERED KEY CANVASS

Washington County, Oregon
General Election
November 4, 2014

FINAL

RUN DATE:11/21/14 04:09 PM

REPORT-EL52 PAGE 0071

City of Wilsonville Council

VOTES PERCENT

VOTES PERCENT

Vote for 2

01 = Scott Starr

93 50.54

02 = Charlotte Lehan

85 46.20

04 = OVER VOTES

0

03 = WRITE-IN

6 3.26

05 = UNDER VOTES

140

01 02 03 04 05

0432 432

93 85 6 0 140



CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, November 3, 2014. Mayor Knapp called the meeting to order at 7:15 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Sandra King, City Recorder
Mark Ottenad, Public and Government Affairs
Jon Gail, Community Information Coordinator
Kristin Retherford, Economic Development Manager
Chris Griffith, Legal Intern
Kerry Rappold, Environmental Services Manager
Delora Kerber, Public Works Director
Chief Jeff Smith, Wilsonville Police Department
Susan Cole, Finance Director

Motion to approve the order of the agenda.

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

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

A. Upcoming Meetings

The Mayor announced that all City offices will be closed in observance of Veteran's Day November 11th. City offices will also be closed for the Thanksgiving Holiday November 27-28. Mayor Knapp noted the date of the next Council meeting and mentioned the meetings he attended on behalf of the City.

COMMUNICATIONS

A. Resolution in Support of Strategies to Reopen the Willamette Falls Locks

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Mark Ottenad prepared the staff report. Staff members of the U.S. Army Corps of Engineers, Portland District Office, have indicated a preference and willingness to assist in studying and funding repairs to the closed Willamette Falls Locks in order to facilitate transfer of ownership and operation to a new entity. A number of stakeholders known as the One Willamette River Coalition coordinated by the Willamette Falls Heritage Foundation and the National Trust for Historic Preservation are advancing efforts to actuate the proposed transfer of ownership and to restore and reopen the Locks.

The Corps of Engineers recognizes that the 140-year-old Willamette Falls Locks are a historic asset that can provide a number of benefits for various river users. However, due to the severe reduction over time of "tonnage" being transported through the Locks coupled with the costs of operations and maintenance and declining federal support, the Corps is unable to continue operating or maintaining the Locks.

In December 2011 the Corps closed indefinitely the Locks to river traffic and placed them in "non-operational" status due to finding a "life safety emergency" with key components used to operate the Locks. Normally, however, the Corps would have first conducted a Section 106 analysis under the National Historic Preservation Act (NHPA) and a "NEPA" review under the National Environmental Policy Act to study and disclose to the public and decision-makers the impacts of the proposed action to close the Locks.

The Corps is conducting the NHPA Sec106 process now and plans to conduct the required NEPA analysis to examine the impacts of the current decision to close the Locks. Both of these processes develop potential binding mitigation measures that can be either broad and all-embracing or narrow with incremental steps.

The Portland Corps leadership has indicated a preference for reopening the Locks; however, to do so, the Corps anticipates transferring ownership and/or operations to another entity that is yet to be identified. The Corps states that "de-authorizing" the Locks as a federal project and transferring the facility to a new owner/operator would take two-plus years.

The Corps has indicated that staff will seek additional funds from the Office of Management and Budget to conduct a "real-estate study" that would provide a complete, detailed assessment of the Lock's condition and projected costs for repairs. The Corps has also indicated that staff would seek an appropriation to improve the condition of the Locks such that they are fully functional when a new owner would take control.

At this time, several entities—including the Port of Portland, ODOT, Metro and Clackamas County—have been suggested as potential owner/operator or ownership partners. However, the effort to identify an eventual owner/operator has only just started and considerable work remains for this endeavor.

A coalition of businesses, local governments and nonprofit organizations known as the One Willamette River Coalition believes that the Lock facilities are vital for a wide range of river uses that include commercial, industrial, recreational, tourism and marine patrols. Coordinated by the Willamette Falls Heritage Foundation (a nonprofit founded in 2000 based in West Linn) working in conjunction with the National Trust for Historic Preservation, the coalition seeks to bring about a transfer of ownership of the Locks from the Corps to a new owner. The One

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

Willamette River Coalition believes that such a transfer would enable the Locks to once again serve communities along the Willamette River.

Because Wilsonville could benefit from operational Locks, especially as it relates to the City Council's goal for a vital multi-modal transportation network and economic development opportunities, the Foundation requested City support for funds for an economic study on the potential benefits for reopening the Locks. The City Council approved in January 2014 a \$2,500 contribution to the study conducted by ECONorthwest, which was released on September 30 as the *Willamette Locks Economic Potential Report*.

The Foundation and the National Trust are now approaching potentially impacted jurisdictions up and down the river and requesting a resolution of support that endorses reopening of the Locks. The National Trust for Historic Preservation has retained two high-profile public-affairs consultants, former Congresswoman Darlene Hooley and Lisa Naito of Hooley & Naito LLC, to advance lobbying efforts at the local, state and federal levels in support of reopening the Locks.

In addition to the direct and immediate river-based transportation objectives, operational Locks could provide additional benefits. Officials from Wilsonville Concrete, Inc., and Marine Industrial Construction, LLC, have indicated that 15–30 total jobs could be impacted if the Locks are not re-opened on a permanent basis.

Wilsonville Concrete and Marine Industrial Construction, which has used the Locks for 127 years, currently conducts extensive work along the Willamette and Columbia Rivers for various businesses and agencies for marine repair and dredging operations, and historically have moved substantial amounts of aggregate to Wilsonville from down river. Each barge carries the volume of aggregate equivalent to 30–35 loaded dump trucks. On an annual basis, regular use of the river to transport aggregate to Wilsonville could reduce truck traffic in the city by more than 5,000 dump-truck trips and more than 360,000 truck miles annually on the Oregon roads systems.

Operational Locks would also allow the City to consider establishing a “port,” which could be eligible for various state and federal funding programs. Eventual development of a port at Wilsonville, the second highest navigable city on the Willamette River, could add to the sustainable logistics hub that Wilsonville is known for historically, while creating additional employment by attracting logistic firms to the area.

The Locks being open would also support the US Coast Guard-required maintenance schedule for the Canby Ferry at roughly 10% of the cost structure needed without the Locks being open. Additionally, state and local law enforcement would have additional capacity available for movement along the river if the Locks are operational.

As the City develops a tourism strategy, recreational access to and use of the Willamette River continues to rise as an issue deserving of further study and consideration. In addition to activities such as float trips on the Willamette River Water Trail, river cruises from Portland to Oregon wine country are a potential tourist attraction that could be developed if the Locks were operational.

Former Congresswoman Darlene Hooley and Lisa Naito, Principals of Hooley & Naito LLC, spoke in support of the proposed Resolution and provided a historical perspective on the commercial importance of the Locks and the role it has played in river recreation, and tourism.

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

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

Dave Bernert, Wilsonville Concrete and Marine Industrial Construction, stated prior to their closure his company used the Locks for 127 years moving tons of materials up and down the Willamette River and he supported the reopening of the Willamette Locks for commerce. Mr. Bernert cautioned the Locks would need to be open on a reliable, regular schedule to support commercial use.

Jeff Brown, General Manager of the Holiday Inn, spoke in favor of the development of a year-round athletic/sports complex with multiple playing fields, both inside and outside, along with retail activities in the complex. He reported on the growth of tournaments in the area and noted the prime location of Wilsonville to support such a complex. Mr. Brown suggested that a feasibility study for an athletic/sports complex be conducted using transient/lodging taxes.

Heather Ward, Wilsonville Lacrosse Director, also supported the use of tax dollars for a feasibility study for a sports complex. She felt fields should be accessible year round and that tournaments would bring money and tourism to the community. There were not enough fields to accommodate the number of youth sport teams that needed to practice.

Jim Brazzo, 22050 Rosemont Ridge Court, West Linn, expressed support for more athletic fields and for conducting a feasibility study for athletic center with hotel/motel tax dollars.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (*Park & Recreation Advisory Board Liaison*) Councilor Starr supported the idea of an athletic complex to increase the number of athletic fields in town. He suggested a facility where kids would use the fields Monday through Friday, and to generate revenue tournaments schedule use of the fields on the weekend. The Councilor proposed discussing a feasibility study for such a facility at the next work session.

Councilor Starr announced the dates of the Memorial Park Master Plan Open Houses, and the dates of the next Parks and Recreation Advisory Board meeting. He mentioned the volunteer opportunities on the City's Boards and Commissions.

Councilor Goddard – (*Library Board Liaison*) reported on the activities that will be taking place in the Library over the next few weeks. The Councilor announced the opportunity to dispose of leaves during the Fall Leaf Drop-off event at City Hall on the 15th, and reminded the public to vote.

Councilor Fitzgerald – (*Development Review Panels A & B Liaison*) thanked the citizens who had served on the City's Boards and Commissions. She announced the next meeting dates of the

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Development Review Board Panels as well as the Veteran's Day Celebration scheduled for Town Center Park on November 11th.

Councilor Stevens – (*Planning Commission; CCI; Wilsonville Seniors Liaison*) stated the Planning Commission sitting as the CCI has scheduled a Wastewater Collection System Master Plan open house for November 12th. She invited the public to participate in the second annual Reindeer Romp in December, and the Wilsonville Garden Club Swag sale at the Library.

CONSENT AGENDA

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

- A. **Resolution No. 2496**
Resolution Of The City Of Wilsonville Supporting The Reopening Of The Willamette Falls Locks.

- B. **Resolution No. 2495**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute Addendum One Amending Section 4.9 Of The Intergovernmental Agreement Between The City Of Sherwood And The City Of Wilsonville Regarding Cost, Construction Ownership, And Operation Of Segment 3B Of A 48-Inch Diameter Water Transmission Line From The Terminus Of Segment 3A In Kinsman Road To The Beginning Point Of Segment 4 Near The Intersection Of The Proposed, As Yet To Be Completed, Segment Of Kinsman Road And Boeckman Road, A Length Of Approximately 2,400 Feet.

- C. **Resolution No. 2492**
A Resolution Of The City Of Wilsonville Declaring City-Owned Real Property Described As 3S-1W-15BD Tax Lot #01503 As Surplus Property And Authorizing Staff To Dispose Of The Property Through Sale.

- D. **Resolution No. 2494**
A Resolution Of The City Of Wilsonville Authorizing Acquisition Of Property Interest Related To The Replacement Of Water Pipeline (CIP Project #1121).

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

Vote: Motion carried 5-0.

PUBLIC HEARING

- A. **Ordinance No. 750** – 1st Reading
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 5, Vehicles And Traffic, Section 5.210, Prohibited Parking Or Standing

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Mr. Kohlhoff read the title of Ordinance No. 750 into the record on first reading. Mr. Kohlhoff introduced Chris Griffith, a third year student at Lewis and Clark Law School who is clerking for the Legal Department.

Mayor Knapp presented the public hearing format and opened the public hearing.

Mr. Griffith prepared the staff report: A recent Ninth Circuit opinion held that Los Angeles' prohibition of using vehicles as "living quarters" is unconstitutionally vague in violation of the Fourteenth Amendment. *Desertrain v. Los Angeles*, No. 11-56957 (9th Cir. June 19, 2014). In short, the court ruled that the ordinance's language did not sufficiently inform citizens of what activity it actually prohibited. The Los Angeles Police Force formed a task force to target homeless individuals on Venice Beach and used their ordinance prohibiting use of a vehicle as living quarters aggressively. Cited individuals sued, claiming that they could not have predicted that the ordinance prohibited the activities for which the police issued the citations. The Ninth Circuit agreed, stating that "[s]electively preventing the homeless and the poor from using their vehicles for activities many other citizens also conduct in their cars [is inappropriate.]" *Id.* at *22. Whether the United States Supreme Court would agree that the ordinance is unconstitutionally vague is debatable, but a simple amendment to the Wilsonville City Code can avoid the problem and make the provision clearer.

The Wilsonville Code prohibits using a vehicle or trailer to "camp in, sleep in, or live in while parked upon a City street." WC 5.210(12). While the Ninth Circuit found that term "living quarters" is unconstitutionally vague, the term "live in" provides no more guidance and thus requires clarification. In order to better protect the City from liability, the amendment clarifies the meaning of all the prohibited activities: camping, sleeping, and living in vehicles. The revised ordinance targets individuals who are using vehicles as a dwelling for extended periods of time and excludes reasonable behavior.

The ordinance will clarify what activities are prohibited and better protect the City from legal challenges. The ordinance defined the term "live in" with more specificity, and allowed weary drivers to take a two hour nap. The ordinance still allowed recreation vehicles to remain on the street in preparation for or returning from a camping or out of town trip.

Mayor Knapp invited public testimony, hearing nothing he closed the public hearing at 8:30 p.m.

Motion: Councilor Fitzgerald moved to approve Ordinance No. 750 on first reading. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

B. Ordinance No. 751 – 1st Reading

An Ordinance Of The City Of Wilsonville Adding Section "10.550 Civil Exclusion" To Chapter 10 Of The Wilsonville City Code.

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

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

Mr. Griffith presented the staff report: The Mayor has expressed a concern over individuals who disrupt the public peace and safety on public property. Police in Clackamas County currently have the power to exclude individuals from private property when empowered by the property owner. Clackamas County has also adopted an exclusionary trespass ordinance for public property. On occasion, the City has had trouble with disruptive and dangerous individuals in the past. From time to time, the police have had difficulties preventing individuals from repeatedly camping on public property, threatening city staff, or engaging in disruptive behavior. The proposed ordinance empowers Wilsonville police to issue exclusions to individuals who engage in criminal, disruptive, or dangerous activity on public property. Those exclusions would prohibit the individual from reentering that public place until the exclusion expires.

Officers can exclude individuals from public property and subsequently arrest them for trespass should they reenter. Residents within Wilsonville have taken advantage of that opportunity to protect private property. City police officers have also noted concern that they do not currently have a corresponding power on City property.

Exclusions from public property can create Constitutional First Amendment problems if administered incorrectly. The legal department designed the ordinance's procedural requirements—variances, appeals, etc.—to avoid those problems. The procedures create exceptions from the exclusion in order to ensure that an individual can engage in protected free speech activities and that the exclusion does not violate their basic rights.

As Wilsonville continues to develop into a larger, more populous City, the power to exclude disruptive and dangerous individuals will be a valuable tool for police to keep City Staff, residents, and visitors safe.

Passage of the ordinance gives the Wilsonville Police Department an additional tool to protect public safety by excluding an individual from public property, such as City Hall or a park. Essentially, the ordinance extends the Police Department's power to exclude individuals from private property and public property.

Mayor Knapp asked if the legal staff had spoken with other agencies that had this type of ordinance in place. Mr. Griffith stated he had spoken with Chief Smith who felt the ordinance would give the Police an additional tool to use, and that the draft ordinance was based on one in use in Portland.

Councilor Goddard asked for a clarification on what constituted "disruptive" behavior since some may consider teenagers disruptive in certain instances.

Mr. Kohlhoff indicated the person would need to be violating any applicable provision of law or regulation in or on City property. The proposed ordinance provided a tool for an officer to address the person, give a warning, and allow the opportunity for the person to stop the behavior before issuing any citation of exclusion. First amendment activities are not included in this

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ordinance.

Mayor Knapp invited public testimony, hearing none he closed the public hearing at 8:40 p.m.

Motion: Councilor Stevens moved to approve Ordinance No. 751 on first reading. Councilor Goddard seconded the motion.

Councilor Stevens thought the ordinance provided a tool that would promote citizens' feeling of safety and security in the community.

Councilor Fitzgerald appreciated that the Wilsonville Police force valued reasonableness and the issuing of a warning prior to issuing any exclusionary citation.

Councilor Goddard indicated he had raised the question of the term "disruptive" to insure the language struck a balance between social services and protecting citizens from a dangerous person. He thought the language reached the right balance.

Mayor pointed out a typographical error on page 3 of 6 number (d) 5; and that there was a blank line on page 4 of 6 (8). Mr. Kohlhoff indicated Council should direct staff to make those appropriate edits in their motion.

Councilor Stevens and Councilor Goddard agreed to the two corrective amendments.

Vote: Motion carried 5-0.

C. **Ordinance No. 752** – 1st Reading
An Ordinance Of The City Of Wilsonville Adding Section 3.022 Water Safety Regulations To The Wilsonville City Code

Mr. Kohlhoff read Ordinance No. 752 by title only for the record.

Mayor Knapp opened the public hearing at 8:48 p.m. and recited the hearing procedure.

The staff report was prepared by Mr. Griffith, legal intern. The State Marine Board and Wilsonville's Parks & Recreation Department desire to prohibit swimming, fishing, and diving at Wilsonville's boat dock at Memorial Park. The City has previously had signs prohibiting the activity at the dock. However, upon review, it has come to light that the code does not grant explicit authority to prohibit the activities. Rather than restricting the ordinance only to the boat dock, City Staff decided to draft the ordinance to allow the prohibition anywhere the City determines necessary "upon a finding that such activity is unsafe or impedes use of a facility or City property as designed." The City may very well determine that other areas are unsafe for water recreation and wish to implement similar prohibitions. Although probably protected by governmental immunities in most cases, the ability to prohibit the activities could also protect the City from liability. Water recreation can be an extremely dangerous activity. KATU, *Is Oregon Doing Enough to prevent Drownings?*, The Oregonian, 'We probably need to push a little harder,' at <http://www.katu.com/news/investigators/KATU-uncovers-difference-in-water-safety->

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plans-in-Oregon-and-Washington-266611311.html (reporting on July 10, 2014 that there had been 10 drowning in 10 days in Oregon and Southwest Washington). Thus, City Staff feels that prohibiting certain types of water recreation in particularly dangerous areas is a prudent safety measure. The ordinance would give staff the power to do so.

Passage of the ordinance would allow the City to protect the public by prohibiting certain types of water recreation in areas where it might conflict with a designated use or otherwise be dangerous.

Councilors had difficulty with excluding persons from fishing and swimming from the Memorial Park dock and felt the ordinance was overly broad and restrictive. Staff explained the restriction is a result of the grant agreement the City entered into with the State Marine Board, and the enforcement of the language in the grant agreement for another two years.

Mr. Kohlhoff offered to narrow the language to the Memorial Park dock if Council thought the language too expansive.

After inviting public input and hearing none Mayor Knapp closed the hearing at 9:12 p.m.

Motion: Councilor Fitzgerald moved to approve Ordinance No. 752 on first reading. Councilor Stevens seconded the motion.

Councilor Fitzgerald liked the idea of narrowing the scope to the Memorial Park Dock only. If additional development occurs along the Willamette River, the matter can be reopened.

Mr. Cosgrove suggested striking the phrase "any park" in the ordinance and replace it with "Memorial Park".

Councilor Goddard thought if fishing and swimming was unsafe from the Memorial Park dock, it would be unsafe from private docks as well; he did not think this was the right approach.

Mayor Knapp asked if the maker of the motion was amenable to amending her motion to include the suggested language changes.

Motion to Amend: Councilor Fitzgerald moved to amend her pervious motion to amend paragraph (1) to read, "No person shall swim, dive, or fish on or from the Memorial Park dock." And delete the language in paragraph (2) entirely and replace it with a new paragraph (2) to read "The ordinance will sunset on the date of the conclusion of the described grant agreement." Councilor Stevens seconded the motion to amend.

Councilor Starr agreed with Councilor Fitzgerald's comments; if the City is in a contract the City must fulfill the requirements of the contract.

Councilor Fitzgerald and Mayor Knapp agreed.

Vote on Amendment: Motion carried 5-0.

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Vote on Main Motion: Motion carried 4-1.
Councilor Goddard voting “no”.

Mayor declared a recess at 9:25 p.m. and reconvened the meeting at 9:35 p.m.

CONTINUING BUSINESS

- A. **Ordinance No. 753** – 2nd Reading
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 8,
Environment To Add A Stormwater Section And Make Other Modifications.

The City Attorney read Ordinance No. 753 by title only on second reading and explained Exhibit A was the full Chapter 8 that was highlighted to show where changes were made concerning stormwater.

In response to comments and questions received at the Council meeting on October 20, 2014 revisions have been made to the proposed amendments to City Code, Chapter 8 – Environment.

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.

At the Council work session and public hearing on October 20, 2014, Council had comments and questions about the stormwater section. Staff agreed to review the proposed code and recommend revisions to address the Council’s concerns. These revisions include the following:

1. Section 8.508 (Powers and Authorities of Inspectors)
Revision: Changed title to “Right of Entry.” The section was reworded to make it consistent with the State of Oregon requirements for building inspectors. The revised wording clarifies there must be a “*reasonable cause*” to believe a violation has occurred, and the inspector must make a “*reasonable effort*” to contact the property owner before entering the property. It parallels what the state has adopted for building inspectors and meets due process standards.

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2. Section 8.524 (Accidental Spill Prevention and Control)
Revision: The requirement for a Spill Prevention and Control Plan was linked to documented instances of spills or releases regulated under OAR 340-142-0005(9).
3. Section 8.532 (Requirement to Monitor and Analyze)
Revision: Added a statement about monitoring, sampling and testing completed by a third party.

The community benefits from an 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.

Mayor Knapp referred to Page 59 of 102, Paragraph (1) dealing with Right of Entry and the wording modifications, "...or where the City's authorized stormwater representative has reasonable cause to believe there exists upon the premises a condition which is contrary to or in violation of this code which makes the premises unsafe, dangerous or hazardous, the City's authorized stormwater representative is authorized to enter the premises...". The Mayor wanted to know if the same limiting conditional wording could be used in Section 8.214, page 27, and 8.312, on page 49.

Ms. Kerber stated Section 8.214 Powers and Authorities of Inspectors relate to the public sanitary sewer construction; and Section 8.214 has to do with industrial pretreatment. Both of those Sections, and that language, has been reviewed by the Department of Environmental Quality (DEQ) who confirmed it was applicable, especially since it is tied to the City's Wastewater NPDES Permit and the City's pre-treatment program. Changing the language would initiate a discussion with DEQ.

Mayor Knapp referred to Section 8.214 (1) "...the Director and other duly authorized employees of the City bearing proper credential and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing, in connection with the provisions and regulations of City sewage collection and treatment system as provided for in this Chapter." The section does not cite an emergency, or an expectation that there is a violation, or any of those conditions that are cited on page 59.

Mr. Cosgrove asked if the language referenced was existing Code language. Ms. Kerber stated it was existing language tied specifically to the City's industrial pre-treatment program.

Mayor Knapp wanted to know if the language referred to on page 27 could be made more like the language he referred to on Page 59.

Mr. Kohlhoff stated the City would need to discuss the changes with DEQ and the Environmental Protection Agency (EPA). The City went through a very vigorous process in which they required these abilities. The pre-treatment program must have a special permit.

Mr. Cosgrove noted a distinction should be made between sanitary sewer and stormwater; one has the potential to have a major impact on public health. He did not think Council wanted to tie staff's hands to deal with a sanitary sewer emergency.

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Ms. Kerber said the industrial pre-treatment program relates to commercial and light industrial facilities, not residential. It is intended for businesses that could release something harmful into the sewer system that could damage the wastewater treatment plant, such as petroleum, acids, and high amounts of metals. The City needs to have the ability to conduct inspections and take samples of these businesses waste streams.

Mr. Kohlhoff noted Section 8.312 (1)(a) Right of Entry; Inspection and Sampling, states "The city, an authorized representative of the US EPA and/or authorized representative of the Oregon DEQ shall have the right to enter the premises of any user to ascertain whether the purpose of this Chapter is being met and all requirements are being complied with." That is an authority the City has to have.

Councilor Starr referred to page 27, Section 8.214 the third line, and suggested adding after the phrase "shall be permitted to enter all" the term "*commercial and industrial*".

Mr. Cosgrove thought this would limit the City's ability to act quickly, and used a residential methamphetamine lab as an example.

Mayor Knapp said the language does not state "an emergency" or reasonable cause for believing a violation has occurred or any condition whatsoever, just that "shall be permitted to enter all properties".

Mr. Cosgrove stated changes in the language need to be vetted by the State, and there is Federal language that is tied into the State as well. You want to give staff the greatest amount of flexibility to insure that what one person does, does not affect the greater.

A discussion regarding personal/private property rights, government intrusion, remedies under the law, and past environmental disaster ensued. It was noted that property owners did not lose their constitutional rights with the adoption of public safety language for wastewater.

Mr. Kohlhoff said the City was required to adopt regulations by the EPA down through the DEQ. To make changes to the language included in Chapter 8 regarding wastewater will require a return to the DEQ and EPA for approval. There are specific prohibitions for substances that can create fire, explosions, or have a corrosive pH amount which could cause structural damage to the plant or harm employees.

Mr. Cosgrove offered to research other city codes to see if there is more "user friendly" language.

Mr. Kohlhoff added if an individual refuses to allow staff to enter the property, then staff would obtain a warrant to do so if there is probable cause. To make changes to this section will require returning to the DEQ and EPA for approval.

Councilor Goddard asked if there was a way that would allow the Council to act on the wastewater amendments and return in the future to address the language in Chapter 8 that staff has not proposed to modify.

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Mr. Cosgrove pointed out the language being discussed is existing Code, and no changes are proposed for that language. The language before Council for consideration is shaded, underlined, struck out, and greyed; Staff is not proposing any changes to the remainder of the Chapter.

Councilor Fitzgerald understands why the language is necessary to protect the public, but was curious about the background on the language and history with the EPA.

Mr. Kohlhoff suggested the Council act on the stormwater changes to the chapter, and leave the current language as is; staff will go back to DEQ and the EPA and see if modifications can be made. Staff can look at code language used by other cities in the Portland metro area to see if there is more property right friendly language that would satisfy the concerns expressed.

Mayor Knapp asked for clarification on page 57, Section 8.502(2). The second sentence reads, "The owner shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of stormwater facilities or connections to the public stormwater system." He thought the term "indirectly" was vague and suggested including specific causes of the damage.

Mr. Kohlhoff explained when discussing loss or damage, one is talking about the dollar amount, not the cause. Indemnification protects the City from direct damages or indirect damages claims against the City by the connection done by the developer.

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

Mr. Cosgrove asked for further Council direction.

Councilor Fitzgerald wanted to learn the background on the current wording of the examples the Mayor raised on page 27 and 49 and if there is background available for consideration should Council want to make further changes.

Mayor Knapp was interested in whether the language similar to the stormwater wording on page 59 might be acceptable to the DEQ and EPA.

Staff would inquire with other cities and agencies on the language in their ordinances, and talk with DEQ to see if there is language that is more "user friendly".

Vote: Motion carried -4-0-1.
Councilor Starr - abstain
Councilor Goddard - yes
Councilor Fitzgerald - yes
Councilor Stevens - yes
Mayor Knapp - yes

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CITY MANAGER'S BUSINESS

Mr. Cosgrove indicated he would bring back the Tourism Report at the next meeting. He noted Council protocol required a motion to continue the meeting at this point in time.

Motion: Councilor Goddard moved to continue the meeting to wrap up the remaining legal matters. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 5-0

LEGAL BUSINESS

Mr. Kohlhoff stated the Offer of Compromise had been accepted by the Young's in the amount of \$92,066.35 inclusive of the amount already paid, attorney fees, appraisal fees, court costs and interest at the statutory judgment rate of nine percent. A plaque identifying the Young family history on the land will be placed on the property. The Young's have requested naming rights to the property and asked that this be an additional condition of the settlement.

Motion: Councilor Goddard moved to accept the legal settlement outlined by Mr. Kohlhoff. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

ADJOURN

The Mayor adjourned the Council meeting at 10:25 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 1, 2014	Subject: Ordinance No. 763 Annexation of approximately 9.8 acres at 11650 SW Tooze Road and a small triangular approximately 6315 square foot property across SW Grahams Ferry Road from 28333 SW Grahams Ferry Road Staff Members: Daniel Pauly AICP, Associate Planner. Department: Planning Division
Action Required ☐ Motion ☒ Public Hearing Date: ☒ Ordinance 1 st Reading Date: December 1 ☒ Ordinance 2 nd Reading Date: January 5 ☐ Resolution ☐ Information or Direction ☐ Information Only ☐ Council Direction ☐ Consent Agenda	Development Review Board Recommendation ☒ Approval ☐ Denial ☐ None Forwarded ☐ Not Applicable Comment: Following their review at the November 10th meeting, the Development Review Board, Panel A recommends approving the requested annexation.
Staff Recommendation: Staff recommends that the City Council adopt Ordinance No. 763.	
Recommended Language for Motion: I move to adopt Ordinance No. 763 on the 1 st reading.	
PROJECT / ISSUE RELATES TO: Comprehensive Plan, Zone Code and Villebois Master Plan.	
☐ Council Goals/Priorities	☒ Adopted Master Plan(s) Villebois Master Plan
☐ Not Applicable	

ISSUE BEFORE COUNCIL: Approve or deny Ordinance No. 763 to annex approximately 9.8 acres at 11650 SW Tooze Road and a small triangular approximately 6315 square foot property across Grahams Ferry Road from 28333 SW Grahams Ferry Road

EXECUTIVE SUMMARY: The subject properties are part of the Villebois Village Master Plan and have the Comprehensive Plan designation of Residential-Village. Their annexation and accompanying Zone Map Amendment in Ordinance No. 764 will be an important step in enabling the properties to be used consistent with the Villebois Village Master Plan. The small

triangular property along Grahams Ferry Road will be used to build a fence and open space consistent with the previously annexed areas to the north and south. The annexation of the larger property will enable development of a park, to be reviewed separately, on the southern edge of the property, as well as provide for a more streamlined process when the remainder of the property is developed.

EXPECTED RESULTS: Adoption of Ordinance No.763.

TIMELINE: The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

CURRENT YEAR BUDGET IMPACTS: None anticipated

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole , Date: 11/20/14

LEGAL REVIEW / COMMENT:

Reviewed by: MEK, Date: 11/19/2014

Ordinance No. 763 is approved as to form.

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

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY Ordinance No. 763 will support the continuing implementation of the Villebois Village Master Plan.

ALTERNATIVES: The alternatives are to approve or deny the annexation request.

CITY MANAGER COMMENT:

ATTACHMENTS:

Exhibit A – Ordinance No. 763 and Attachments:

Attachment 1 Legal Description and Sketch Depicting Land/Territory to be Annexed

Attachment 2 Petition and Land Owner Signature

Attachment 3 Annexation Findings, December 1, 2014.

Attachment 4 Development Review Board Panel 'A' Resolution 292 Recommending Approval of Annexation

ORDINANCE NO. 763

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 1st day of December 2014, and scheduled the second reading on January 5, 2015 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

Sandra C. King, City Recorder

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

AYES: -- NAYS: --

Sandra C. King, City Recorder

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

TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp _____
Councilor President Starr _____

Councilor Fitzgerald _____

Councilor Stevens _____

Councilor Lehan _____

Attachments:

Attachment 1 Legal Description and Sketch Depicting Land/Territory to be Annexed

Attachment 2 Petition for Annexation

Attachment 3 Annexation Findings, December 1, 2014.

Attachment 4 Development Review Board Panel A Resolution No. 292 recommending approval of the annexation



EXHIBIT "A"

October 10, 2014

LEGAL DESCRIPTION

Job No. 103-005

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

BEGINNING at the Northeast corner of said Parcel 1;

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

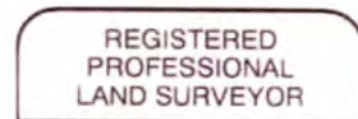
thence along the northerly line of plat of "Tonquin Woods at Villebois No. 4", South 89°59'58" West, a distance of 481.11 feet to the Southwest corner of said Parcel 2;

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

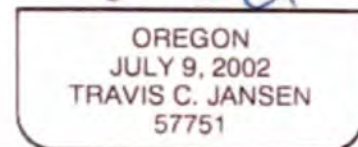
thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), North 89°59'50" East, a distance of 479.85 feet to the POINT OF BEGINNING.

Containing 9.81 acres, more or less.

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



A handwritten signature in blue ink, appearing to read "T. Jansen".



RENEWS: 6/30/2015

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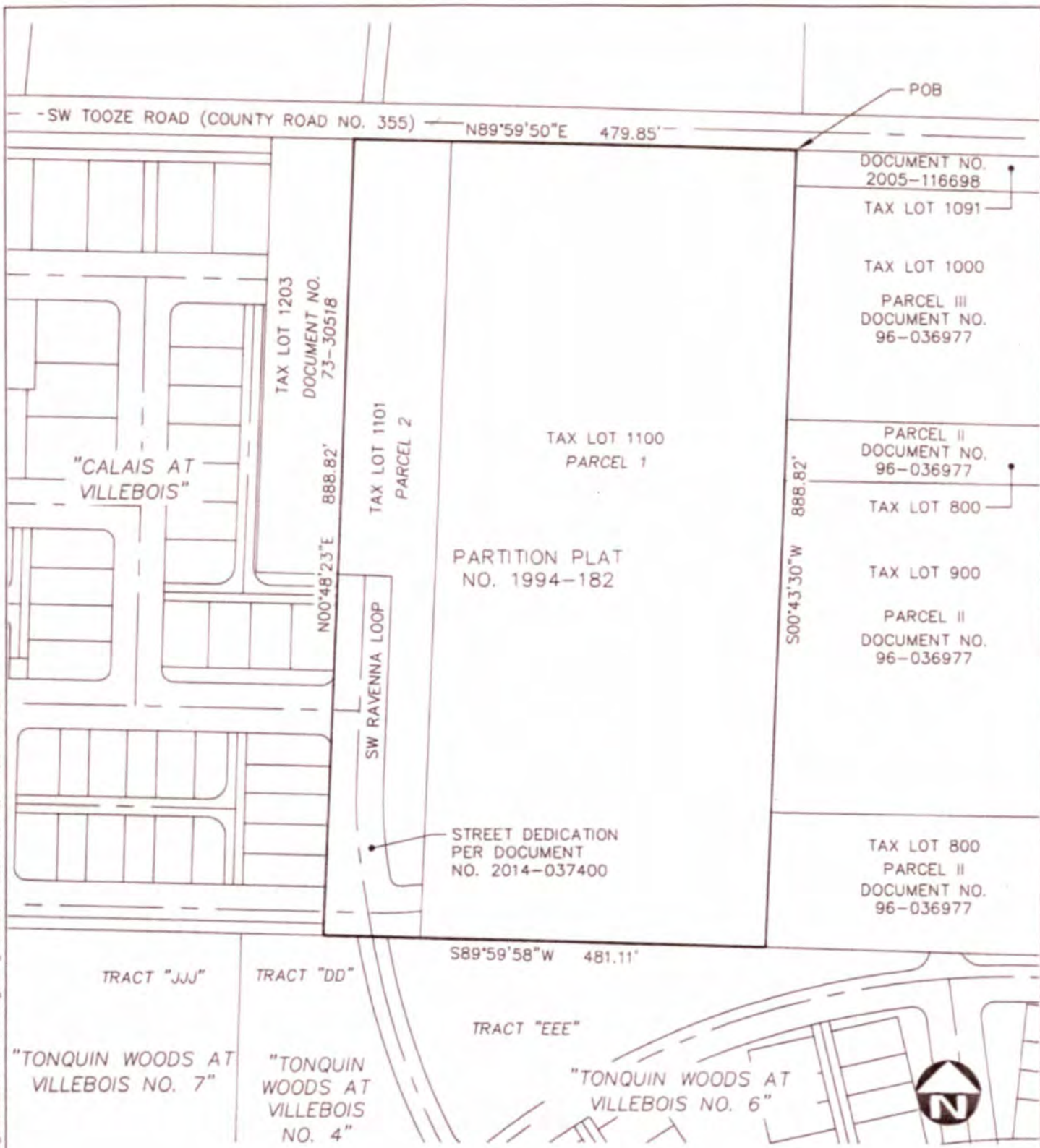


EXHIBIT "A"

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



12564 SW Main St
Tigard, OR 97223
(T) 503-941-9484
(F) 503-941-9485



EXHIBIT "A"

October 14, 2014

LEGAL DESCRIPTION

Job No. 103-005

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

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

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

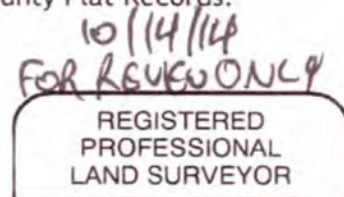
thence along said easterly Right-of-Way line, North $17^{\circ}14'42''$ East, a distance of 170.17 feet to an angle point on the westerly plat line of "Calais at Villebois";

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

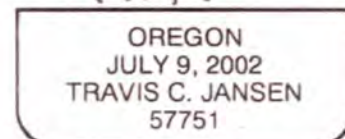
Containing 6,315 square feet, more or less.

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

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



DRAFT



RENEWS: 6/30/2015

Property Vested In:
City of Wilsonville
Section: 3S1W15
Tax Lot: 1503

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

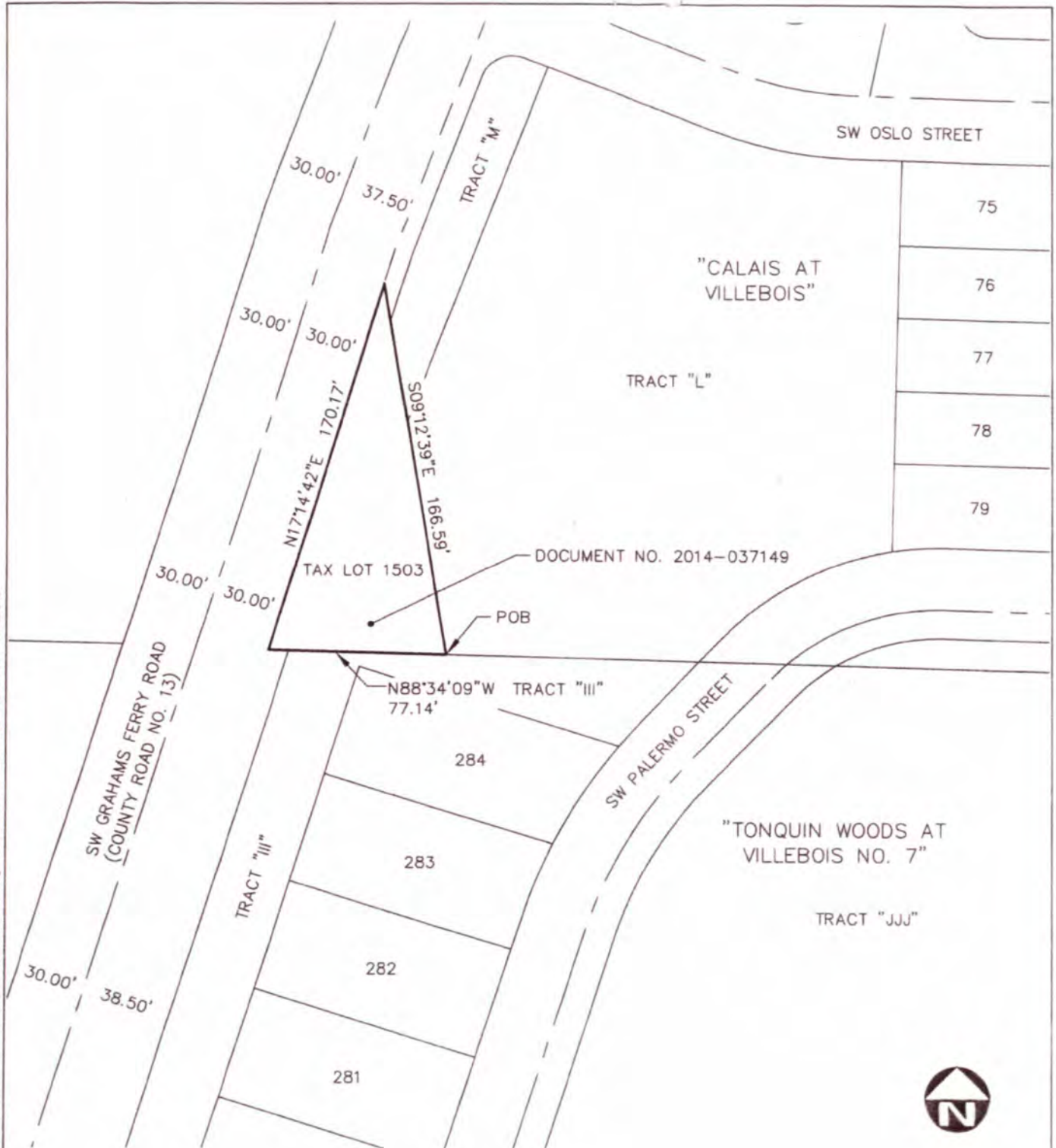


EXHIBIT "A"

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

PAGE 1 OF 1



12564 SW Main St
Tigard, OR 97223
[T] 503-941-9484
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Page 4 of 4

Petition for Annexation to the City of Wilsonville

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

Signed on behalf of the City of Wilsonville, petitioner,



Bryan Cosgrove, City Manager

Date 10/16/14



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Containing 9.81 acres, more or less.

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2015

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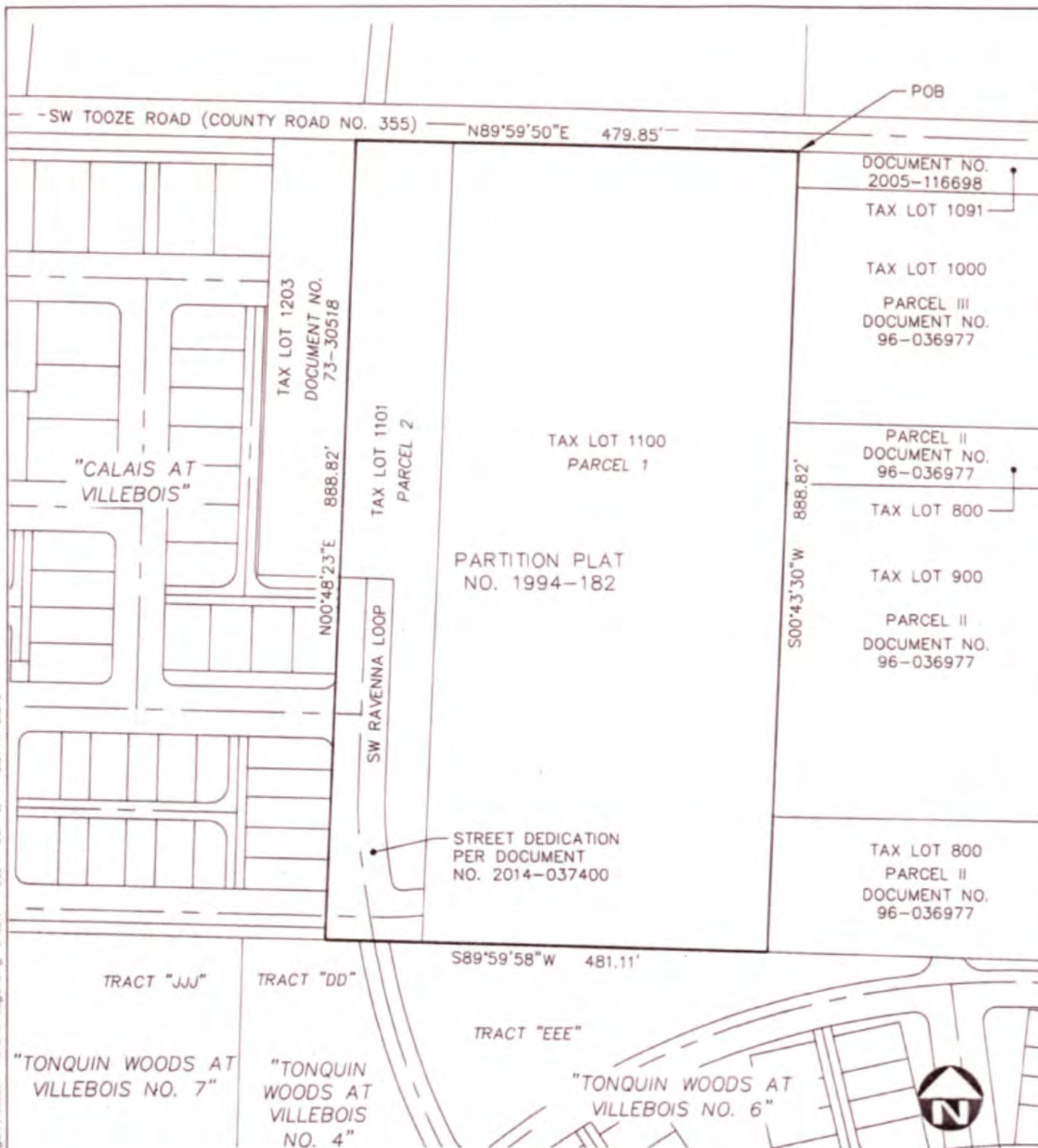


EXHIBIT "A"

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EXHIBIT "A"

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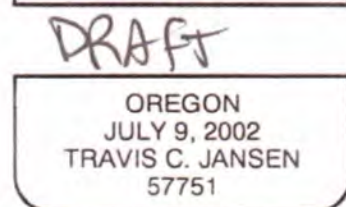
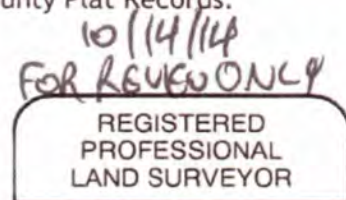
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No. 7 plat



RENEWS: 6/30/2015

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

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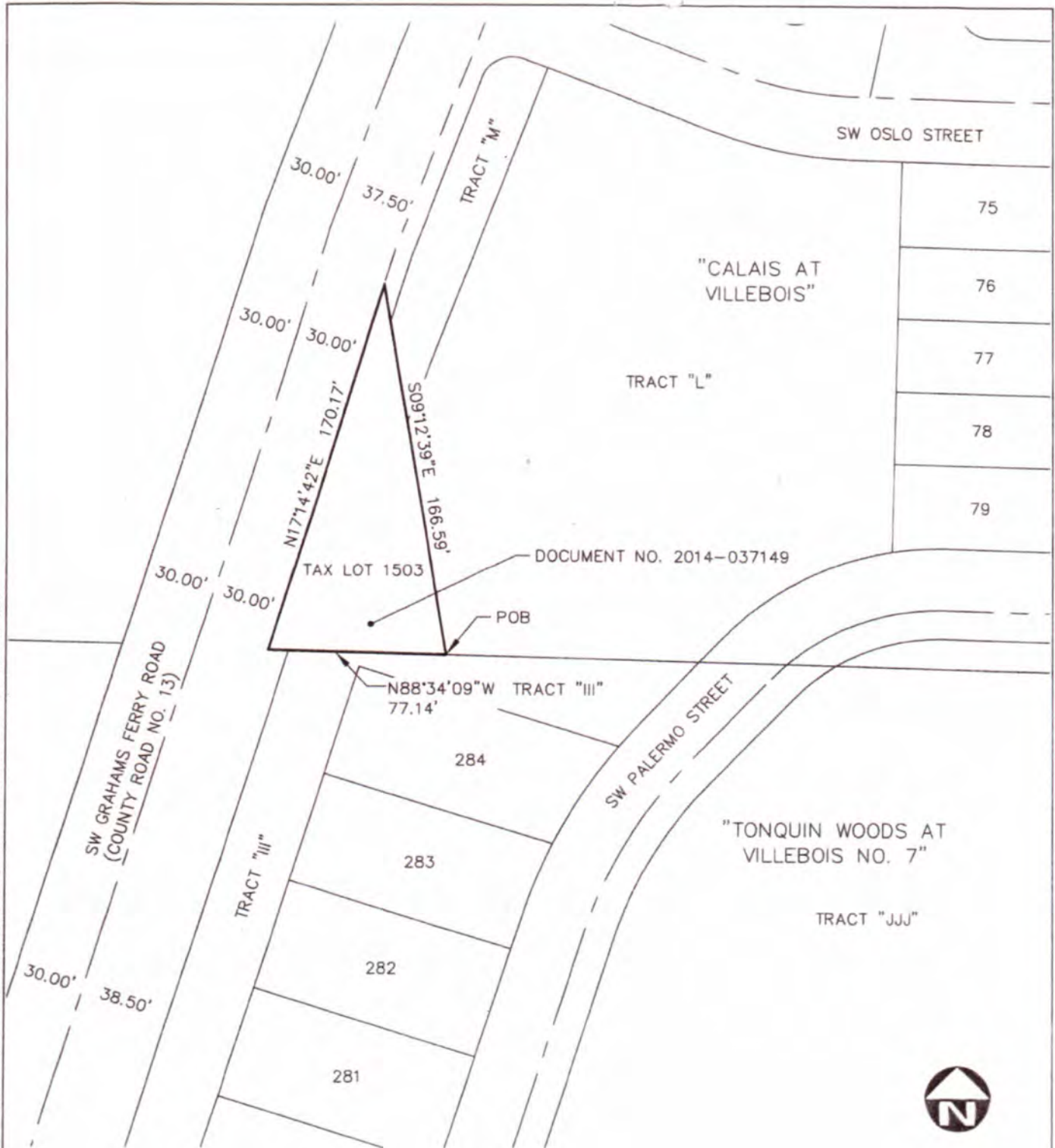


EXHIBIT "A"

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SCALE: 1"=60'

PAGE 1 OF 1



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Page 4 of 4

Ordinance No. 763 Attachment 3
STAFF REPORT
WILSONVILLE PLANNING DIVISION

North Villebois City Properties Annexation

CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING

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

APPLICATION NOS.: DB14-0064Annexation

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

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

OWNER/APPLICANT/PETITIONER: City of Wilsonville

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

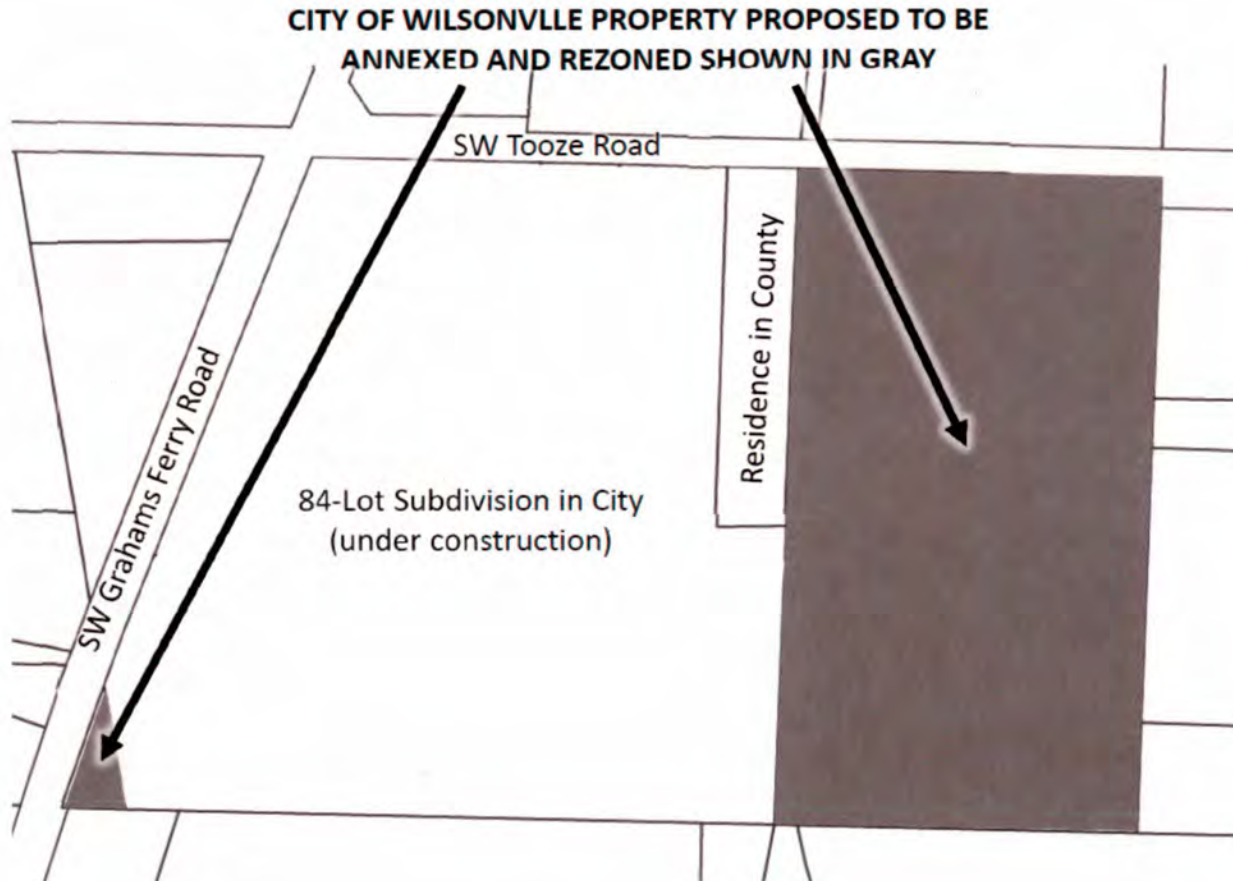
ZONE MAP CLASSIFICATION (COUNTY): RRFF5 (Rural Residential Farm Forest 5)

STAFF REVIEWER: Daniel Pauly AICP, Associate Planner

STAFF RECOMMENDATIONS: Annex the land as requested.

APPLICABLE REVIEW CRITERIA

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

**BACKGROUND/SUMMARY:****Annexation (DB14-0064)**

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

CONCLUSION AND CONDITIONS OF APPROVAL:

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

FINDINGS OF FACT:

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

Tooze Road Properties

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

Grahams Ferry Road Property

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

3. Prior land use actions include:

Legislative:

02PC06 - Villebois Village Concept Plan
02PC07A - Villebois Comprehensive Plan Text
02PC07C - Villebois Comprehensive Plan Map
02PC07B - Villebois Village Master Plan
02PC08 - Village Zone Text
04PC02 – Adopted Villebois Village Master Plan
LP-2005-02-00006 – Revised Villebois Village Master Plan

LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)
LP10-0001 – Amendment to Villebois Village Master Plan (School Relocation from SAP North to SAP East)
LP13-0005 – Amendment to Villebois Village Master Plan (Future Study Area)

Quasi Judicial:

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

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

CONCLUSIONARY FINDINGS DB14-0064 ANNEXATION
--

Comprehensive Plan

Annexation and Boundary Changes

Implementation Measure 2.2.1.a.

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

Finding: These criteria are satisfied.

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

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

Implementation Measure 2.2.1.e.

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

Finding: These criteria are satisfied.

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

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

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

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

Compact Urban Development Implementation Measures

Implementation Measure 4.1.6.a. and c.

- A3. **Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

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

Finding: These criteria are satisfied.

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

Development Code

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

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

Section 4.700 Annexation

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

Metro Code

Chapter 3.09 Local Government Boundary Changes

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

Oregon Revised Statutes

ORS 222.111 Authority and Procedure for Annexation

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

ORS 222.120 Procedure Without Election by City Electors

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

Finding: These criteria are satisfied.

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

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

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

Finding: These criteria are satisfied.

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

Oregon Statewide Planning Goals

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

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

Finding: These criteria are satisfied.

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

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 292**

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

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

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

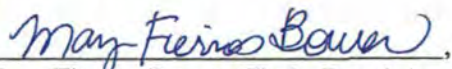
WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on November 10, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

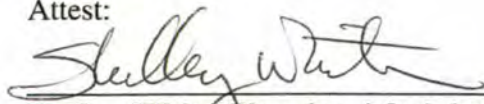
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

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

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 10th day of November, 2014 and filed with the Planning Administrative Assistant on November 13, 2014. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.


Mary Fierros Bower Chair, Panel A
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant

RESOLUTION NO. 292

PAGE 1

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 1, 2014	Subject: Ordinance No. 764 Zone Map Amendment from RRFF5 to V, City Owned Properties in North Villebois Staff Members: Daniel Pauly AICP, Associate Planner. Department: Planning Division
Action Required ☐ Motion ☒ Public Hearing Date: ☒ Ordinance 1 st Reading Date: December 1, 2014. ☒ Ordinance 2 nd Reading Date: January 5, 2015 ☐ Resolution ☐ Information or Direction ☐ Information Only ☐ Council Direction ☐ Consent Agenda	Development Review Board Recommendation ☒ Approval ☐ Denial ☐ None Forwarded ☐ Not Applicable Comment: Following their review at the November 10 th meeting, the Development Review Board, Panel A recommends approval of the Zone Map Amendment.
Staff Recommendation: Staff recommends that the City Council adopt Ordinance No. 764.	
Recommended Language for Motion: I move to approve Ordinance No. 764 on 1 st reading.	
PROJECT / ISSUE RELATES TO: Comprehensive Plan, Zone Code and Villebois Master Plan.	
☐ Council Goals/Priorities	☒ Adopted Master Plan(s) Villebois Master Plan
☐ Not Applicable	

ISSUE BEFORE COUNCIL: Approve or deny Ordinance No. 764 for a Zone Map Amendment from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) zone to Village (V) zone on approximately 9.8 acres at 11650 SW Tooze Road and a small triangular approximately 6315 square foot property across Grahams Ferry Road from 28333 SW Grahams Ferry Road.

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

EXPECTED RESULTS: Removing County zoning designation on lands within the City.

TIMELINE: The Zone Map Amendment will be in effect 30 days after the ordinance is adopted.

CURRENT YEAR BUDGET IMPACTS: None.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole , Date: 11/20/14

LEGAL REVIEW / COMMENT:

Reviewed by: MEK, Date: 11/19/2014

Ordinance No. 764 is approved as to form.

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

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY Ordinance No. 764 will provide:

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

ALTERNATIVES: Besides adopting the Zone Map Amendment the Council could allow for the accompanying annexation while leaving the Clackamas County zoning in place. This would result in the smaller property along Grahams Ferry Road to remain in the County zone long term, which would still allow construction of the fencing and planned use as open space. For the larger former school properties this would require a Zone Map Amendment be adopted by Council concurrently with future development applications for the property.

CITY MANAGER COMMENT:

ATTACHMENTS:

Exhibit A – Ordinance No. 764 and Attachments

Attachment 1, Zoning Order DB14-0065.

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

Attachment 2 Zone Map Amendment Findings, December 1, 2014.

Attachment 3 DRB Panel A Resolution No. 292 recommending approval of Zone Map Amendment

Exhibit B – Adopted Staff Report and DRB Recommendation

ORDINANCE NO. 764

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

RECITALS

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

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

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

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

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

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

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

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

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

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the Property to the City, by Zoning Order DB14-0065, attached hereto as Attachment 1, from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 1st day of December 2014, and scheduled for the second and final reading on January 5, 2015, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

Sandra C. King, City Recorder

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

AYES: -- NAYS: --

Sandra C. King, City Recorder

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

TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp	_____
Councilor President Starr	_____
Councilor Fitzgerald	_____

Councilor Stevens

Councilor Lehan

Attachments:

Attachment 1: Zoning Order DB14-0065.

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

Attachment 2: Zone Map Amendment Findings,

Attachment 3: DRB Panel A Resolution No. 292 recommending approval of the Zone Map Amendment

ORD. NO. 764 ATTACHMENT 1

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

In the Matter of the Application of	)	
The City of Wilsonville	)	
for a Rezoning of Land and Amendment	)	ZONING ORDER DB14-0065
of the City of Wilsonville	)	
Zoning Map Incorporated in Section 4.102	)	
of the Wilsonville Code.	)	

The above-entitled matter is before the Council to consider the application of DB14-0065, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

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

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

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 9.8 acres at 11650 SW Tooze Road and a small triangular approximately 6315 square foot property across SW Grahams Ferry Road from 28333 SW Grahams Ferry Road comprising Tax Lots 1100, 1101, and 1503 (formerly 1591) of Section 15, as more particularly shown and described in the Legal Description and Sketch, Attachment A, is hereby rezoned to Village (V), subject to conditions detailed in this Order's adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 5th day of January, 2015.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, MMC, City Recorder

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



EXHIBIT "A"

October 10, 2014

LEGAL DESCRIPTION

Job No. 103-005

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

BEGINNING at the Northeast corner of said Parcel 1;

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

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

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

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

Containing 9.81 acres, more or less.

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2015

N:\proj\103-005\09 Drawings\06 Survey\Legal.dwg - SHEET: PARCEL 1 Oct. 10, 14 - 12:51 PM Blake

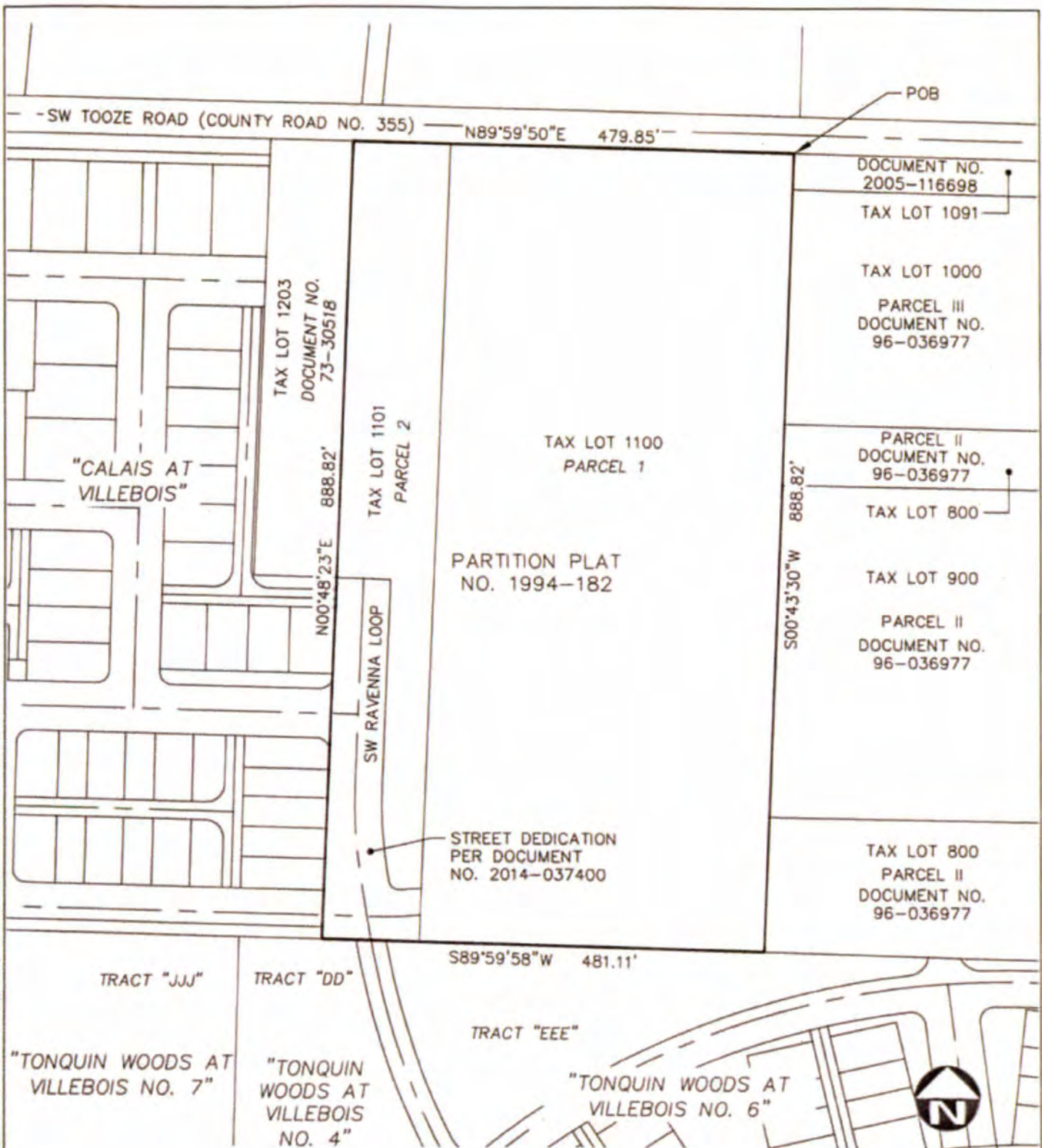


EXHIBIT "A"

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



12564 SW Main St
Tigard, OR 97223
(T) 503-941-9484
(F) 503-941-9485



EXHIBIT "A"

October 14, 2014

LEGAL DESCRIPTION

Job No. 103-005

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

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

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

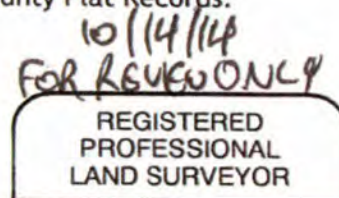
thence along said easterly Right-of-Way line, North 17° 14' 42" East, a distance of 170.17 feet to an angle point on the westerly plat line of "Calais at Villebois";

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

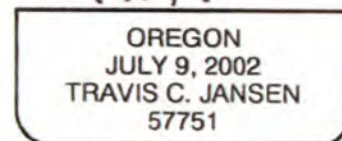
Containing 6,315 square feet, more or less.

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

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



DRAFT



RENEWS: 6/30/2015

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

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

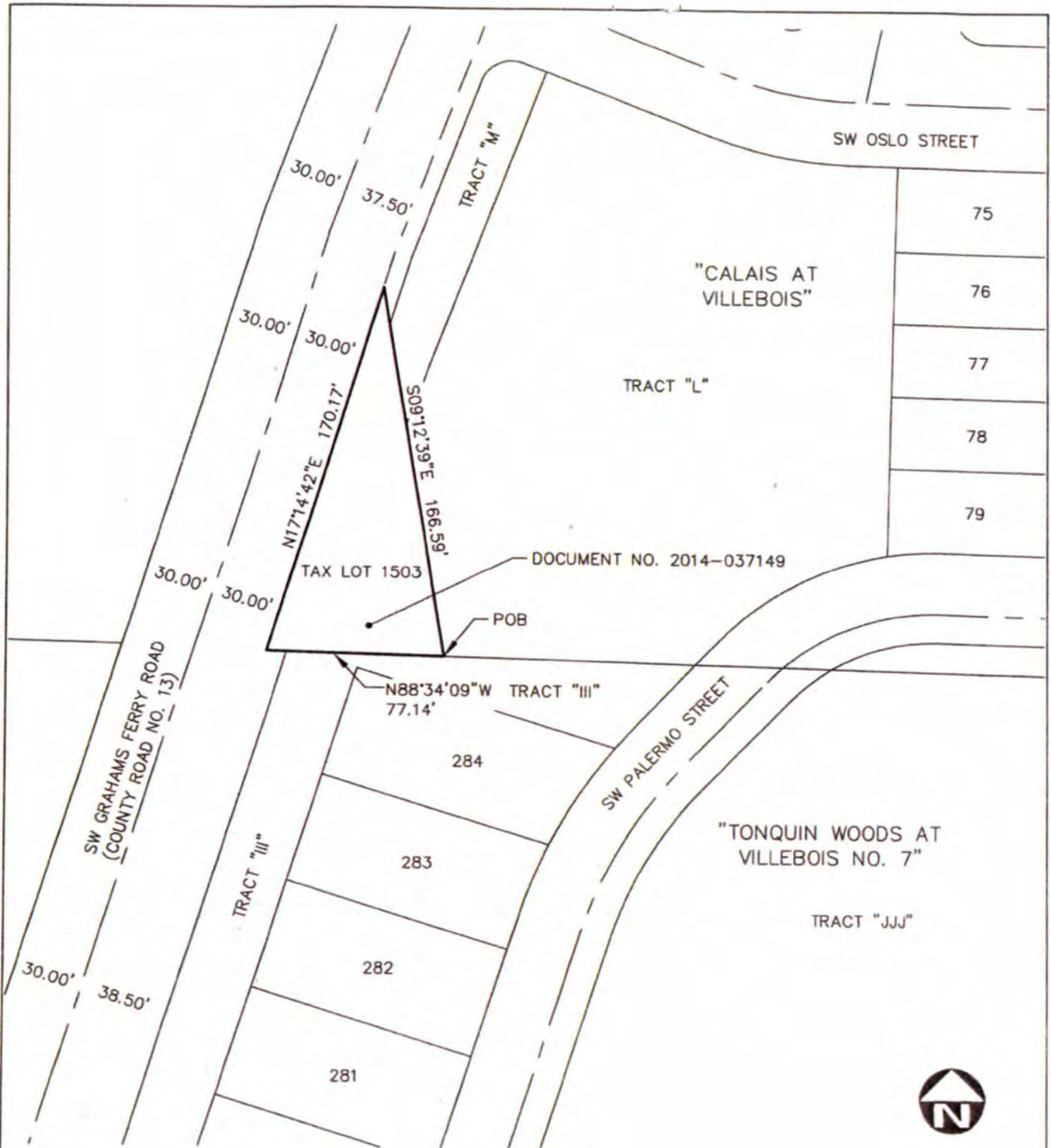


EXHIBIT "A"

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

PAGE 1 OF 1



12564 SW Main St
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Page 4 of 4

Ord. No. 764 Attachment 2
STAFF REPORT
WILSONVILLE PLANNING DIVISION

North Villebois City Properties
Zone Map Amendment

CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING

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

APPLICATION NOS.: DB14-0065 Zone Map Amendment

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

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

OWNER/APPLICANT/PETITIONER: City of Wilsonville

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

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

STAFF REVIEWER: Daniel Pauly AICP, Associate Planner

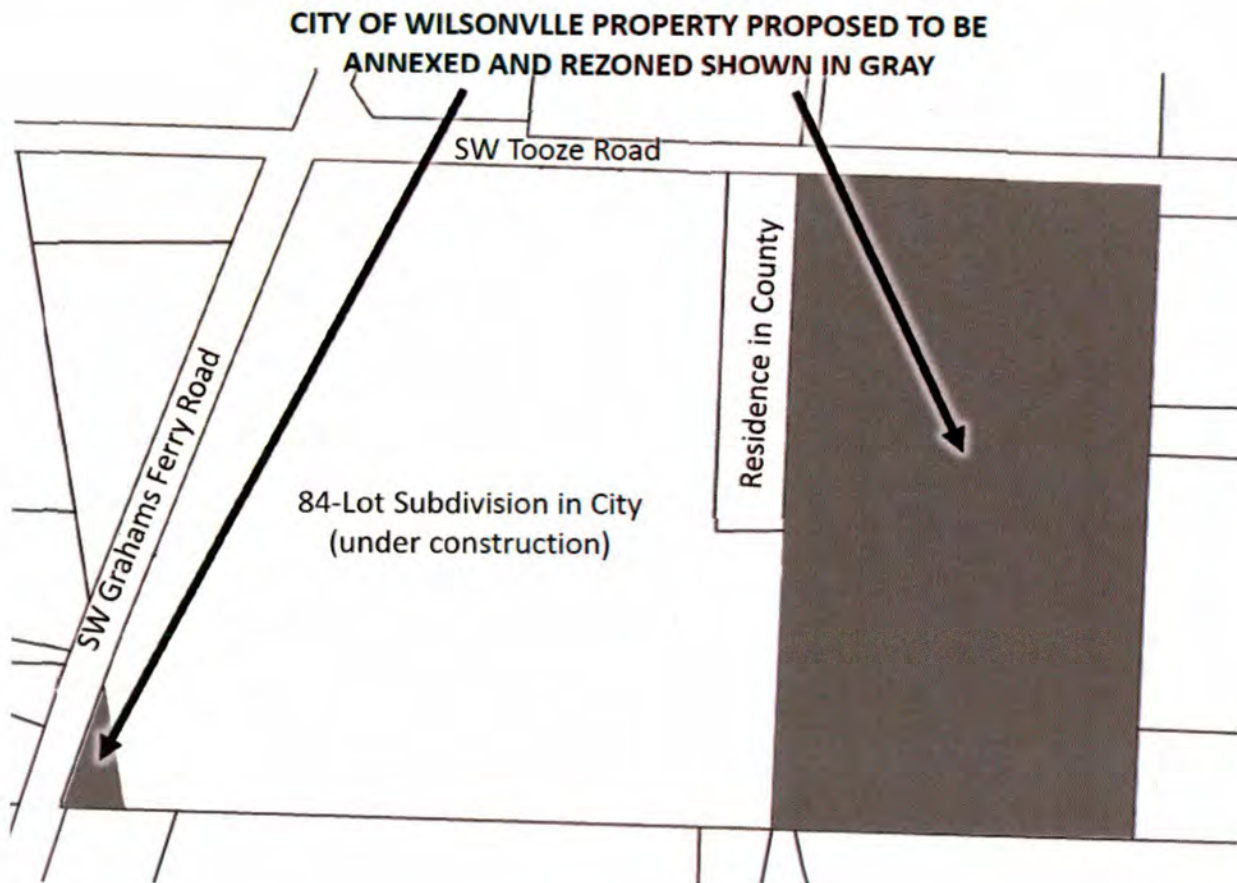
DRB RECOMMENDATION: Approve the requested Zone Map Amendment.

APPLICABLE REVIEW CRITERIA

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

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

Vicinity Map



BACKGROUND/SUMMARY:

Zone Map Amendment (DB14-0010)

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

CONCLUSION AND CONDITIONS OF APPROVAL:

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

FINDINGS OF FACT:

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

Tooze Road Properties

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

Grahams Ferry Road Property

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

3. Prior land use actions include:

Legislative:

02PC06 - Villebois Village Concept Plan
02PC07A - Villebois Comprehensive Plan Text
02PC07C - Villebois Comprehensive Plan Map
02PC07B - Villebois Village Master Plan
02PC08 - Village Zone Text
04PC02 – Adopted Villebois Village Master Plan
LP-2005-02-00006 – Revised Villebois Village Master Plan

LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)
LP10-0001 – Amendment to Villebois Village Master Plan (School Relocation from SAP North to SAP East)
LP13-0005 – Amendment to Villebois Village Master Plan (Future Study Area)

Quasi Judicial:

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

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

CONCLUSIONARY FINDINGS:

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

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

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

Finding: These criteria are met.

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

Section 4.009 Who May Initiate Application

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

Finding: This criterion is satisfied.

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

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

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

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

Finding: This criterion is satisfied.

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

CONCLUSIONARY FINDINGS: DB14-0065 ZONE MAP AMENDMENT

Comprehensive Plan

Compact Urban Development-Implementation Measures

Implementation Measure 4.1.6.a

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

Implementation Measure 4.1.6.b.

2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.
Finding: These criteria are not applicable
Explanation of Finding: The subject area is part of the Villebois Village Master Plan and the plan contains all the elements listed in this implementation measure

Implementation Measure 4.1.6.c.

3. **Review Criterion:** “The “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation.”
Finding: This criterion is satisfied.
Explanation of Finding: The Village Zone zoning district is being applied to an area designated as Residential-Village in the Comprehensive Plan.

Implementation Measure 4.1.6.d.

4. **Review Criterion:** “The “Village” Zone District shall allow a wide range of uses that befit and support an “urban village,” including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses.”
Finding: This criterion is satisfied.
Explanation of Finding: The proposed designation of the subject property as “Village” will allow development of uses supportive of an urban village consistent with the Villebois Village Master Plan.

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

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

Finding: This criterion is satisfied.

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

Subsection 4.110 (.01) Base Zones

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

Finding: This criterion is satisfied.

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

Subsection 4.125 (.01) Village Zone Purpose

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

Finding: These criteria are satisfied.

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

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

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

Finding: This criterion is satisfied.

Explanation of Finding: Staff understands this language to mean a PDP approval cannot be brought forward without the appropriate zoning in place but does not preclude a zone change consistent with the comprehensive plan prior to PDP approval, such as during SAP approval or earlier. This understanding is informed by the language in Section 4.029, seeing Finding B5 above, which states zoning must occur prior to a planned development. As the PDP is equivalent to a Stage II Final Plan in the Village Zone the same rationale would apply as for a Stage II Final Plan elsewhere in the City where the zoning at minimum must occur concurrently with the Stage II approval, but may occur prior.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

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

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

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

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

11. **Review Criteria:** "In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text;"
- Finding:** These criteria are satisfied.
- Explanation of Finding:** Implementation Measure 4.1.6.c. states the "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation. Since the Village Zone must be applied to areas designated "Residential Village" on the Comprehensive Plan Map and is the only zone that may be applied to these areas, its application is consistent with the Comprehensive Plan.

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

12. **Review Criteria:** "That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized."
- Finding:** These criteria are satisfied.
- Explanation of Finding:** While final design of public facilities will occur with a future PDP or PDPs, the subject property is part of the Villebois Village Master Plan where utilities have been planned to be adequate to serve the entire Master Plan area. Development requirements tied to future applications for PDP's and other development approvals will further insure all necessary public facilities are provided.

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

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

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

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

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

15. **Review Criteria:** "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards."
- Finding:** These criteria are satisfied.
- Explanation of Finding:** Nothing about the zone change would prevent development on the subject properties from complying with applicable development standards.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 292**

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

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

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

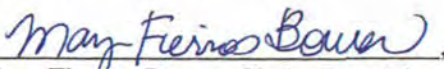
WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on November 10, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

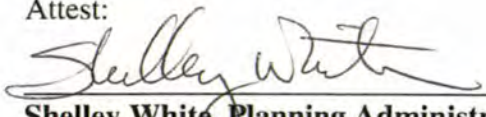
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

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

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 10th day of November, 2014 and filed with the Planning Administrative Assistant on November 13, 2014. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.


Mary Fierros Bower Chair, Panel A
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant

RESOLUTION NO. 292

PAGE 1

Exhibit A1
STAFF REPORT
WILSONVILLE PLANNING DIVISION

North Villebois City Properties Annexation and Zone Map Amendment

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

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

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

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

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

OWNER/APPLICANT/PETITIONER: City of Wilsonville

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

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

STAFF REVIEWER: Daniel Pauly AICP, Associate Planner

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

APPLICABLE REVIEW CRITERIA

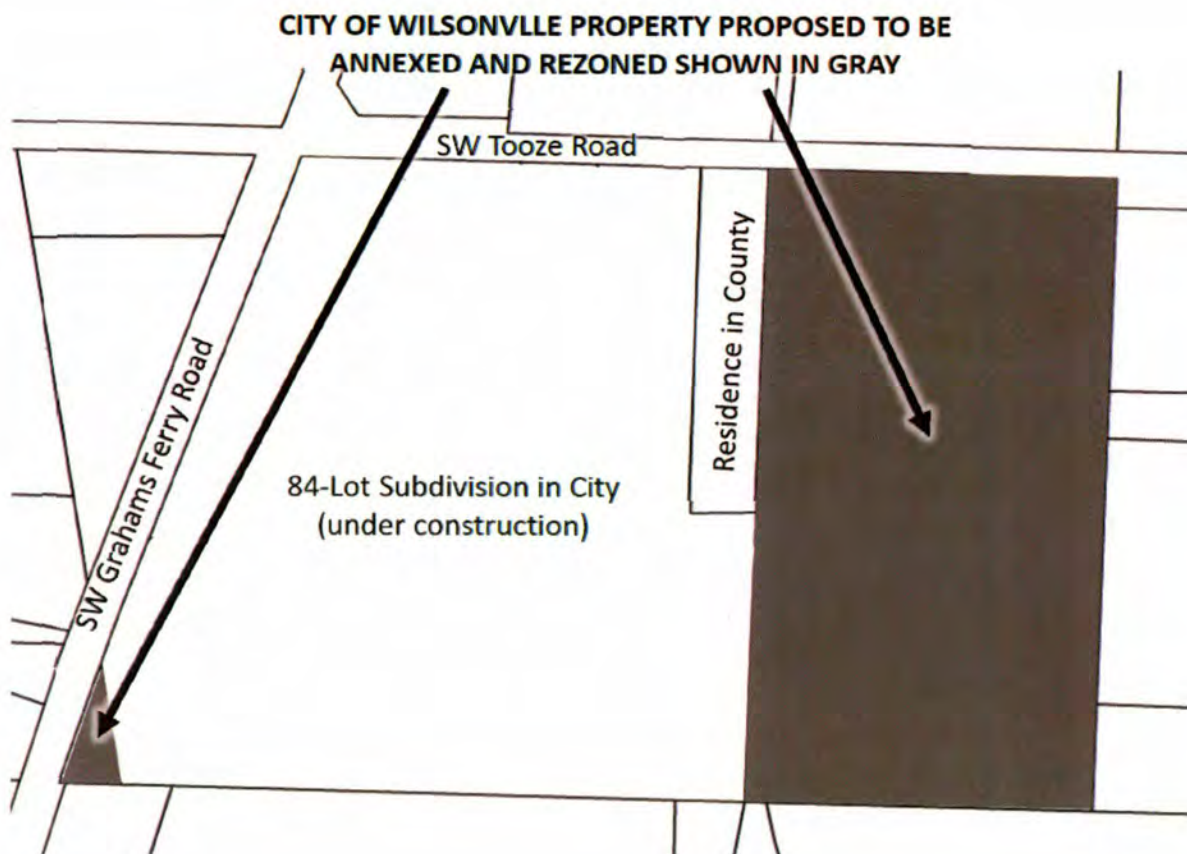
<u>DEVELOPMENT CODE</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of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

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

Exhibit A1
Page 1 of 14

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

Vicinity Map



BACKGROUND/SUMMARY:

Annexation (DB14-0064)

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

Zone Map Amendment (DB14-0065)

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

Discussion Points

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

Triangular Piece of Property along SW Grahams Ferry Road

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

Tooze Road Properties

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

CONCLUSION:

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

REQUEST A: DB14-0064 ANNEXATION

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

REQUEST B: DB14-0065 ZONE MAP AMENDMENT

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

MASTER EXHIBIT LIST:

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

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

FINDINGS OF FACT:

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

Tooze Road Properties

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

Grahams Ferry Road Property

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

3. Prior land use actions include:

Legislative:

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

Quasi Judicial:

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

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

CONCLUSIONARY FINDINGS:

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

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

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

Finding: These criteria are met.

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

Section 4.009 Who May Initiate Application

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

Finding: This criterion is satisfied.

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

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

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

Finding: This criterion is satisfied.

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

REQUEST A: ANNEXATION

Comprehensive Plan

Annexation and Boundary Changes

Implementation Measure 2.2.1.a.

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

Finding: These criteria are satisfied.

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

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

Implementation Measure 2.2.1.e.

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

Finding: These criteria are satisfied.

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

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

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

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

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

Compact Urban Development Implementation Measures

Implementation Measure 4.1.6.a. and c.

- A3. **Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

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

Finding: These criteria are satisfied.

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

Development Code

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

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

Finding: These criteria are satisfied.

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

Section 4.700 Annexation

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

Finding: These criteria are satisfied.

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

Metro Code

Chapter 3.09 Local Government Boundary Changes

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

Finding: These criteria are satisfied.

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

Oregon Revised Statutes

ORS 222.111 Authority and Procedure for Annexation

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

Finding: These criteria are satisfied.

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

ORS 222.120 Procedure Without Election by City Electors

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

Finding: These criteria are satisfied.

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

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

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

Finding: These criteria are satisfied.

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

Oregon Statewide Planning Goals

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

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

Finding: These criteria are satisfied.

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

REQUEST B: ZONE MAP AMENDMENT

Comprehensive Plan

Compact Urban Development-Implementation Measures

Implementation Measure 4.1.6.a

B1. **Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

Finding: These criteria are satisfied.

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

Implementation Measure 4.1.6.b.

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

Finding: These criteria are not applicable

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

Implementation Measure 4.1.6.c.

B3. **Review Criterion:** "The "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation."

Finding: This criterion is satisfied.

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

Implementation Measure 4.1.6.d.

- B4. **Review Criterion:** “The “Village” Zone District shall allow a wide range of uses that befit and support an “urban village,” including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses.”

Finding: This criterion is satisfied.

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

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

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

Finding: This criterion is satisfied.

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

Subsection 4.110 (.01) Base Zones

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

Finding: This criterion is satisfied.

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

Subsection 4.125 (.01) Village Zone Purpose

- B7. **Review Criteria:** “The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.”

Finding: These criteria are satisfied.

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

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

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

Finding: This criterion is satisfied.

Explanation of Finding: Staff understands this language to mean a PDP approval cannot be brought forward without the appropriate zoning in place but does not preclude a zone change consistent with the comprehensive plan prior to PDP approval, such as during SAP approval or earlier. This understanding is informed by the language in Section 4.029, see Finding B5 above, which states zoning must occur prior to a planned development. As the PDP is equivalent to a Stage II Final Plan in the Village Zone the same rationale would apply as for a Stage II Final Plan elsewhere in the City where the zoning at minimum must occur concurrently with the Stage II approval, but may occur prior.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

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

Finding: These criteria are satisfied.

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

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

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

Finding: These criteria are satisfied.

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

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

- B11. **Review Criteria:** "In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text;"

Finding: These criteria are satisfied.

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

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

- B12. **Review Criteria:** "That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized."

Finding: These criteria are satisfied.

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

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

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

Finding: These criteria are satisfied.

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

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

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

Finding: This criterion is satisfied.

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

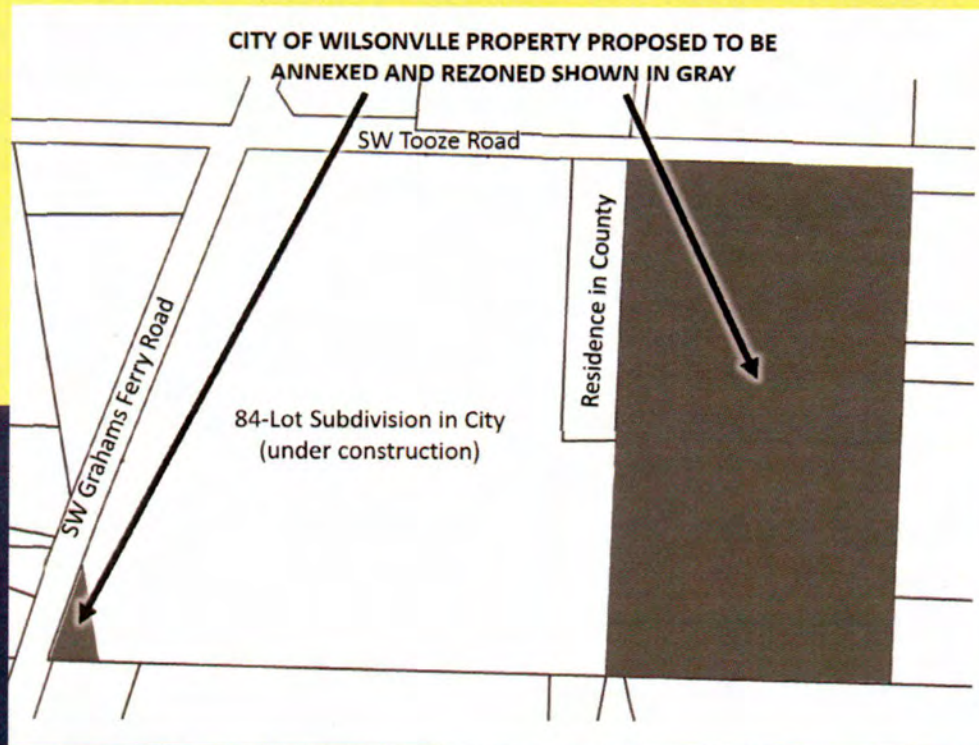
Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval

B15. **Review Criteria:** “That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards.”

Finding: These criteria are satisfied.

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

North Villebois City Properties Annexation and Zone Map Amendment



DRB Panel A Public Hearing

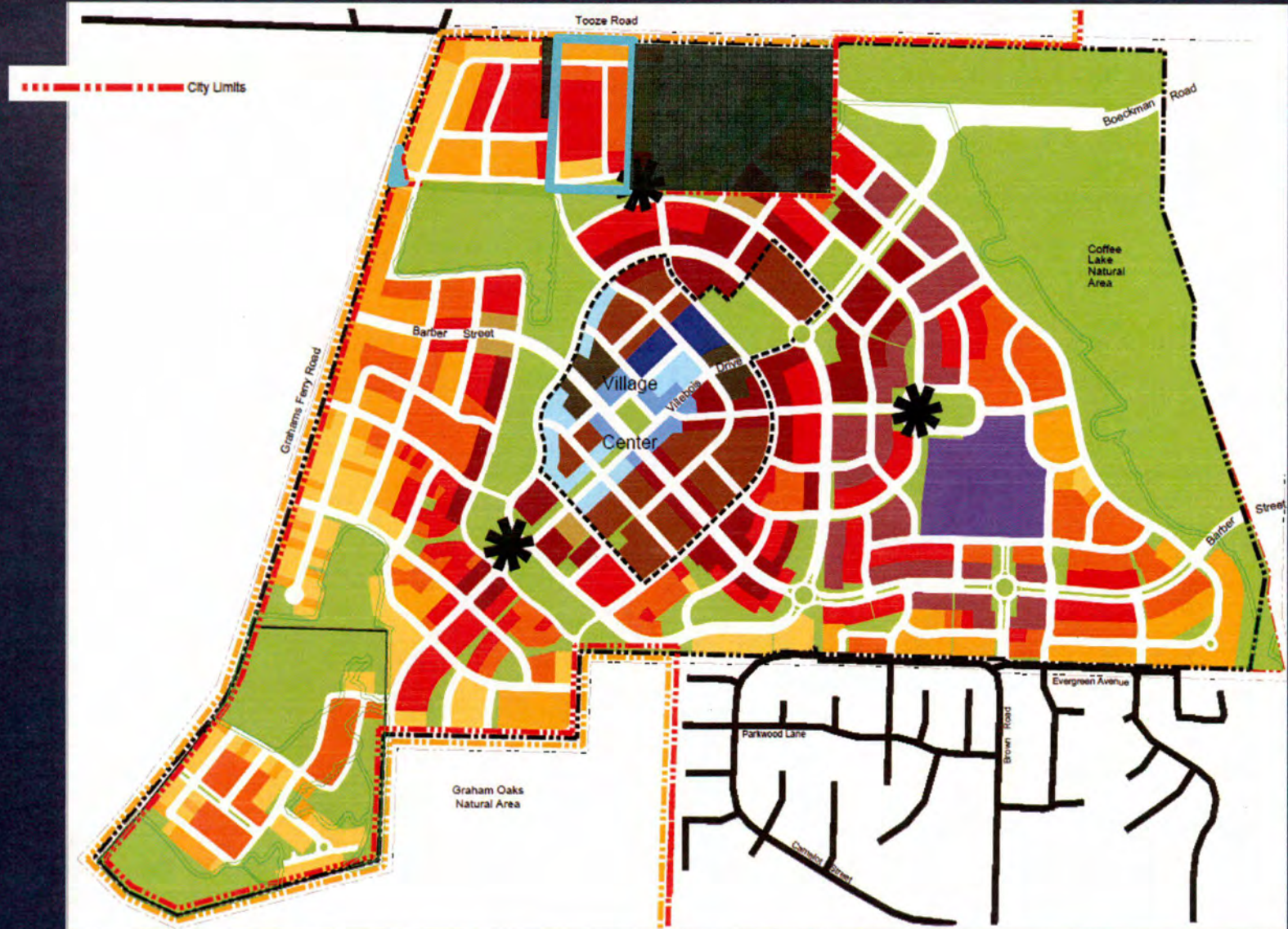
November 10, 2014

Presented by: Daniel Pauly AICP, Associate Planner



City of Wilsonville
Exhibit A2
DB14-0064
& DB14-0065

Annexation



Annexation

Petition for Annexation to the City of Wilsonville

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

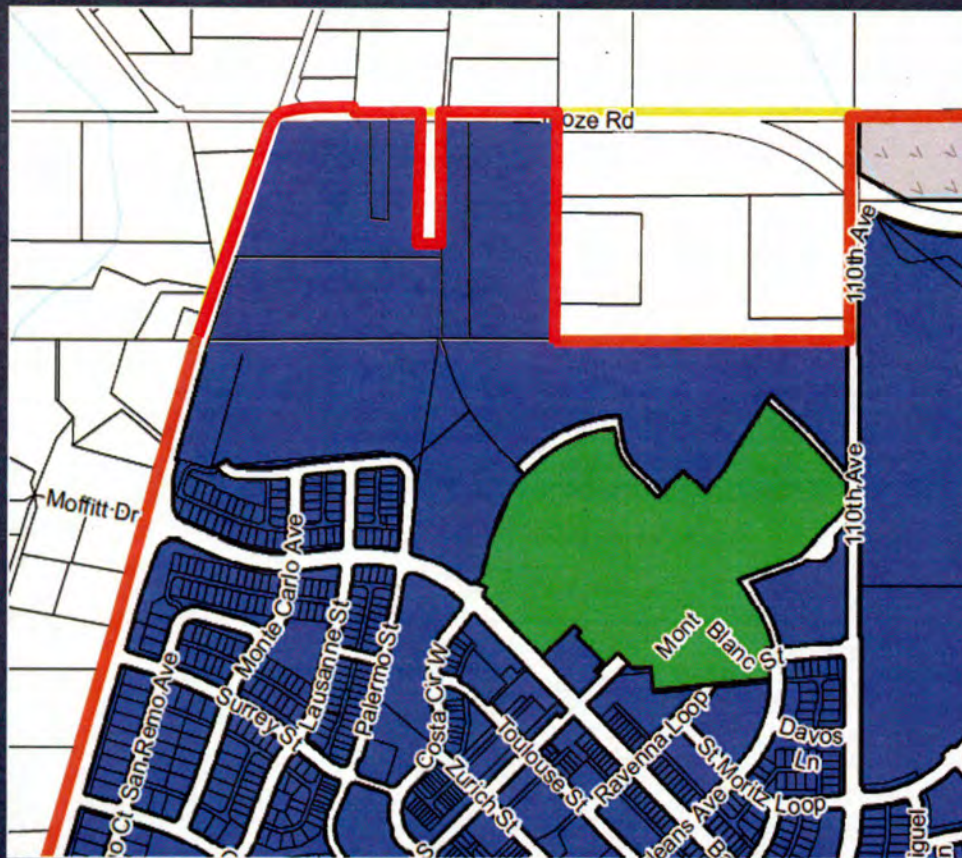
Signed on behalf of the City of Wilsonville, petitioner,



Bryan Cosgrove, City Manager

Date 10/16/14

Zone Map Amendment

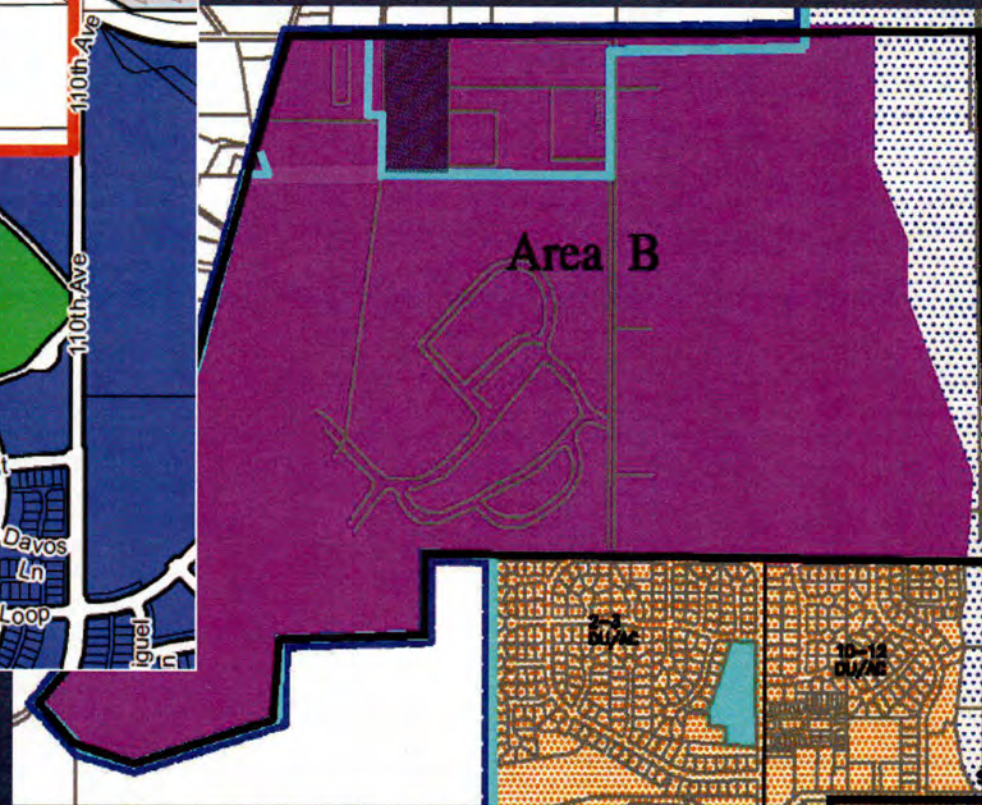


Proposed Zoning

 Village (V)

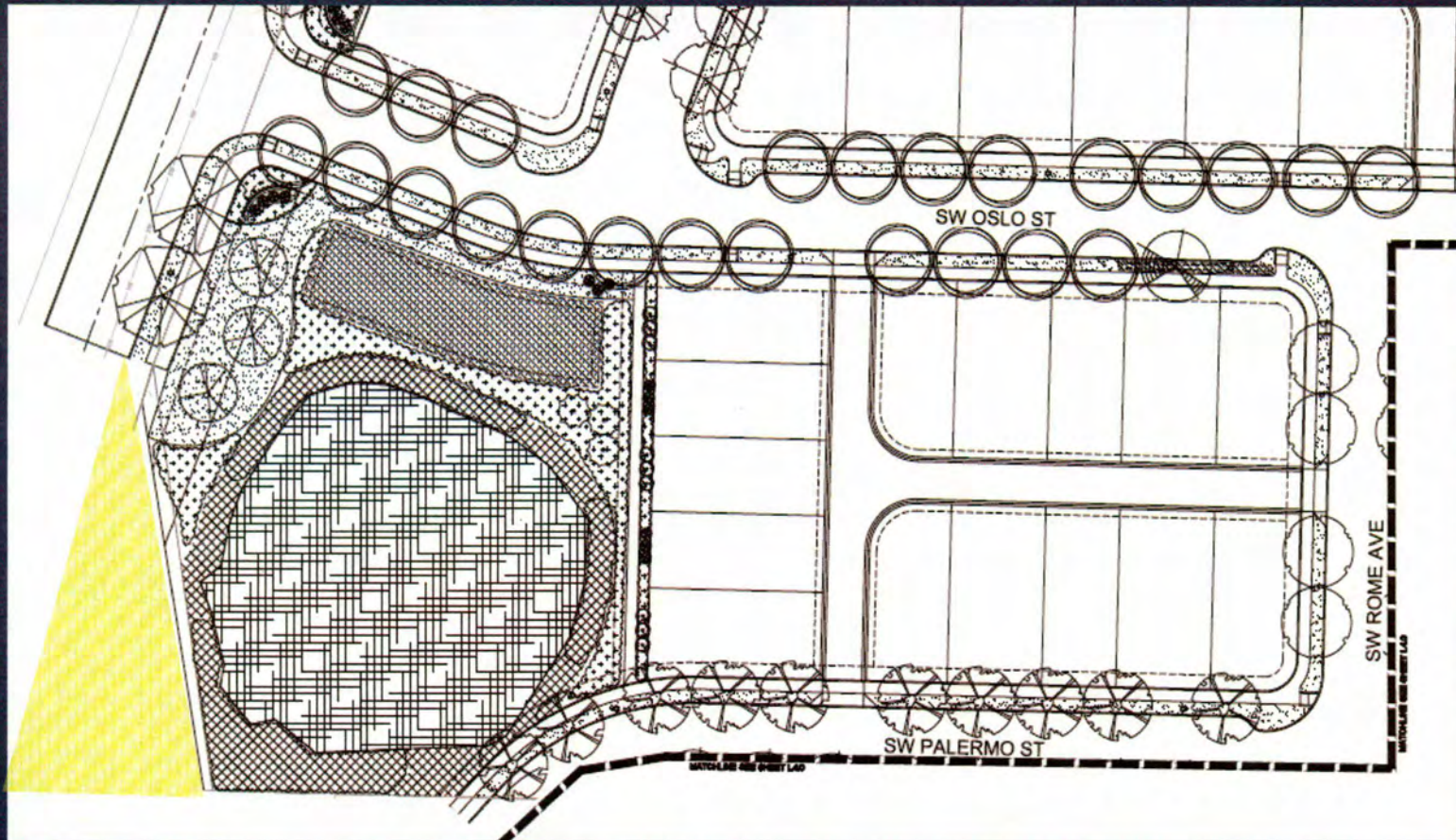
LEGEND

 RESIDENTIAL - VILLAGE

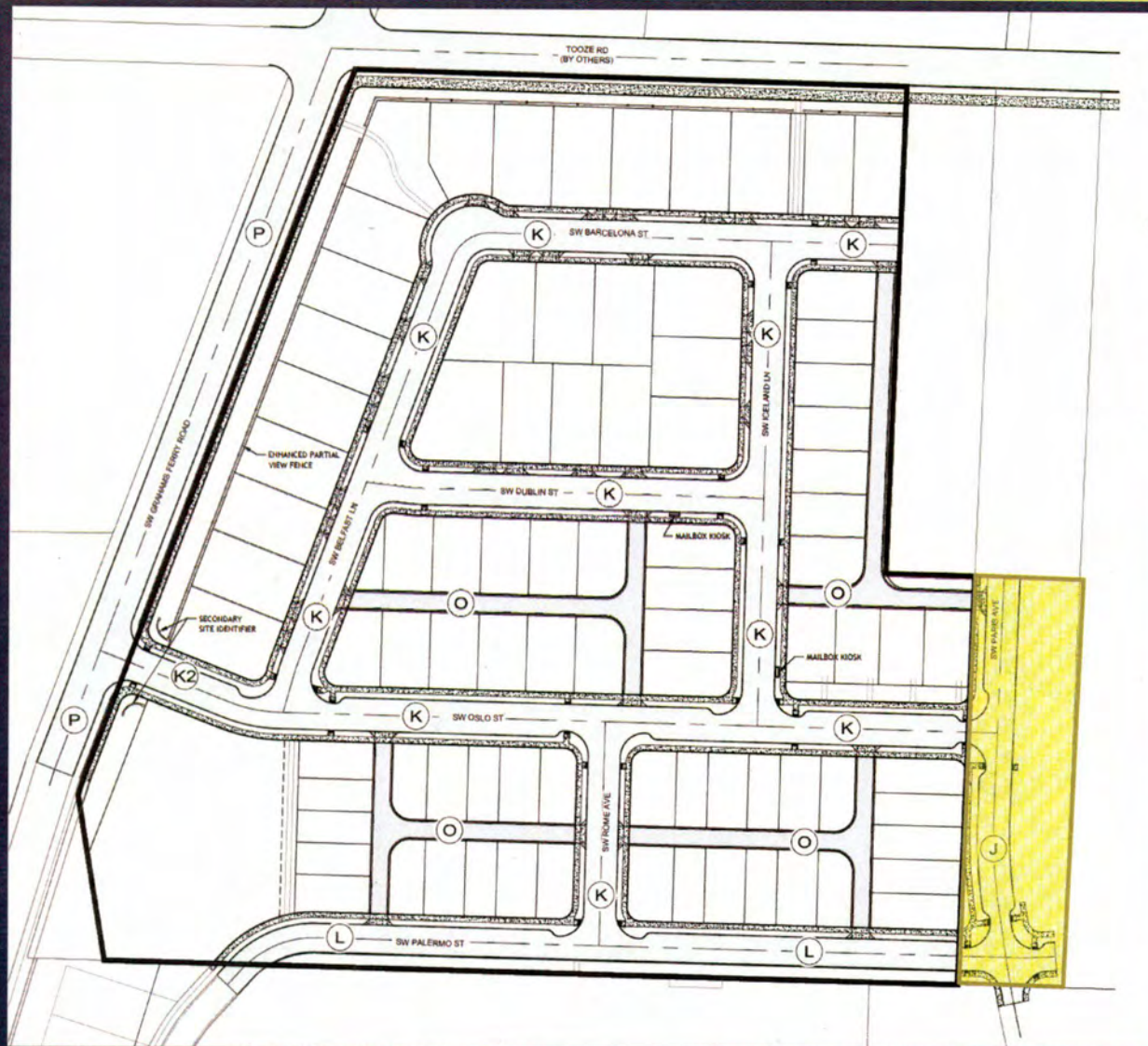


Comprehensive Plan

Zone Map Amendment

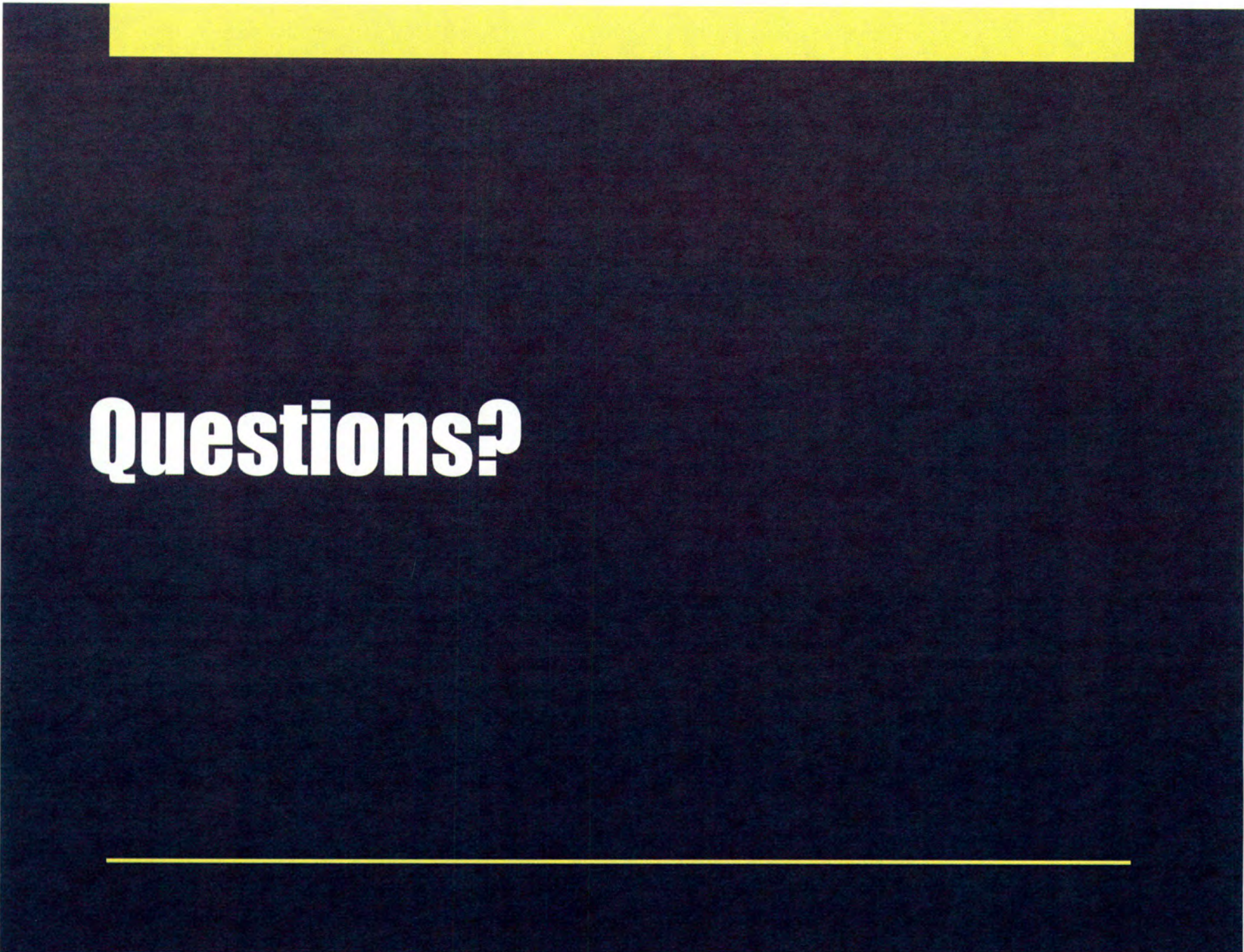


Zone Map Amendment



Zone Map Amendment





Questions?

CITY OF WILSONVILLE

29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone: 503.682.4960
Fax: 503.682.7025

Web: www.ci.wilsonville.or.us

Pre-Application meeting date:

**Planning Division
Development Permit Application**

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Applicant:

City of Wilsonville

Address: 29799 SW Town Center Loop E.

Phone: 503-682-1011

Fax: _____

E-mail: _____

Authorized Representative:

Address: _____

Phone: _____

Fax: _____

E-mail: _____

Property Owner:

City of Wilsonville

Address: 29799 SW Town Center Loop E.

Phone: 503-682-1011

Fax: _____

E-mail: _____

Property Owner's Signature:

Printed Name: Bryan Cosgrove

Date: 10/16/14

Applicant's Signature (if different from Property Owner):

[Signature]

Printed Name: Bryan Cosgrove

Date: 10/15/14

Site Location and Description:

Project Address if Available: 11650 SW Tooze Road (TL 1100 and 1101) Suite/Unit _____

Project Location: south side of SW Tooze Road west of Grahams Ferry, west side of SW Grahams Ferry south of Tooze

Tax Map #(s): 15 Tax Lot #(s): 1100, 1101, 1591 County: ☐ Washington ☒ Clackamas

Request: Annexation and Zone Map Amendment to "Village" for City owned property in the northwestern portion of Villebois.

Project Type: Class I ☐ Class II ☐ Class III ☒

☐ Residential

☐ Commercial

☐ Industrial

☒ Other (describe below)

Application Type:

☒ Annexation

☐ Appeal

☐ Comp Plan Map Amend

☐ Conditional Use

☐ Final Plat

☐ Major Partition

☐ Minor Partition

☐ Parks Plan Review

☐ Plan Amendment

☐ Planned Development

☐ Preliminary Plat

☐ Request to Modify Conditions

☐ Request for Special Meeting

☐ Request for Time Extension

☐ Signs

☐ Site Design Review

☐ SROZ/SRIR Review

☐ Staff Interpretation

☐ Stage I Master Plan

☐ Stage II Final Plan

☐ Type C Tree Removal Plan

☐ Tree Removal Permit (B or C)

☐ Temporary Use

☐ Variance

☐ Villebois SAP

☐ Villebois PDP

☐ Villebois PDP

☐ Waiver

☒ Zone Map Amendment

☐ Other



City of Wilsonville

EXHIBIT B1 DB14-0064 et seq

Petition for Annexation to the City of Wilsonville

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

Signed on behalf of the City of Wilsonville, petitioner,



Bryan Cosgrove, City Manager

Date 10/16/14

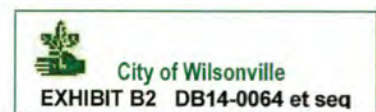




EXHIBIT "A"

October 10, 2014

LEGAL DESCRIPTION

Job No. 103-005

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

BEGINNING at the Northeast corner of said Parcel 1;

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

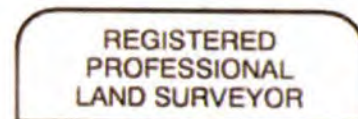
thence along the northerly line of plat of "Tonquin Woods at Villebois No. 4", South 89°59'58" West, a distance of 481.11 feet to the Southwest corner of said Parcel 2;

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

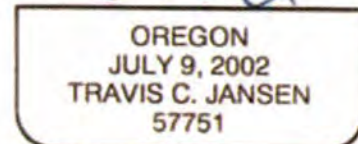
thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), North 89°59'50" East, a distance of 479.85 feet to the POINT OF BEGINNING.

Containing 9.81 acres, more or less.

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



Travis C. Jansen



RENEWS: 6/30/2015

N:\proj\103-005\09 Drawings\06 Survey\Legal\103005 Annotation Legal.dwg - SHEET: PARCEL 1 Oct. 10, 14 - 12:31 PM blake

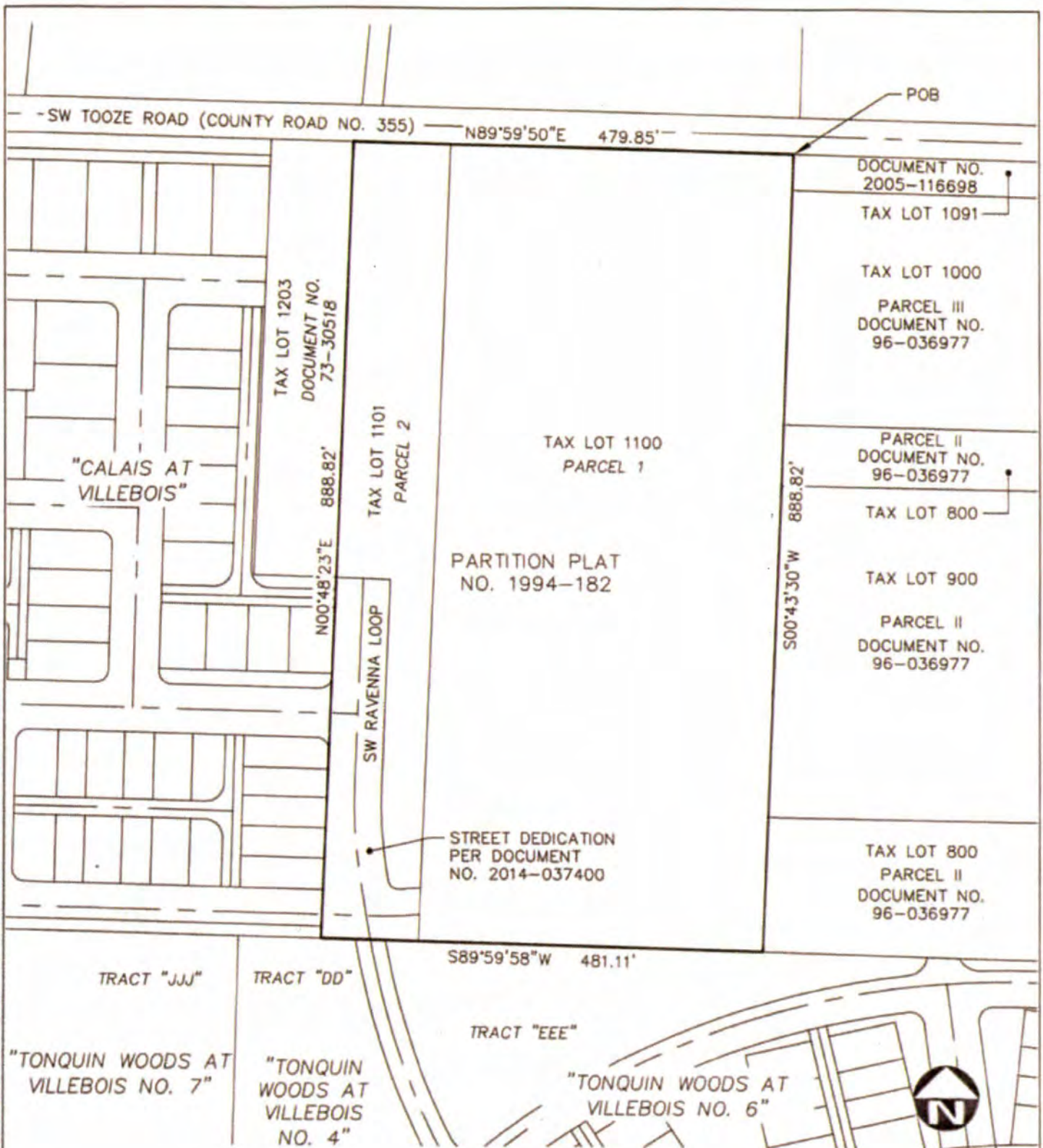


EXHIBIT "A"

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



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



EXHIBIT "A"

October 14, 2014

LEGAL DESCRIPTION

Job No. 103-005

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

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

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

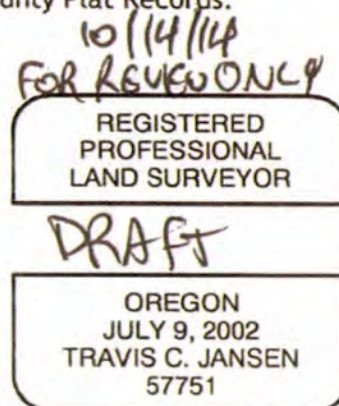
thence along said easterly Right-of-Way line, North 17°14'42" East, a distance of 170.17 feet to an angle point on the westerly plat line of "Calais at Villebois";

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

Containing 6,315 square feet, more or less.

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

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



RENEWS: 6/30/2015

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

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

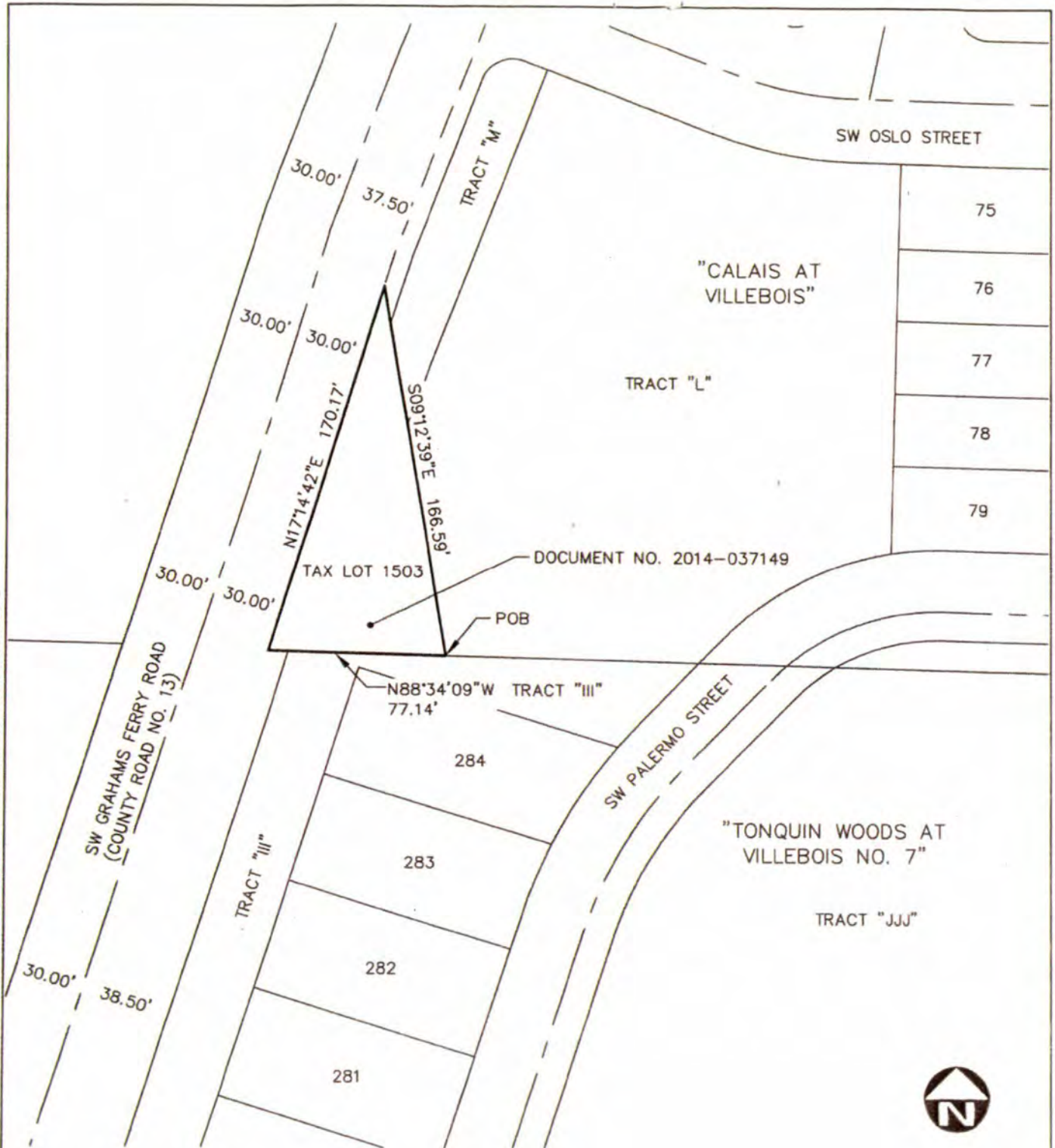


EXHIBIT "A"

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

PAGE 1 OF 1



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

Page 4 of 4

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 1, 2014	Subject: Ordinance No. 762 Amending Wilsonville Code Chapter 3, Section 3.000(19) to allow the City Manager and his/her designee to establish and post park hours Staff Member: Stan Sherer Department: Parks and Recreation
Action Required ☒ Motion ☐ Public Hearing Date: ☒ Ordinance 1 st Reading Date: ☐ Ordinance 2 nd Reading Date: ☐ Resolution ☐ Information or Direction ☐ Information Only ☐ Council Direction ☐ Consent Agenda	Advisory Board/Commission Recommendation ☐ Approval ☐ Denial ☐ None Forwarded ☒ Not Applicable Comments:
Staff Recommendation: Staff recommends Council adoption of Ordinance No. 762.	
Recommended Language for Motion: I move to approve Ordinance No. 762 on first reading.	
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>	
☐ Council Goals/Priorities	☐ Adopted Master Plan(s)
☒ Not Applicable	

ISSUE BEFORE COUNCIL:

Amend Wilsonville Code, Chapter 3, Section 3.000 (19) to authorize the City Manager or the City Manager's designee to establish park hours for public use.

EXECUTIVE SUMMARY:

Currently, the existing Wilsonville Code Chapter 3 Section 3.000 (19) delegates the responsibility of establishing the hours parks are available for public use to the City Council. Authorizing the City Manager or the City Manager's designee to establish the hours of availability allow more streamlined, and customer friendly approach to establishing park hours.

The past practice of opening the parks from dawn to dusk excludes several legitimate park user groups, and therefore limits park programming.

EXPECTED RESULTS:

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

TIMELINE: Hours can be amended thirty days after adoption of Ordinance No. 762.

CURRENT YEAR BUDGET IMPACTS: None.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: Scole Date: 11/13/14

No additional comments.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 11/17/2014

Ordinance approved as to form.

COMMUNITY INVOLVEMENT PROCESS: None

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Increased accessibility to public parks.

ALTERNATIVES:

CITY MANAGER COMMENT:

ATTACHMENTS

A. Ordinance No. 762.

ORDINANCE NO. 762

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 3, SECTION 3.000(19) TO ALLOW THE CITY MANAGER AND HIS/HER DESIGNEE TO ESTABLISH AND POST PARK CLOSURE HOURS

WHEREAS, the City of Wilsonville currently provides that the City Council establishes park hours; and

WHEREAS, the City Council has determined that setting park hours is more appropriately an operational and administrative function under the City Manager; and

WHEREAS, the City Council has determined that delegating their authority to set park hours would enable City Parks to more effectively and efficiently manage the parks; and

WHEREAS, the City Council desires to delegate its authority for setting park hours to the City Manager or the Manager's designee.

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

1. Wilsonville Code Section 3.000(19) is amended to read as follows

"3.000 Rules & Regulations"

(19) Except for authorized overnight camping in accordance with the City rules and regulations, no person, other than law enforcement officers or authorized City personnel, shall enter or remain in any park area except during posted hours as established by the City Manager or the City Manager's designee."

2. The City Recorder is directed to amend Wilsonville Code Section 3.000 (19), as approved above, and to make such format, style, and conforming changes to match the format and style of the 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 17th day of November, 2014, and scheduled for 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
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 1, 2014	Subject: Resolution No. 2503 Transit Fare Increase Proposal Staff Member: Lashbrook/Allen Department: Transit
Action Required ☐ Motion ☐ Public Hearing Date: ☐ Ordinance 1 st Reading Date: ☐ Ordinance 2 nd Reading Date: ☐ Resolution ☐ Information or Direction ☐ Information Only ☐ Council Direction ☐ Consent Agenda	Advisory Board/Commission Recommendation ☐ Approval ☐ Denial ☐ None Forwarded ☒ Not Applicable Comments: This item is scheduled for public hearing and Council action on December 1, 2014.
Staff Recommendation: Staff recommends Council adoption of Resolution No. 2503	
Recommended Language for Motion: I move to approve Resolution No. 2503.	
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>	
☐ Council Goals/Priorities	☒ Adopted Master Plan(s) Transit Master Plan
Not Applicable	

ISSUE BEFORE COUNCIL: Whether to increase SMART's fares for the 1X Route to match a recent increase in fares by Salem-Keizer Transit (Cherriots).

EXECUTIVE SUMMARY:

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

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

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

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

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

Fares in parentheses are for seniors/disabled/youth.

RECOMMENDATION:

This item is scheduled for Council action on December 1. Staff recommends approval of the proposed change by City Council Resolution.

EXPECTED RESULTS: Effects on ridership/Equity Issues:

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

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

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

Federal Title VI requirements mandate consideration of the effects of any changes to transit fares on minority and low income populations. Unfortunately, SMART has only limited demographic information about our riders, other than those who receive reduced fares because they are elderly or disabled. The lack of more detailed information necessitates a certain amount of extrapolation and reliance on anecdotal information in order for SMART to comply with the federal requirement. On one hand, SMART intends to continue offering in-town rides (on both fixed

provide a minor benefit to local businesses which support SMART through payroll taxes.

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

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Letter to Salem-Keizer General Manager Allan Pollock, dated August 28, 2014.
- B. Resolution No. 2503 adopting changes to SMART fares.
- C. Chart showing existing and proposed SMART fares.
- D. Copy of public hearing notice.
- E. Comment submitted by Tom Mcgrattan



SOUTH METRO AREA REGIONAL TRANSIT

Site address: 28879 SW Boberg Rd.

Mailing address: 29799 SW Town Center Loop E.

Wilsonville, OR 97013

503-682-7790

August 28, 2014

Mr. Allan Pollock, General Manager
Mr. Stephen Dickey, Director of Transportation Development
Salem - Keizer Transit
555 Court St. Suite 5230
Salem, OR 97301

Dear Allan and Steve:

We understand that Salem – Keizer Transit (Cherriots) is proposing across-the-board fare increases for your system. This has a potential impact on SMART, given that we “share” the 1X route with Cherriots. We raised our fares in October, 2012, partly in response to a Cherriots fare increase that went into effect at that time. I’m sure you would agree that it is important that our fares for the 1X stay aligned.

In 2012 we raised our 1X fare from \$2.50 to \$3.00, and our monthly 1X pass from \$55 to \$75. Salem - Keizer is now proposing an increase in the regular fare from \$3.00 to \$3.50, and a monthly pass increase from \$75 to \$85.

Steve Allen and I have discussed this at some length and while we support the increase for the monthly pass, we want to urge our partners at Cherriots to keep the regular fare at \$3.00.

There are several reasons for this:

First, our regular 1X riders, many of whom are state employees, generally take advantage of our monthly passes. They are likely to be able to afford a \$10/month increase in those passes without a significant effect. Many of the infrequent riders who pay each time they ride are lower income people for whom the \$3.00 fare is a factor, especially if they also have to pay a TriMet fare at either end of their journey.

Second, \$3.00 is a relatively high fare, considering that anyone can ride any of TriMet's vehicles for a \$2.50 fare for two hours (including transfers between bus, MAX, WES and Portland streetcar). This means that a passenger can already go from Hillsboro to Gresham in the TriMet system for less than we currently charge for a trip between Wilsonville and Salem. TriMet is not proposing fare increases this year.

Third, when we raised our fares in 2012 it did seem to have a chilling effect on ridership. 2013 was the first time in a number of years when annual ridership actually declined for SMART.

Finally, the monthly pass provides a significant discount for regular riders. People who ride 20 or 21 days/month (common for state workers) are paying only about 60% of what they would be paying on a day-to-day basis. We think it makes sense to increase that ratio somewhat and not decrease it.

As you may know, SMART just completed the on-site portion of a triennial review from the Federal Transit Administration. Although it will be some time before we receive their written findings, our reviewer questioned whether we are doing all we can to provide transit services to our lowest income passengers.

Please consider these points as you continue to examine your fare structure. If you would like to meet and discuss this further, we would be glad to do that.

Sincerely,

Stephan A. Lashbrook
Transit Director
SMART

Copy: Steve Allen, SMART Operations Manager

RESOLUTION NO. 2503

A RESOLUTION OF THE WILSONVILLE CITY COUNCIL, AMENDING THE FARE STRUCTURE OF SOUTH METRO AREA REGIONAL TRANSIT (SMART)

WHEREAS, South Metro Area Regional Transit (SMART) provides both fixed-route and Dial-a-Ride services; and

WHEREAS, the costs of providing transit services to the community continue to rise, due primarily to increases in labor costs and the costs of vehicles; and

WHEREAS, SMART charges fares for out-of-town trips but continues to provide services for in-town trips without charge; and

WHEREAS, SMART shares service on its 1X route, connecting the SMART Central transit center with stops in downtown Salem, with the Salem-Keizer Transit District (Cherriots); and

WHEREAS, in sharing that service with Cherriots, the two transit agencies coordinate service and charge the same fares; and

WHEREAS, the Salem-Keizer Transit District Board of Directors has already approved a fare change for Cherriots 1X service, effective January 5, 2015; and

WHEREAS, SMART staff have studied operating costs and recommended an increase only for monthly passes on the 1X route, matching the increase approved by the Salem-Keizer Transit District Board of Directors; and

WHEREAS, SMART staff do not have access to income, racial or ethnic information about SMART riders at this time, but have reviewed census data and anecdotal information from bus drivers about passenger demographics; and

WHEREAS, the City Council has considered the implications of the proposed fare increases on minority and low income riders, as required by Title VI of the U.S. Civil Rights Act of 1964, and determined that the proposed changes to the fare structure do not unfairly discriminate against any protected class of riders, especially given that all passengers will continue to ride for free within the City limits and individual trip fares on the 1X will not increase; and

WHEREAS, it is estimated that the proposed changes to the fares will generate a revenue increase of approximately \$2,500 for the remainder of fiscal year 2014-15, and approximately \$5,000 per year in subsequent fiscal years; and

WHEREAS, the City Council has conducted a public hearing on the proposed fare change after considerable public outreach conducted by staff.

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

1. Based on the above recitals, which are incorporated herein, the City Council hereby approves the proposed changes to SMART fares as shown on Attachment A to this Resolution;
2. The City Manager is directed to include estimated revenue from the new rates in subsequent changes to the City budget; and
3. This Resolution is effective upon adoption, with the new fares to take effect for ridership occurring after the 1st of January, 2015.

ADOPTED by the Wilsonville City Council at a regular meeting on December 1, 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 – ____

Councilor Goddard - ____

Councilor Starr - ____

Councilor Fitzgerald- ____

Councilor Stevens ____

Attachment A

ROUTES & FARES

Only changes proposed to be effective January 5, 2015

1X	Salem	\$3.00	Pass: \$75.00/Mo.
			<i>\$85.00/Mo.</i>

2X	Barbur	\$1.50	Pass: \$35.00/Mo.
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3	Canby	\$1.50	Pass: \$35.00/Mo.
---	-------	--------	-------------------

4	Wilsonville Rd.		\$.00
---	-----------------	--	--------

5	95 th Ave.		\$.00
---	-----------------------	--	--------

6	Canyon Creek		\$.00
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7	Villebois		\$.00
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8X	Beaverton	\$3.00	
----	-----------	--------	--

9X	Portland	\$3.00	
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Out-of-town dial-a-ride	\$3.00	Pass: \$50.00/Mo.
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Punch Pass	\$25.00 for 20 \$1.50 trips (not for 1X)
------------	--

Monthly "all-pass"	\$110.00
--------------------	----------

\$120.00

Fares for seniors (60+), people with disabilities, and youth (5-17 years, or through age 23 with valid school I.D.) will remain at 50% of the regular fare.

**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 **December 1, 2014**, 7 p.m. at City Hall, 29799 SW Town Center Loop, Wilsonville, Oregon.

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, and increase the cost of SMART's monthly "all-pass" from \$110.00 to \$120.00. 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. If approved, the new fare will take effect in January, 2015. No other changes to SMART's fares are proposed at this time.

All SMART services provided within the Wilsonville city limits will remain free of charge.

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.

Copies of these documents 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 fare increase may be directed to Stephan Lashbrook, SMART Director, at 503-570-1576. 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 a qualified sign language interpreter and a Spanish language interpreter 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 19 and 26, 2014.

Lashbrook, Stephan

From: Lashbrook, Stephan
Sent: Friday, November 07, 2014 1:11 PM
To: 'sf.giant@hotmail.com'
Cc: Allen, Steve; Gonzalez, Danny
Subject: FW: fare change 1x

Mr. McGrattan:

Your comment will be included in the packet that will go to the City Council for their consideration on December 1.

As far as I know, TriMet has not increased fares since 2012, which was also the last time SMART's fares were increased. In this year's budget message, TriMet's General Manager said that there would be no TriMet fare increase during this fiscal year.

Thanks for your input.

Stephan Lashbrook

From: Gonzalez, Danny **On Behalf Of** SMART
Sent: Friday, November 07, 2014 10:36 AM
To: Allen, Steve; Lashbrook, Stephan
Subject: FW: fare change 1x

DANNY GONZALEZ
SMART TRANSIT DISPATCHER
503-682-7790

From: Tom McGrattan [<mailto:sf.giant@hotmail.com>]
Sent: Friday, November 07, 2014 10:19 AM
To: SMART
Subject: fare change 1x

just a note on the fare change. Many people like myself who ride smart ALSO have to take trimet wes rail to my job. Increasing the fares on smart make the trip more expensive as TRI met continues to increase fares as well. Hopfeully the monthly pass fare will be kept at 75 dollars.

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

<u>Total Valuation of Work to Be Performed</u>	<u>Fees</u>
\$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

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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

<u>Total Valuation of Work to Be Performed</u>	<u>Fees</u>
\$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

<u>Total Valuation of Work to Be Performed</u>	<u>Fees</u>
\$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	
\$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.
\$10,001 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.

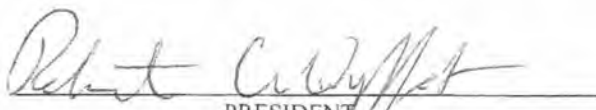
SECTION VIII – DATE OF EFFECT

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

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";

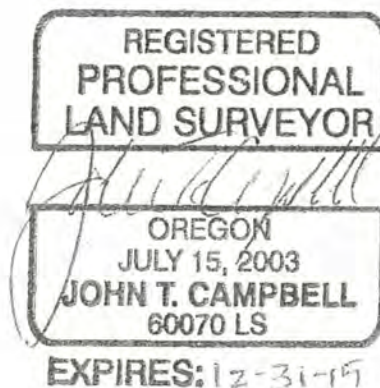
Thence northeasterly along the existing centerline of Canyon Creek Road and the arc of said reverse curve to the left (the long chord of which bears N10°47'47"E, 174.85 feet) 175.57 feet to Proposed Centerline Station 14+45.35;

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";

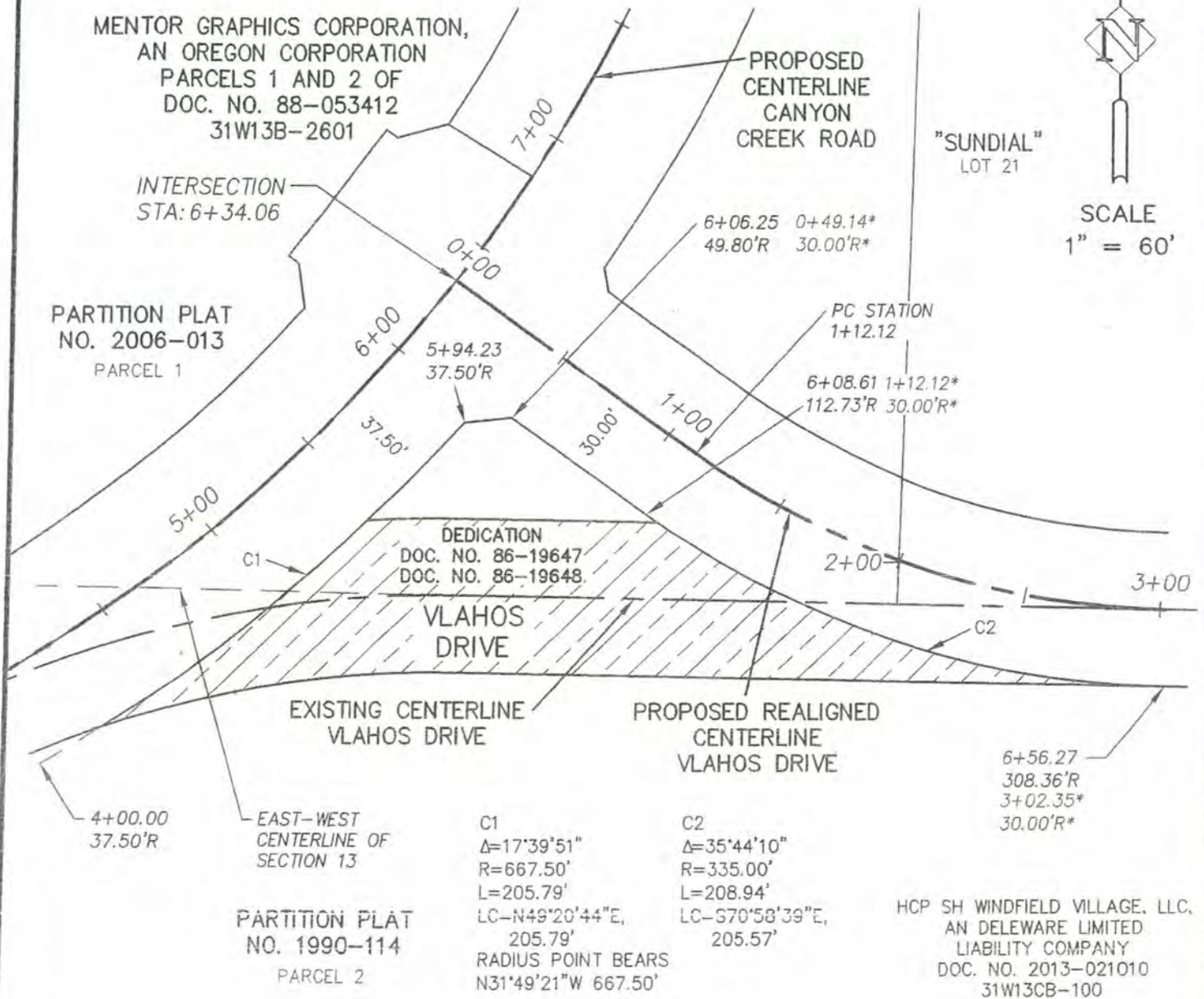
Thence northwesterly along the existing centerline of Canyon Creek Road and the arc of said curve to the left (the long chord of which bears N04°59'08"W, 131.52 feet) 131.83 feet to Proposed Centerline Station 21+79.08 and the beginning of a 558.00 foot radius reverse curve to the right, having a central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

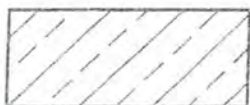
This centerline stationing and basis of bearings of this legal description is the same as that shown on Survey Number 2014-024, Clackamas County Survey Records.



VLAHOS DRIVE VACATION
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



LEGEND



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



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

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 works 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

<u>Source Control:</u>	<u>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.</u>
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
<u>Stormwater management facility:</u>	<u>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.</u>
<u>Stormwater management plan:</u>	<u>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.</u>
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

<u>Waters of the State:</u>	<u>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.</u>
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

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

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 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
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 1, 2014	Subject: Resolution No. 2502 Awarding the contract for purchase and installation of new playground equipment for Murase Plaza in Memorial Park. Staff Member: Bryan Cosgrove/Stan Sherer Department: Parks and Recreation
Action Required ☐ Motion ☐ Public Hearing Date: ☐ Ordinance 1 st Reading Date: ☐ Ordinance 2 nd Reading Date: ☒ Resolution ☐ Information or Direction ☐ Information Only ☐ Council Direction ☐ Consent Agenda	Advisory Board/Commission Recommendation ☐ Approval ☐ Denial ☐ None Forwarded ☒ Not Applicable Comments:
Staff Recommendation: Staff recommends approval of Resolution No. 2502.	
Recommended Language for Motion: I move to approve Resolution No. 2502	
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>	
☐ Council Goals/Priorities	☐ Adopted Master Plan(s)
☒ Not Applicable Increased efficiency/cost reduction	

ISSUE BEFORE COUNCIL:

Should the City council approve a special procurement/sole source contract with Columbia Cascade Company for the purchase and installation of two new play structures for Murase Plaza?

EXECUTIVE SUMMARY:

The Parks and Recreation Department desires to purchase two new play structures and a slide for Murase Plaza for an estimated total cost of \$158,250. This amount is less than the budgeted amount for play equipment.

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

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

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

The vendor selling this equipment has an interest in using this equipment as its model for some marketing purposes, and staff therefore expects that the manufacturer will pay close attention to detail in both the construction and installation of the equipment. Photos of the two units and slide proposed to be purchased are attached hereto for your reference and review.

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

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

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

procurement procedure in that it is the only equipment on the market with the above-described safety features that the City's Parks and Recreation Director deems essential, and it will be obtained at significant cost savings for all of the reasons stated above.

EXPECTED RESULTS:

The City will have new state of the art safe playground equipment that will blend beautifully with the style of Murase Plaza, will be durable and long lasting, and will be supplied by a local manufacturer who will manufacture, install, and deliver it to the City, which will result in significant cost savings by avoiding dealer mark-up and long distance delivery charges. The Parks and Recreation Department will continue to follow a competitive bidding and selection process whenever possible and will only deviate from such process when it is deemed to meet all of the required criteria, which is expected to be on a rare occasion.

TIMELINE:

The equipment is expected to be installed on or before _____, 2015.

CURRENT YEAR BUDGET IMPACTS:

The adopted FY 2014/15 Budget includes sufficient funding for Project 9130, original budget of \$210,000.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 11/20/14
Coded to project 9130, original budget of \$210,000.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 10/19/14
Legal Department provided Resolution and report.

COMMUNITY INVOLVEMENT PROCESS:

A public hearing to pass the resolution.

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

New safe and fun equipment to enhance the public recreational experience at Murase Plaza.

ALTERNATIVES:

- (1) Select other equipment through the normal competitive processes.
- (2) Do not purchase new equipment at this time.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Color drawings of proposed playground equipment
- B. Resolution No. 2502

k:\doc\murase playground\sr iso res auth sole source playground equip k



Columbia Cascade Company

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RePlay®, TimberForm-2®, InterPlay®,
CycLoops®, & CycLocker® Products

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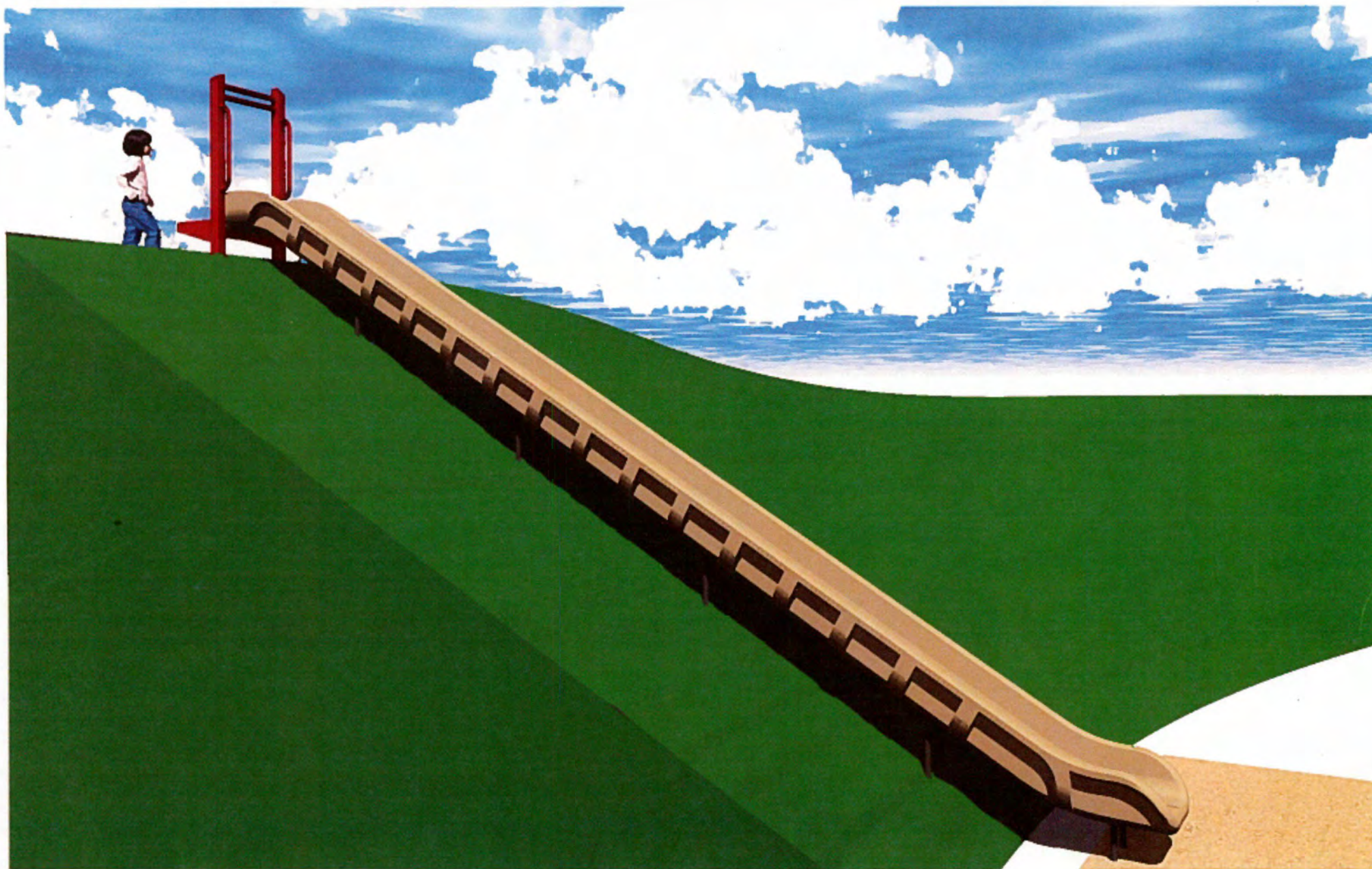
TimberForm RePlay Model No 3836-01-RP-M

Cattle Ranch
Memorial Park
Wilsonville, OR

Dwg No. P-13188-X-AUX

Drawn by: TB Rev by:
Date: 01-08-14 Date:

Scale: None
Sheet 2 of 4



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TimberForm

Model No. 1650-144-EMB

Embankment Slide Chute

Memorial Park

Wilsonville, OR

Dwg. No. P-13188-X-AUX

Drawn by: TB

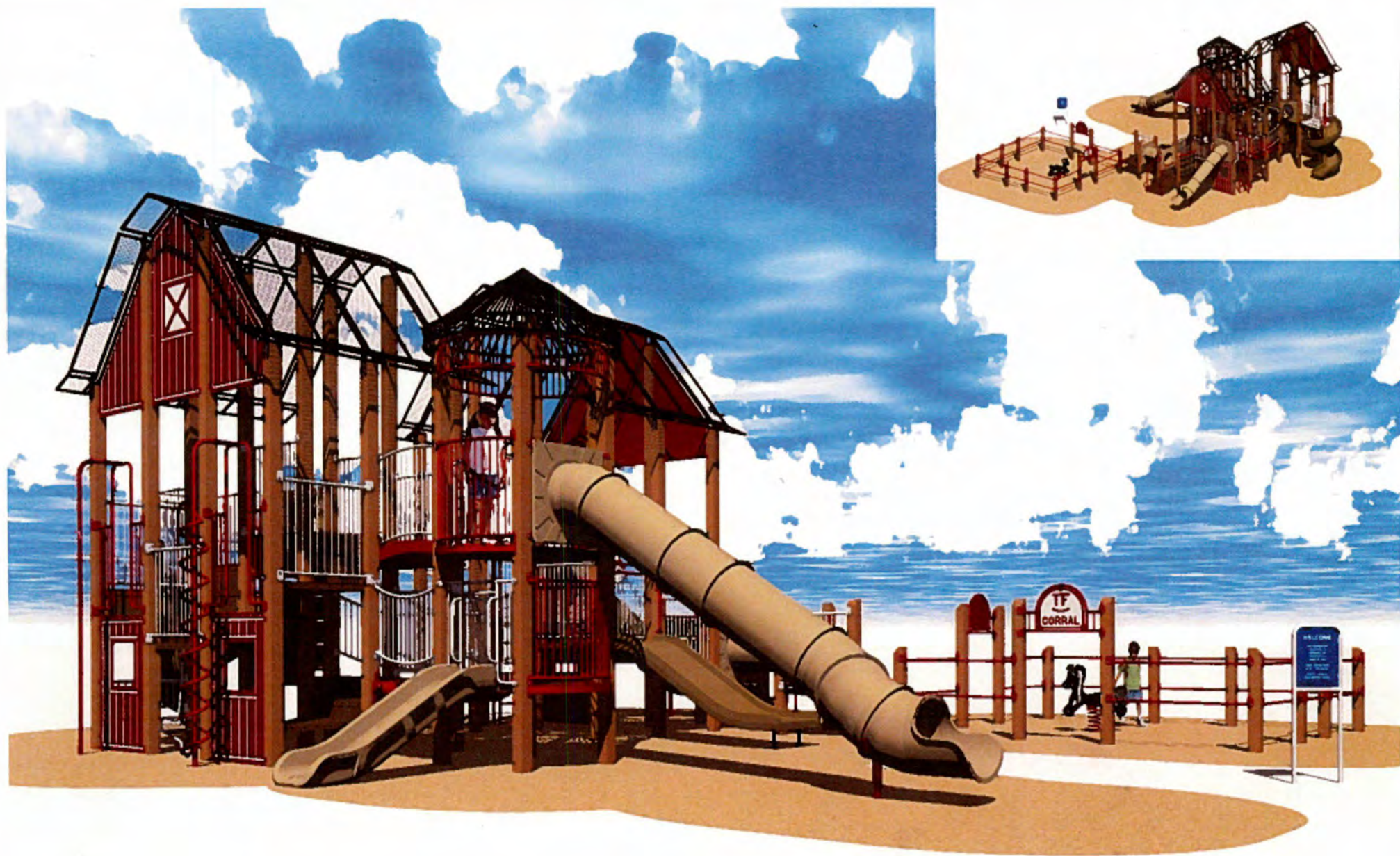
Rev. by:

Date: 01-08-14

Date:

Scale: None

Sheet: 3 of 4



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TimberForm RePlay Model No. 3817-01-RP-M
Barn with Silo and Corral
Memorial Park
Wilsonville, OR

Dwg. No. P-13188-X-AUX

Drawn by TB Rev. by

Date: 01-08-14

Date:

Scale: None

Sheet: 1 of 4

RESOLUTION NO. 2502

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A GOODS AND SERVICES CONTRACT WITH COLUMBIA CASCADE COMPANY FOR PLAYGROUND EQUIPMENT FOR MURASE PLAZA IN MEMORIAL PARK, PARKS AND RECREATION PROJECT #3001

WHEREAS, the City has budgeted funds to add some new playground equipment to Murase Plaza in Memorial Park; and

WHEREAS, after due diligence, the City's Parks and Recreation Director determined that only one manufacturer had the type of playground equipment desired, based on both aesthetics and safety; and

WHEREAS, Wilsonville Code allows for an exemption from a formal solicitation procedure on those rare occasions where the City Manager determines that a special procurement from a sole source is in the best public interest and does not hinder the City's overall competitive contracting procedures; and

WHEREAS, the City Manager and the City Parks and Recreation Director have recommended a special sole source procurement in this circumstance for the reasons set forth in the staff report submitted to the City Council and made part of the record of this hearing, including that the selection is unlikely to encourage favoritism because the manufacturer is local and selling directly to the City; substantial cost savings will be achieved; and the equipment, while best suiting the design of Murase Plaza, is also the only available equipment containing safety features deemed necessary by the City's Parks and Recreation Director; and

WHEREAS, City staff have determined that, based on the foregoing, Columbia Cascade Company has submitted the most suitable proposal, at a fair and competitive fee, for goods and services.

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

1. Based on the testimony, exhibits and reports, and the above recitals before the City Council, the City Council finds and determines:

- 1.1 The procurement process for the Project duly followed Oregon Public Contracting and City of Wilsonville Contracting Rules in making a selection that is not likely to encourage favoritism.
- 1.2 There is a reasonable expectation of substantial cost savings for the City.
- 1.3 The procurement promotes the public interest in a way that could not be realized by complying with normal procurement procedures.
2. City Council authorizes the City Manager to execute the Goods and Services Contract, in the form attached hereto as **Exhibit A**.
3. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this ____ day of _____, 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
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

Attachments:

Exhibit A: Goods and Services Contract

CITY OF WILSONVILLE GOODS AND SERVICES CONTRACT

This Goods and Services Contract ("Contract") is made and entered into on this ____ day of _____, 2014 ("Effective Date") by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (hereinafter referred to as the "City"), and **Columbia Cascade Company**, an Oregon corporation (hereinafter referred to as "Contractor").

RECITALS

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

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

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

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

AGREEMENT

Section 1. Scope of Work

Contractor will manufacture and supply the new playground equipment ("Equipment") described on the Scope of Work attached hereto as **Exhibit A** and incorporated by reference herein. Contractor will deliver and oversee the installation of said Equipment in the Murase Plaza area of Memorial Park in Wilsonville, Oregon, and perform the services necessary therefor, as more particularly described on the Scope of Work for the Murase Plaza Playground Renovation Project ("Project").

Section 2. Term

The term of this Contract shall be from the Effective Date until all work required to be performed hereunder ("Work") is completed and accepted, unless earlier terminated in accordance herewith. Except in the event of an extension of time agreed to, in writing, by the City, all Work is expected to be completed by April 30, 2015.

Section 3. Contract Sum/Project Scope

3.1. The City agrees to pay Contractor the all-inclusive fixed amount of TWO HUNDRED FOUR THOUSAND SIX HUNDRED TWENTY-FIVE DOLLARS (\$204,625)

for all Equipment, ground cover, delivery cost, loading and unloading, and labor and materials for full installation and warranties of the Project ("Contract Sum"). Any compensation in excess of the Contract Sum will require express written agreement between the City and Contractor. Contractor's Contract Sum is all inclusive and includes, but is not limited to, all work-related expenses, expenses, wages plus fringe benefits and contributions, including payroll taxes, workers compensation insurance, liability insurance, profit, pension benefits, and all other contributions and benefits. The City is responsible for site preparation.

3.2. Contractor will be paid the full Contract Sum upon completion of installation and acceptance of the Work and within thirty (30) days of receipt of an itemized invoice, unless the City disputes such invoice. In that instance, the undisputed portion of the invoice will be paid by the City within the above timeframe. The City will set forth its reasons for the disputed claim amount and make good faith efforts to resolve the invoice dispute with Contractor as promptly as is reasonably possible.

3.3. Before payment, Contractor will need to provide proof that all subcontractors and suppliers have been paid in full or may direct the City to issue joint payment to Contractor and the approved subcontractors set forth in **Section 5**.

Section 4. Project Managers

The City's Project Manager is Stan Sherer. Contractor's Project Manager is Steve Kirn.

Section 5. Subcontractors and Assignments

Contractor intends to subcontract with GK Morgan Construction for installation of the Equipment and with Rexius for the supply and installation of Fiberex wood chips ground cover. Other than the two subcontractors specified in this Section, Contractor shall not subcontract with others for any of the Work prescribed herein nor assign any of Contractor's rights acquired hereunder without obtaining prior written approval from the City, which approval may be granted or denied in the City's sole discretion. Any attempted assignment of this Contract without the written consent of the City shall be void. Except as otherwise specifically agreed, all costs for services performed by others on behalf of Contractor shall not be subject to additional reimbursement by the City. Contractor will not be paid until proof of payment of subcontractors is received or subcontractors sign a full waiver lien or lien release form.

Section 6. Contractor Is Independent Contractor

Except as otherwise mandated by state law, the performance of Work under this Contract is at Contractor's sole risk. All damages or loss to Work, equipment, or materials incurred during the performance of the Work shall be at Contractor's sole risk. Contractor is an independent contractor for all purposes and shall be entitled to no compensation other than the Contract Sum provided for under **Section 3** of this Contract. Contractor will be solely responsible for determining the manner and means of accomplishing the end result of Contractor's Work. The City does not have the right to control or interfere with the manner or method of accomplishing said Work. The City, however, will have the right to specify and control the results of

Contractor's Work so such Work meets the requirements of the Project. Contractor hereby represents that no subcontractors will be used on the Project.

Section 7. Contractor Responsibilities

7.1. Except as otherwise mandated by state law, the performance of Work under this Contract is at Contractor's sole risk. All damages or loss to Work, equipment, or materials incurred during the performance of the Work shall be at Contractor's sole risk. Any injury to persons or property incurred during the performance of the Work shall be at Contractor's sole risk. Contractor is an independent contractor for all purposes and shall be entitled to no compensation other than the Contract Sum provided for under **Section 3** of this Contract. Contractor will be solely responsible for determining the manner and means of accomplishing the end result of Contractor's Work. The City does not have the right to control or interfere with the manner or method of accomplishing said Work. The City, however, will have the right to specify and control the results of Contractor's Work so such Work meets the requirements of the Project.

7.2. Contractor shall be responsible for, and defend, indemnify, and hold the City harmless against, any liability, cost, or damage arising out of Contractor's use of such subcontractor(s) and subcontractor's negligent acts, errors, or omissions.

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

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

7.5. Contractor agrees that no person shall be discriminated against by Contractor or any subcontractor in the performance of this Contract on the grounds of sex, gender, race, color, creed, marital status, age, disability, or national origin. Any violation of this provision shall be grounds for cancellation, termination, or suspension of the Contract, in whole or in part, by the City. Contractor shall comply with all federal, state, and local laws, regulations, executive orders, and ordinances applicable to the Contract or to the implementation of the Project. Without limiting the generality of the foregoing, Contractor expressly agrees to comply with the following laws, regulations, and executive orders to the extent they are applicable to the Contract or the implementation of the Project: (a) all applicable requirements of state civil rights and rehabilitation statutes, rules, and regulations; (b) Titles VI and VII of the Civil Rights Act of 1964, as amended; (c) Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; (d) the Americans with Disabilities Act of 1990, as amended, and ORS 659A.142; (e) Executive Order 11246, as amended; (f) the Health Insurance Portability and Accountability Act of 1996; (g) the Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended; (h) the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; (i) all regulations and administrative rules established pursuant to the foregoing laws; and (j) all other applicable requirements of federal civil rights and rehabilitation statutes, rules, and regulations.

7.6. Contractor certifies that Contractor has not discriminated against minority, women, or small business enterprises in obtaining any subcontract.

7.7. Pursuant with ORS 279C.505(2), by execution of this Contract, Contractor agrees to have an employee drug testing program in place at the time of executing the Contract, acknowledges that such a program will be maintained throughout the Contract period, including any extensions, and shall demonstrate to the City that such drug testing program is in place. The failure of Contractor to have, or to maintain, such a drug-testing program is grounds for immediate termination of the Contract. Contractor shall require each subcontractor providing labor for the Project to also comply with this drug testing program requirement.

7.8. Contractor agrees that the City shall not be liable, either directly or indirectly, in any dispute arising out of the substance or procedure of Contractor's drug testing program. Nothing in this drug testing provision shall be construed as requiring Contractor to violate any legal, including constitutional, rights of any employee, including but not limited to selection of which employees to test and the manner of such testing. The City shall not be liable for Contractor's negligence in establishing or implementing, or failure to establish or implement, a drug testing policy or for any damage or injury caused by Contractor's employees acting under the influence of drugs while performing Work covered by the Contract. These are Contractor's sole responsibilities, and nothing in this provision is intended to create any third party beneficiary rights against the City.

7.9. Contractor shall make payment promptly, as due, to all parties supplying to such Contractor labor or material for the prosecution of the Work provided for in the Contract, and shall be responsible for payment to such persons supplying labor or material to any subcontractor.

7.10. By execution of this Contract, as required by ORS 305.385(6), Contractor certifies under penalty of perjury that to the best of Contractor's knowledge, Contractor is not in violation of any tax laws described in ORS 305.380(4).

7.11. Contractor agrees that if Contractor or a subcontractor fails, neglects, or refuses to make payment to a person furnishing labor or materials in connection with this Contract within thirty (30) days after receiving payment from the contracting agency or a contractor, Contractor or the subcontractor shall owe the person the amount due plus interest charges commencing at the end of the ten (10) day period within which payment is due under ORS 279C.580(3)(a) and ending upon final payment, unless payment is subject to a good faith dispute as defined in ORS 279C.580. The rate of interest on the amount due shall be calculated in accordance with ORS 279C.515(2). The amount of interest may not be waived.

7.12. Contractor agrees that if Contractor or a subcontractor fails, neglects or refuses to make payment to a person furnishing labor or materials in connection with this Contract, the person may file a complaint with the Construction Contractors Board, unless payment is subject to a good faith dispute as defined in ORS 279C.580.

7.13. Contractor shall make payment promptly, as due, to any party furnishing medical, surgical, hospital, or other needed care and attention, incident to sickness or injury, to the employees of Contractor, of all sums which Contractor agreed to pay for the services or collected or deducted from the wages of employees pursuant to any law, contract, or agreement for the purpose of providing or paying for such service.

7.14. Contractor and all subcontractors shall comply with the provisions of ORS 279C.540 pertaining to maximum hours, holidays, and overtime. With certain exceptions listed below, Contractor shall not require or permit any person to work more than ten (10) hours in any one (1) day, or forty (40) hours in any one (1) week, except in case of necessity, emergency, or where public policy requires it, and in such cases the person shall be paid at least time and a half for:

7.14.1. All overtime in excess of eight (8) hours in any one (1) day or forty (40) hours in any one (1) week when the work week is five (5) consecutive days, Monday through Friday; or

7.14.2. All overtime in excess of ten (10) hours in any one (1) day or forty (40) hours in any one (1) week when the work week is four (4) consecutive days, Monday through Friday; and

7.14.3. All Work performed on the days specified in ORS 279C.540(1)(b) for public improvement contracts.

7.15. Contractor and all subcontractors shall comply with the provisions of ORS 279C.545 pertaining to time limitation on claims for overtime and requirements for posting circulars containing said provisions.

7.16. Contractor must give notice to employees who work on a public contract, in writing, either at the time of hire or before commencement of Work on the Contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.

7.17. The hourly rate of wage to be paid by any Contractor or subcontractor to employed workers or other persons doing or contracting to do all or part of the work contemplated by a public contract shall be not less than the applicable wage required by law.

7.18. Contractor, its subcontractors, and all employers working under the Contract are subject employers under the Oregon Workers Compensation Law and shall comply with ORS 656.017 and provide the required workers compensation coverage, unless otherwise exempt under ORS 656.126. Contractor shall ensure that each of its subcontractors complies with these requirements.

7.19. In the performance of this Contract, Contractor shall comply with all applicable federal, state, and local laws, municipal codes, regulations, rules, and ordinances, including but not limited to those dealing with public contracts (ORS Chapter 279C) and with the prevention of environmental pollution and the preservation of natural resources (and avoidance of natural resource damages) in the performance of the Contract, including but not limited to ORS 279C.525. To the extent that known environmental and natural resource risks are specifically noted, shown, or specified in the Contract Documents or on the construction drawings, such risks are allocated to Contractor pursuant with ORS 279C.525(8)(a). If new or amended statutes, ordinances, rules, or regulations are adopted, or Contractor encounters a condition not referred to in this Contract, not caused by Contractor, and that was not discoverable by reasonable site inspection which requires compliance with federal, state, or local laws, codes, or regulations dealing with the preservation of the environment, both the City and Contractor shall have all the rights and obligations set forth in ORS 279C.525.

7.20. Contractor shall be liable for any fine imposed against Contractor, the City or the 'Project' as a result of a violation of any laws or permitting requirements by Contractor or any of its subcontractors or their sub-subcontractors or any suppliers.

7.21. Contractor must maintain and provide proof of a statutory public works bond throughout the term of this Contract.

Section 8. Subcontractor Requirements

8.1. Contractor's relations with subcontractors shall comply with ORS 279C.580. Pursuant with ORS 279C.580(3), each subcontract for material or services that Contractor enters into with a subcontractor, including a material supplier, for the purpose of performing a construction contract, shall include a payment clause that obligates Contractor to pay the subcontractor for satisfactory performance under the subcontract within ten (10) days out of such amounts as are paid to Contractor by the contracting agency under the public improvement contract.

8.2. Contractor shall certify that all subcontractors, as described in ORS 701.005(2), will be registered with the Construction Contractors Board or licensed by the State Landscape Contractors Board in accordance with ORS 701.035 or 701.026, respectively, before the subcontractors commence Work under the Contract.

8.3. In no event shall any subcontract be awarded to any person or entity debarred, suspended, or disqualified from federal, state, or municipal contracting.

Section 9. Indemnity and Insurance

9.1. Contractor acknowledges responsibility for liability arising out of the performance of this Contract, and shall defend, indemnify, and hold the City harmless from any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim resulting or allegedly resulting from Contractor's negligent acts, omissions, errors, or willful or reckless misconduct pursuant to this Contract, or from Contractor's failure to perform its responsibilities as set forth in this Contract. The review, approval, or acceptance by the City, its Project Manager, or any City employee of documents or other Work performed, prepared, or submitted by Contractor shall not be considered a negligent act, error, omission, or willful misconduct on the part of the City, and none of the foregoing shall relieve Contractor of its responsibility to perform in full conformity with the City's requirements, as set forth in this Contract, and to indemnify the City as provided above and to reimburse the City for any and all costs and damages suffered by the City as a result of Contractor's negligent performance of this Contract, failure of performance hereunder, violation of state or federal laws, or failure to adhere to the standards of performance and care described in **Subsection 9.2**. Contractor shall defend the City (using legal counsel reasonably acceptable to the City) against any claim that alleges negligent acts, omissions, errors, or willful or reckless misconduct by Contractor.

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

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

9.3.1. Commercial General Liability Insurance. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of this Contract,

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

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

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

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

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

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

Section 10. Warranty

Contractor hereby agrees that Contractor will timely and thoroughly perform all Work. Any required warranty work will be performed at the installation location unless the work cannot reasonably be performed on site. Contractor will be responsible for transporting the equipment in need of warranty work from Wilsonville and back to Wilsonville. Contractor agrees to provide full warranty for all labor, materials, and Equipment for the warranty period set forth below.

In addition to, and not in lieu of, any other warranties provided by various manufacturers and suppliers, Contractor fully warrants all Work and Equipment for a period of five (5) years from the date of Final Acceptance of the Work and Equipment and shall make all necessary repairs and replacements to remedy, in a manner satisfactory to the City's Project Manager and at no cost to the City, any and all defects, breaks, or failures of the Work or Equipment occurring within five (5) years following the date of completion due to faulty or inadequate materials or workmanship. Repair of damage or disturbances to other improvements under, within, or adjacent to the Equipment/Work, whether or not caused by settling, washing, or slipping, when such damage or disturbance is caused, in whole or in part, from activities of Contractor in performing his/her duties and obligations under this Contract, is also covered by the warranty when such defects or damage occur within the warranty period. The five (5) year warranty period shall, with relation to such required repair, be extended five (5) years from the date of completion of such repair.

Section 11. Early Termination; Default

11.1. This Contract may be terminated prior to the expiration of the agreed upon terms by the City if Contractor breaches this Contract and fails to immediately cure the breach within ten (10) days of receipt of written notice of the breach from the City.

11.2. If the City terminates this Contract in whole or in part, due to default or failure of Contractor to perform Work in accordance with the Contract, the City may procure, upon reasonable terms and in a reasonable manner, services similar to those so terminated. In addition to any other remedies the City may have, both at law and in equity, for breach of contract, Contractor shall be liable for all costs and damages incurred by the City as a result of the default by Contractor, including, but not limited to all costs incurred by the City in procuring services from others as needed to complete this Contract. This Contract shall be in full force to the extent not terminated by written notice from the City to Contractor. In the

event of a default, the City will provide Contractor with written notice of the default and a period of one (1) days to cure the default. If Contractor notifies the City that it cannot, in good faith, do so within the one (1) day cure period provided, then the City may elect, in its sole discretion, to extend the cure period to an agreed upon time period, or the City may elect to terminate this Contract and seek remedies for the default, as provided above.

Section 12. Contract Modification; Change Orders

Any modification of the provisions of this Contract shall not be enforceable or binding unless reduced to writing and signed by both the City and Contractor.

Section 13. Notices

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

To City: City of Wilsonville
 Attn: Stan Sherer
 29799 SW Town Center Loop East
 Wilsonville, OR 97070

To Contractor: Columbia Cascade Company
 Attn: Steve Kim
 1300 SW 6th Avenue, Suite 310
 Portland, OR 97201

Section 14. Miscellaneous Provisions

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

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

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

14.4. Adherence to Law. Contractor shall adhere to all applicable federal, state, and local laws (including the Wilsonville Code and Public Works Standards), including but not limited to laws, rules, regulations, and policies concerning employer and employee relationships, workers compensation, and minimum and prevailing wage requirements. Any

certificates, licenses, or permits that Contractor is required by law to obtain or maintain in order to perform the Work described in the Scope of Work shall be obtained and maintained throughout the term of this Contract.

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

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

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

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

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

14.10. Modification. This Contract may not be modified except by written instrument executed by Contractor and the City.

14.11. Time of the Essence. Time is expressly made of the essence in the performance of this Contract.

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

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

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

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

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

14.17. Interpretation. As a further condition of this Contract, the City and Contractor acknowledge that this Contract shall be deemed and construed to have been prepared mutually by each party and it shall be expressly agreed that any uncertainty or ambiguity existing therein shall not be construed against any party. In the event that any party shall take an action, whether judicial or otherwise, to enforce or interpret any of the terms of the contract, the prevailing party shall be entitled to recover from the other party all expenses which it may reasonably incur in taking such action, including attorney fees and costs, whether incurred in a court of law or otherwise.

14.18. Entire Agreement. This Contract, all documents attached to this Contract, and all Contract Documents and laws and regulations incorporated by reference herein, represent the entire agreement between the parties.

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

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

The Contractor and the City hereby agree to all provisions of this Contract.

CONTRACTOR:

COLUMBIA CASCADE COMPANY

By: _____

(Print Name)

As Its: _____

Employer I.D. No. _____

CITY:

CITY OF WILSONVILLE

By: _____

(Print Name)

As Its: _____

APPROVED AS TO FORM:

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

ATTESTED TO:

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

k:\doc\murase playground\gsk murase playground equip-columbia cascade

EXHIBIT A

SCOPE OF WORK

Contractor will manufacture, deliver, and consult with installation of three pre-designed play structures to the identified site of Murase Plaza, Wilsonville, Oregon. The structures need to reflect the model number and descriptions below:

- 1 each 3836-01-RP-M Columbia Cascade Cattle Ranch inclusive play structure, two standard color CASPAX-7 powder-coated finishes, Cedar colored 100% post-consumer recycled plastic posts, wood roofs, baluster walls, colored (TBD) plastic accessories;
- 1 each 3817-01-RP-M Columbia Cascade RePlay Barn with silo and corral, two standard color CASPAX-7 powder-coated finishes, Cedar colored 100% post-consumer HDPE recycled plastic posts, brown thermoplastic-coated perforated steel soft decks, baluster walls, laminated plastic panels, colored (TBD) plastic components;
- 1 each 1650-144-EMB Columbia Cascade Embankment Slide Chute for 12-foot high embankment, standard color CASPAX-7 powder-coated accessible entrance platform; colored (TBD) plastic accessories.

Contractor will install the three pre-designed play structures within manufacturer specifications and ASTM safety guidelines for recreational play structures. The installation will include the following:

- auger, level, and block for accessory footings that go into concrete;
- supply and pour required concrete;
- crane rental to place roofs;
- safety checks; and
- clean up.

Contractor will provide and install engineered Fiberex wood chips to insure a safe fall zone that is consistent with ASTM safety guidelines for recreation play structures and accessibility standards identified within the Americans with Disabilities Act.

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 1, 2014	Subject: Resolution No. 2499 Oregon Department of Transportation Intergovernmental Agreement for French Prairie Bridge – CIP #9137 Staff Member: Zachary Weigel, PE, Civil Engineer Department: Engineering	
Action Required ☒ Motion ☐ Public Hearing Date: ☐ Ordinance 1 st Reading Date: ☐ Ordinance 2 nd Reading Date: ☒ Resolution ☐ Information or Direction ☐ Information Only ☐ Council Direction ☒ Consent Agenda	Advisory Board/Commission Recommendation ☐ Approval ☐ Denial ☐ None Forwarded ☒ Not Applicable Comments: 	
Staff Recommendation: Staff recommends approval of Resolution No. 2499.		
Recommended Language for Motion: I move to approve Resolution No. 2499.		
PROJECT / ISSUE RELATES TO:		
☒ Council Goals/Priorities <u>Goal 4</u> Improve Bike and Pedestrian Connectivity. <u>Goal 9</u> Multi-Modal Transportation Network	☒ Adopted Master Plan(s) High Priority Regional Trail Project RT-06 of the city's 2013 Transportation System Plan	☐ Not Applicable

ISSUE BEFORE COUNCIL:

A City of Wilsonville resolution authorizing the Mayor to sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) enabling the City to participate in the French Prairie Bridge federal aid project.

EXECUTIVE SUMMARY:

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

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

The Federal funding component of the French Prairie Bridge project necessitates the City enter into an intergovernmental agreement (IGA) with ODOT, who will monitor the project to ensure compliance with Federal requirements. The IGA generally defines the project work and outlines the City's and ODOT's obligations with regards to performance of the project work. The IGA is attached as Exhibit 1 to Resolution No. 2499. At the December 1, 2014 City Council meeting, a placeholder IGA marked DRAFT is included in the packet. The placeholder will be replaced when we receive the final copy from ODOT for the mayor's signature. At this time, staff does not expect any changes to the DRAFT.

EXPECTED RESULTS:

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

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

TIMELINE:

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

CURRENT YEAR BUDGET IMPACTS:

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

\$1,378,375 plus any City overhead.

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

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

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 11/20/14

LEGAL REVIEW / COMMENT:

Reviewed by: MEK_____ Date: 11/19/2014_____

Resolution approved as to form.

COMMUNITY INVOLVEMENT PROCESS:

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

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

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

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

ALTERNATIVES:

1. Approve the IGA in its current form. Recommended.
2. Deny the IGA and return the Federal grant funding. This is not recommended and could result in the loss of substantial political capital at the regional level.

CITY MANAGER COMMENT:

ATTACHMENTS

RESOLUTION NO. 2499

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF OREGON, ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION (ODOT) FOR PLANNING AND PRELIMINARY DESIGN OF THE FRENCH PRAIRIE BRIDGE (CAPITAL IMPROVEMENT PROJECT #9137).

WHEREAS, the City has planned and budgeted for the completion of Capital Improvement Project #9137, known as the French Prairie Bridge project (the Project); and

WHEREAS, the project will determine the final bridge location, alignment, and preliminary design necessary to determine whether to pursue bridge final design and construction; and

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

WHEREAS, the City of Wilsonville is required to enter into Intergovernmental Agreements with the Oregon Department of Transportation to initiate the use of Federal funding for planning and preliminary design projects and

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

1. The City Council does hereby approve and authorize the Mayor to sign Intergovernmental Agreement No. 30118 for planning and preliminary design for the project known as the French Prairie Bridge (Project #9317) between the City of Wilsonville and the State of Oregon, acting by and through its Department of Transportation. A copy of Intergovernmental Agreement No. 30118 marked Exhibit "1" is attached hereto and incorporated herein.
2. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 1st day of December 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

Attachments:

Exhibit 1 – IGA Agreement No. 30118

DRAFT: October 31, 2014

**INTERGOVERNMENTAL AGREEMENT
PLANNING PHASE
French Prairie Bridge: Boones Ferry Road to Butteville Road
City of Wilsonville**

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

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.

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

TERMS OF AGREEMENT

1. The following documents are attached hereto and by this reference made a part of this Agreement.
 - a. Exhibit A – Scope of Work
 - b. Exhibit B – Contractor Certification
 - c. Exhibit C – Federal Provisions
2. The purpose of this Agreement is to enable Agency to participate in this federal aid project to determine the final location and alignment and prepare preliminary construction documents and environmental documentation for the French Prairie Bridge; a bike and pedestrian bridge over the Willamette River in Wilsonville, Oregon. The Agency shall engage public participation in the bridge location, alignment and design selection process through the formation of a Public Advisory Committee and development of a Brand Messaging and Public Involvement Plan. Agency shall specifically, develop unique public outreach activities to engage the elderly and disabled populations within the area, hereinafter referred to as "Project," as described in Exhibit A, French Prairie Bridge, Scope of Work (including Site Map 1 and 2).

3. A personal services contractor, hereinafter referred to as "Consultant," will be selected by Agency, pursuant to the process established by ORS 279.125 and Oregon Administrative Rule 137-048-0260, to perform the Project. It is the intent of the Parties that State will enter into a personal services contract directly with Consultant and Agency will manage and direct the consultant's work in accordance with this Agreement.
4. The Project will be conducted as a part of the Federal-Aid Surface Transportation Program (STP) under Title 23, United States Code. The total Project cost for the Planning Phase is estimated at \$1,393,000, which is subject to change. STP urban funds for this Project will be limited to \$1,393,000. The Project will be financed with STP urban funds at the maximum allowable federal participating amount, with Agency providing any non-participating costs, including all costs in excess of the available federal funds.
5. The federal funding for this Project is contingent upon approval by the Federal Highway Administration (FHWA). Any work performed prior to acceptance by FHWA or outside the scope of work will be considered nonparticipating and paid for at Agency expense.
6. State considers Agency a subrecipient of the federal funds it receives as reimbursement under this Agreement. The Catalog of Federal Domestic Assistance (CFDA) number and title for this Project is 20.205, Highway Planning and Construction.
7. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten (10) calendar years following the date all required signatures are obtained, whichever is sooner.

AGENCY OBLIGATIONS

1. Agency shall be responsible for the performance of its share of the work described in Exhibit A.
2. Agency shall keep accurate cost accounting records. Agency invoices will be in a form identifying the Project, the Agreement number, the invoice number or the account number or both, and will itemize all expenses for which reimbursement is claimed. Under no conditions shall STP Urban Funds for this Project exceed \$1,393,000, including all expenses. Travel expenses shall be reimbursed to Agency in accordance with the current State of Oregon Department of Administrative Services' rates. The Project will be financed with STP Urban Funds at the maximum allowable federal participating amount with Agency providing any non-participating costs, including all costs in excess of the available federal funds.

3. Agency shall not transfer ownership or maintenance responsibilities of French Prairie Bridge from Boones Ferry Road to Butteville Road to another public agency without prior notification of such transfer, as mentioned in State Obligations No. 6.
4. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279B.220, 279B.225, 279B.230, 279B.235 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
5. Agency shall perform the service under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers compensation, unemployment taxes, and state and federal income tax withholdings.
6. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its contractors complies with these requirements.
7. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment (or completion of Project -- if applicable.) Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.
8. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
9. Agency's Project Manager for this Project is Zachary J. Weigel, Civil Engineer, City of Wilsonville, 29799 SW Town Center Loop E, Wilsonville, OR 97070, (503) 570-1565 Weigel@ci.wilsonville.or.us, or assigned designee upon individual's absence. Agency

shall notify the other Party in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. State shall be responsible for obtaining FHWA approval to obligate the Urban STP funds for this Project.
2. Upon approval by FHWA, State shall send a Notice to Proceed (NTP) to Agency.
3. State shall be responsible for the performance of its share of the work described in Exhibit A as a Project expense chargeable against the Project.
4. In consideration for the services performed, and upon receipt of the Consultant's monthly reimbursement requests, along with invoices and supporting documentation, that were approved by Agency for services performed by Consultant for eligible costs, State shall review for approval and make payment to Consultant for eligible costs. Said payment shall be within forty-five (45) days of receipt by State of the Project invoices and shall not exceed a maximum amount of \$1,393,000. Said maximum amount shall include reimbursement for all expenses, including travel expenses. Travel expenses shall be reimbursed to Consultant in accordance with the current State of Oregon Department of Administrative Services (DAS) rates.
5. In consideration for the services performed, State agrees to pay Agency within forty-five (45) days of receipt by State of the Project invoice a maximum amount of \$1,393,000. Said maximum amount shall include reimbursement for all expenses, including travel expenses.
6. State has no monetary obligation under this Agreement other than in its role as a "pass-through agency" to distribute Urban STP funds for the Project outlined in Exhibit A.
7. State will be notified by Agency prior to any transfer of ownership or maintenance responsibility of the French Prairie Bridge from Boones Ferry Road to Butteville Road to another public agency, as mentioned in Agency Obligations No 3.
8. State will enter into a personal services contract directly with Consultant and State will ensure the contract outlines the Consultant's responsibilities with regards to the Agency so that Agency can perform its obligations under this Agreement, and it will include language that the Agency will manage and direct the Consultant's work in accordance with this Agreement.
9. State will ensure that the Consultant contract states that the Consultant will submit invoices and required supportive documentation regarding specific tasks and the

progress on said tasks as shown in Exhibit A (i.e. monthly progress statement) for 100 percent of actual eligible costs incurred by Consultant on behalf of the Project directly to the Agency and State. Invoices and required supportive documentation shall be presented for period of not less than one (1) month duration, based on actual eligible expenses incurred. Invoices shall display 100 percent of total eligible expenses incurred during the period of the invoice, and identify any matching amounts if applicable. Invoices shall also display a categorical breakdown of costs, such as personnel costs (salary and benefits), other direct charges, and indirect charges that are appropriate for this Project. Eligible project expenses are those deemed allowable by Office of Management and Budget (OMB) Circular A-87.

10. In the event the invoice is not approved, State shall request corrective action be taken by the Consultant and accomplished prior to approval of the invoice. The invoice shall be resubmitted with documentation supporting completion of the corrective action.
11. State certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation of the current biennial budget.
12. State's Project Manager for this Project is David Arena, Local Agency Liaison, Oregon Department of Transportation, 123 NW Flanders Street, Portland, OR 97209 (503) 731- 8276, david.arena@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both Parties.
2. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement and as further outlined in Exhibit A, within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.

- c. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - d. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
- 3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
- 4. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
- 5. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
- 6. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is

appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

7. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
8. As federal funds are involved in this Agreement, EXHIBITS B and C are attached hereto and by this reference made a part hereof, and are hereby certified to by Agency representative.
9. Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to the Federal Highway Administration, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
10. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
11. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

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

This Project is in the 2012-2015 Statewide Transportation Improvement Program, (Key #17264) that was adopted by the Oregon Transportation Commission on March 21, 2012 (or subsequently approved by amendment to the STIP).

SIGNATURE PAGE TO FOLLOW

Agency/State
Agreement No. 30,118

CITY OF WILSONVILLE, by and through
its elected officials

By _____
Mayor

Date _____

By _____
Recorder

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Counsel

Date _____

Agency Contact:

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

State Contact:

David Arena, Local Agency Liaison
Oregon Department of Transportation
123 NW Flanders Street
Portland, OR 97209
(503) 731-8276
David.arena@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Region 1 Manager

Date _____

By _____
Region 1 Project Services Manager

Date _____

By _____

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date _____

EXHIBIT A

**French Prairie Bridge
Scope of Work**

Project Purpose

This is a local federal aid project to determine the final location and alignment and prepare preliminary construction documents and environmental documentation for the French Prairie Bridge, a bike and pedestrian bridge over the Willamette River in Wilsonville, Oregon.

Project Focus

- i. Engage public participation in the bridge location, alignment, and design selection process through the formation of a Public Advisory Committee and development of a Brand Messaging and Public Involvement Plan. Specifically, develop unique public outreach activities to engage elderly and disabled populations within the area.
- ii. Determine final bridge location, alignment, size, and type.
- iii. Write project prospectus, including selection of NEPA approach.
- iv. Provide Design Acceptance Package (DAP), including 30% construction documents and cost estimates for the selected bridge design.
- v. Provide environmental documentation and permits based on the DAP in preparation for future Advance Design work.

Budget Table

Project Task Description	Budget
1 – Project Kickoff	\$20,000
2 – Project Management	\$180,000
3 – Public Involvement	\$150,000
4 – Alternatives Analysis	\$130,000
5 – Bridge Type Selection	\$90,000
6 – Funding Alternatives	\$20,000
7 – 30% Construction Documents	\$440,000
8 – Environmental Documentation & Permits	\$340,000
Sub-Total	\$1,370,000
Contingency Sub-Tasks	\$137,000
Total	\$1,510,000

Schedule Table

Project Task Description	Completion Time (From Notice to Proceed)
1 – Project Kickoff	1 month
2 – Project Management	24 months
3 – Public Involvement	21 months
4 – Alternatives Analysis	9 months
5 – Bridge Type Selection	12 months
6 – Funding Alternatives	12 months
7 – 30% Construction Documents	18 months
8 – Environmental Documentation & Permits	24 months

Work: Roles & Responsibilities

City will perform a portion of the task work associated Tasks 1-3 following as well as provide general project owner oversight of all task work contained in this scope exhibit . State (ODOT) will perform FHWA/ODOT Stewardship Agreement oversight responsibilities for all task work contained in this scope exhibit including but not limited to public involvement, design, NEPA, permitting, utilities, right of way, and alternative selection. State will review all draft and final deliverable documentation. ODOT will coordinate with resource agencies on behalf of the project and will assist with City project permitting as necessary. Consultant will coordinate with State (ODOT) on project designs and concepts to ensure the avoidance and minimization of natural resources as required by Local, State, and Federal environmental regulations. Consultant will perform project management and technical work associated with all tasks and will prepare all necessary project deliverables.

Pre-Contract Activity: Refine Scope of Work

During fee negotiation with the selected consultant and prior to final execution of consultant contract, the City, State, and consultant shall meet and discuss desired project outcomes and refine scope of work, including the following:

- Review project time-line.
- Determine project milestones.
- Refine project deliverables.
- Discuss roles of the City, ODOT, and consultants.
- Establish lines of communication, decision making, and internal review process.
- Review preliminary work and data collected by the City, including maps, reports, contact information, and past plans and studies.

Scope of Work Outline

Task 1 – Project Kickoff

- i. Prepare a Purpose / Needs Statement: Draft purpose and needs statements explaining purpose and goals of the project to provide guidance/direction for City Council and Committees throughout each phase of the project.

- ii. Schedule: Prepare a detailed project schedule, including scheduling for each task.

Task 2 – Project Management

- i. Administration: Supervise and coordinate project work, maintain files and records, monitor work tasks, budgets, and schedule, prepare invoices, provide exhibits, maps and figures as needed.
- ii. Identify Project Management Team : Assist City staff in formation of Project Management Team. (City Staff, ODOT, Consultants)
- iii. Develop Technical Advisory Committee: Assist City staff in formation of Technical Advisory Committee (Regional and Local Agency Stakeholders, Environmental Regulatory Agencies, Emergency Response Providers).
- iv. Develop Public Advisory Committee: Assist City staff in formation of Public Advisory Committee. Members with different project perspectives (Parks & Recreation Board, Neighborhood Organizations, Active Transportation Advocates, Business Groups, etc.)
- v. Meetings: Schedule, facilitate, produce agendas, meeting materials, minutes for all project meetings.
 - a. Kick-Off Meeting
 - b. Project Management Team Meetings
 - c. Technical Advisory Committee Meetings
 - d. Public Advisory Committee Meetings
 - e. Council Meetings
 - f. Public Open House (At Least 3)

Task 3 – Public Involvement

- i. Identify Key Stakeholders
- ii. Brand Messaging Package: Prepare a Brand Messaging Package that includes logos, images and language to be included on all project related materials that conveys a consistent message about the project goals and reinforces the project identity.
- iii. Public Involvement Plan: Prepare a Public Involvement Plan that includes strategies and desired outcomes for engaging key stakeholders and the public in the project. Specifically, address the unique outreach needs and opportunities of the elderly and disabled populations in the area. Includes outreach events, social media, news outlets, project website.
- iv. Outreach Materials & Media: Prepare all public involvement materials in coordination with City Staff, including postcards, news articles newsfeed, PowerPoint presentations, and informational displays. Develop and maintain a Project Website in coordination with City Staff for duration of the work.
- v. Public Open House: Determine number of public open houses. Schedule, attend, and prepare materials for public open houses. At a minimum, a public open house shall be held at the following milestones:
 - a. After location alternatives have been studied, but before final location selection.

- b. After bridge type and alignment has been studied, but before final bridge type and alignment selection.
- c. Prior to completion of the 30% construction documents.

Task 4 - Alternatives Analysis

- i. Identify Bridge Locations for Alternatives Analysis: Select two potential bridge sites with up to two alignment options for each location for performance of alternatives analysis.
 - a. Site #1: Charbonneau Connection, east of Boones Bridge, with connection to French Prairie Drive.
 - b. Site #2: Boones Ferry Connection, west of Boones Bridge near south end of Boones Ferry Road.
- ii. Surveying & Mapping:
 - a. Obtain digital aerial mapping of the study sites. Each study site shall consist of a 500-foot wide corridor. Use to identify horizontal and vertical alignments, bridge length, property impacts, environmental and permitting requirements.
 - b. Provide property impacts map identifying property boundaries, right-of-ways and easements located within the corridor for each of the study sites. Include survey monuments, property ownership, tax lot information, and recorded surveys. Provide title reports for all non-City owned parcels.
- iii. Preliminary Geotechnical Investigation: Assess geotechnical conditions for bridge construction at each of the study sites. Research and review available historic geologic literature and geotechnical investigations performed in the area. Perform a visual inspection of each site. Identify potential geologic and geotechnical conditions that are anticipated to significantly impact the bridge design, including recommendations to avoid or minimize impacts.
- iv. Preliminary Traffic Impact Analysis: Assess bicycle and pedestrian traffic patterns for each of the study sites.
 - a. Document determination of the bridge design vehicle resulting from stakeholder discussions. The design vehicle selection shall take into account potential users of the bridge, specifically emergency vehicle usage. Design requirements will be related to width, turning dimensions/radii and weight/axle configuration.
 - b. Review City, County and Regional Transportation/Bike/Pedestrian plans for compliance of each of the study sites.
 - c. Conduct traffic forecasts for vehicle, bike, and pedestrians for no build and build at year of opening and no build and build at year of opening plus 20 years.
 - d. Identify anomalies and/or unrealistic patterns, impacts to all modes of transportation, and potential mitigation for each of the study sites and traffic forecast scenarios.
 - e. Identify public infrastructure improvements needed to support each bridge location.
- v. Preliminary Hydrology and Hydraulics Report: Obtain FEMA model and mapping to assess anticipated effects of a new bridge at each location. Qualitatively compare hydrology and hydraulics of the basin, including floodplain impacts, for each of the study sites to determine a general approach to achieving the No Rise certification.
- vi. Preliminary Wetlands Impact Assessment: Assess impacts to wetlands at each of the study sites. Review published references and perform a field inspection to determine the approximate

location and extent of wetlands. Identify the potential for minimizing impacts and developing mitigation strategies for each of the study sites.

- vii. Environmental Baseline Report: Identify the Area of Potential Impact (API) for each site. Assess each site for natural resource and other environmental features within their respective API. Document existing conditions and features in an Environmental Baseline Report (EBR). Prepare a supporting graphic for each site identifying key features. Environmental elements to be addressed include:
 - a. Aquatic, vegetation and wildlife habitat and wetlands assessment based on published references and a one-day site visit covering each API. Identify type and approximate location of significant trees and vegetation, protected plant species. Describe wetlands and waters, threatened and endangered species, critical habitat and movement corridors, including potential effects to each aspect. , and non-native/noxious plant species.
 - b. Preliminary determination of Endangered Species Act (ESA) compliance documentation for present species: No Effect Memo (NEM), Programmatic or Individual.
 - c. ODFW, DSL & USCOE permits necessary for each site.
 - d. Hazardous materials database/desktop search.
 - e. Identify Section 4(f) and Section 6(f) resources.
 - f. Other permitting needs including Coast Guard, DEQ and Local Permits.
- viii. Cultural Resources Baseline Report: Identify archaeological, cultural, and historical resources that may be located within each API. Summarize findings and identify the extent of additional fieldwork, research, and formal survey work that may be needed to meet federal and state requirements for the protection of significant cultural resources.
- ix. Preliminary Access Layout: Prepare layouts of bridge access routes and preliminary design of bridge access and public infrastructure improvements needed to support bridge access at each study location. Develop a preferred horizontal and vertical alignment and bridge length for each site. Identify key access points, challenges, and preliminary construction costs.
- x. Final Bridge Location Selection: Provide report and set of exhibits summarizing the alternatives investigation. Prepare a matrix comparing each of the study sites using the information obtained as part of the alternatives analysis. Include planning level bridge construction costs, including property acquisition acreages, for each site. Make recommendation for final bridge location and alignment.

Task 5 – Bridge Type Selection

- i. Determine bridge height to meet navigational, hydraulic and connection point requirements.
- ii. Conceptual Design: At the final selected bridge location, provide four conceptual design alternatives with cost estimates taking into account environmental constraints, FEMA floodplain/way encroachment limitations, navigational clearance requirements and right-of-way constraints.
 - a. Structures Design: At the final selected bridge location, investigate four alternatives for bridge, retaining wall, and other structures design, including assessment of bridge and wall type, span configuration, material types, foundation alternatives, and aesthetic treatments.

- b. Bridge Access Infrastructure: At the final selected bridge location, investigate four alternatives for design of connections between existing public infrastructure and bridge structure, including geometric design for bike, pedestrian, and emergency vehicle connections, lighting, stormwater control, architectural and landscaping treatments.
 - c. Summarize aesthetic considerations and options for key project elements.
- iii. Refine bridge type conceptual design and cost estimates for two alternatives based on feedback from the public, committees, and council.
- iv. Final Bridge Type Selection: Make final bridge type, size, and location recommendation and cost estimate based on funding analysis and input from public and committees. Summarize type selection process and decision in a Bridge Selection Report including cost estimates and exhibits depicting each alternative.

Task 6 – Funding Alternatives

Prepare an analysis of different funding options for design and construction completion of the final selected bridge type, size and location. Analysis should include available grant programs and funding sources from stakeholder groups.

Task 7 - 30% Construction Documents (Final selected bridge type, size and location only.)

- i. Topographic Survey: Perform topographic survey and create a Digital Terrain Model for the selected location. Data collection will include existing topography, built features, utilities, waters, wetlands, trees/vegetation. Trees larger than 6" in diameter shall be tagged with an identification number corresponding to identification number assigned on project documents. Retrace right-of-way to identify property impacts.
- ii. Geotechnical Investigation: Perform geotechnical field explorations, laboratory testing and engineering analysis and provide geotechnical recommendations for bridge foundations, retaining walls and pavement design. Number and location of borings will be dependent on final bridge type selection and related access structures.
- iii. River Hydraulics: Conduct a detailed hydraulics analysis and floodplain study for the selected location and alternative. Assess the hydraulic performance of the bridge structures. Obtain river cross-sections, update FEMA model, perform floodplain modeling, provide recommendations for meeting No-Rise certification and prepare a Hydraulic Report.
- iv. Hydrologic Analysis & Stormwater Management:
 - a. Assess the hydrologic conditions for the project area.
 - b. Determine appropriate stormwater management design for the project and impacts to basin hydrology.
 - c. Prepare a Stormwater Management Report documenting storm water facility sizing and design.
- v. Preliminary Traffic Design: Prepare 30% construction documents and cost estimates for striping, lighting and signing.

- vi. Preliminary Structures Design: Prepare 30% construction documents and cost estimates for bridge, retaining wall, and other structures.
- vii. Preliminary Access Design: Prepare 30% construction documents and cost estimates for non-structural bike, pedestrian, emergency vehicle connections from existing public infrastructure to bridge. Include improvements to existing infrastructure to support access to the bridge. Include preliminary architectural and landscape design.
- viii. Prepare Design Acceptance Package: Prepare DAP package for submission to ODOT, including 30% construction documents and cost estimates.
- ix. Prepare Project Prospectus: Prepare a project prospectus using 30% construction documents, environmental documentation and cost estimates for submission to ODOT.

Task 8 – Environmental Documentation & Permits (Final selected bridge type, size and location only.)

- i. Permit Strategy: Identify federal, state and local permits required for construction. Summarize in tabular format with pertinent requirements for each permit.
- ii. Wetland Delineation: Conduct wetland delineation within the project area. Prepare Wetland Delineation Report for submission to Oregon DSL.
- iii. *CONTINGENCY - Wetland Mitigation Plan: Prepare a wetland mitigation plan for submission to Oregon DSL and Army Corps of Engineers.*
- iv. *CONTINGENCY - Historic & Archaeological Determination of Eligibility & Finding of Effect: Perform DOE & FOE for any identified historic or archaeological resources, including documentation of, and/or mitigation for impacts.*
- v. Phase 1 Hazardous Material Corridor Assessment (HMCA): Identify potential and known sources of contamination within the API through field observations, environmental database information, historic land use, and other historical sources of data. Determine the extent of additional investigation, if needed.
- vi. *CONTINGENCY – Phase 2 HMCA report and testing: Conduct sampling and perform laboratory testing for anticipated contaminants. Identify the need for project specifications to address contaminants that will be encountered during construction.*
- vii. *CONTINGENCY – Section 4(f) Documentation: Prepare impact assessment and mitigation documentation if 4(f) resources are impacted.*
- viii. *CONTINGENCY – Section 6(f) Documentation: Prepare impact assessment and mitigation documentation if 6(f) resources are impacted.*
- ix. Endangered Species Act (ESA) Documentation: Prepare “No Effect” ESA Compliance Documentation for plants and wildlife species. Prepare SLOPES V or FAHP ESA Programmatic Compliance Document for aquatic species.
- x. *CONTINGENCY – Biological Assessment (BA): If ESA listed plants or wildlife are within the project API, prepare an individual BA for the affected species. If the project does not qualify for programmatic documentation through NMFS for aquatic species impacts, prepare an individual BA.*

- xi. ODFW Fish Passage Plan: Coordinate with ODFW and ensure project meets Oregon Fish Passage Law.
- xii. USCG Bridge Permit: Coordinate with the US Coast Guard. Prepare and submit a USCG Permit Application.
- xiii. DSL Easement Application: Prepare and submit easement application and easement descriptions to DSL.
- xiv. Local Land Use Permits: Complete and submit all applicable local land use permits. These may include, but are not limited to Willamette Greenway Conditional Use and Floodplain.
- xv. Joint Permit Application: Prepare Joint Permit Application for submission to Oregon DSL and Army Corps of Engineers.
- xvi. Permitting Review & Support: Include review time and revisions for the City, and other agencies with project approval authority for all environmental documentation and permits. Provide support during review and approval process, including responding to regulatory agency comments and making permit revisions as required.
- xvii. NEPA Categorical Exclusion Documentation: Complete and submit NEPA Class 2 Categorical Exclusion documentation for submittal to ODOT.

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Site #1 - Charbonneau Connection



11/19/14

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Site #2 - Boones Ferry Connection



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Agreement No. 30,118

For purposes of Exhibits B and C, references to Department shall mean State, references to Contractor shall mean Agency and references to Contract shall mean Agreement.

**EXHIBIT B
CONTRACTOR CERTIFICATION**

Contractor certifies by signing this Contract that Contractor has not:

- (a) Employed or retained for a commission, percentage, brokerage, contingency fee or other consideration, any firm or person (other than a bona fide employee working solely for me or the above Contractor) to solicit or secure this Contract,
- (b) agreed, as an express or implied condition for obtaining this Contract, to employ or retain the services of any firm or person in connection with carrying out the Contract, or
- (c) paid or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above Contractor), any fee, contribution, donation or consideration of any kind for or in connection with, procuring or carrying out the Contract, except as here expressly stated (if any):

Contractor further acknowledges that this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

DEPARTMENT OFFICIAL CERTIFICATION

Department official likewise certifies by signing this Contract that Contractor or his/her representative has not been required directly or indirectly as an expression of implied condition in connection with obtaining or carrying out this Contract to:

- (a) Employ, retain or agree to employ or retain, any firm or person or
- (b) pay or agree to pay, to any firm, person or organization, any fee, contribution, donation or consideration of any kind except as here expressly stated (if any):

Department official further acknowledges this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

EXHIBIT C

Federal Provisions
Oregon Department of Transportation

CERTIFICATION OF NONINVOLVEMENT IN ANY DEBARMENT AND SUSPENSION

Contractor certifies by signing this Contract that to the best of its knowledge and belief, it and its principals:

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1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this Contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery falsification or destruction of records, making false statements or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
4. Have not within a three-year period preceding this Contract had one or more public transactions (federal, state or local) terminated for cause or default.

Where the Contractor is unable to certify to any of the statements in this certification, such prospective participant shall submit a written explanation to Department.

List exceptions. For each exception noted, indicate to whom the exception applies, initiating agency, and dates of action. If additional space is required, attach another page with the following heading: Certification Exceptions continued, Contract Insert.

EXCEPTIONS:

Exceptions will not necessarily result in denial of award, but will be considered in determining Contractor responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

The Contractor is advised that by signing this Contract, the Contractor is deemed to have signed this certification.

II. INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS-PRIMARY COVERED TRANSACTIONS

1. By signing this Contract, the Contractor is providing the certification set out below.
2. The inability to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The Contractor shall explain why he or she cannot provide the certification set out below. This explanation will be considered in connection with the Department determination to enter into this transaction. Failure to furnish an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the Department determined to enter into this transaction. If it is later determined that the Contractor knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government or the Department may terminate this transaction for cause of default.
4. The Contractor shall provide immediate written notice to the Department if at any time the Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the Department's Program Section (Tel. (503) 986-3400) to which this proposal is being submitted

for assistance in obtaining a copy of those regulations.

6. The Contractor agrees by entering into this Contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transactions with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the Department or agency entering into this transaction.
7. The Contractor further agrees by entering into this Contract that it will include the Addendum to Form FHWA-1273 titled, "Appendix B--Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions", provided by the Department entering into this covered transaction without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List published by the U. S. General Services Administration.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction

knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government or the Department, the Department may terminate this transaction for cause or default.

III. ADDENDUM TO FORM FHWA-1273, REQUIRED CONTRACT PROVISIONS

This certification applies to subcontractors, material suppliers, vendors, and other lower tier participants.

- Appendix B of 49 CFR Part 29 -

Appendix B--Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this Contract, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this Contract is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered

transaction", "principal", "proposal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this Contract is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this Contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this Contract that it will include this clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement list.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a

prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

- a. The prospective lower tier participant certifies, by entering into this Contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.
- b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall submit a written explanation to Department.

IV. EMPLOYMENT

1. Contractor warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Contract and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Contractors, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this Contract. For breach or violation of this warranting, Department shall have the right to annul this Contract without

liability or in its discretion to deduct from the Contract price or consideration or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

2. Contractor shall not engage, on a full or part-time basis or other basis, during the period of the Contract, any professional or technical personnel who are or have been at any time during the period of this Contract, in the employ of Department, except regularly retired employees, without written consent of the public employer of such person.
3. Contractor agrees to perform consulting services with that standard of care, skill and diligence normally provided by a professional in the performance of such consulting services on work similar to that hereunder. Department shall be entitled to rely on the accuracy, competence, and completeness of Contractor's services.

V. NONDISCRIMINATION

During the performance of this Contract, Contractor, for himself, his assignees and successors in interest, hereinafter referred to as Contractor, agrees as follows:

1. Compliance with Regulations. Contractor agrees to comply with Title VI of the Civil Rights Act of 1964, and Section 162(a) of the Federal-Aid Highway Act of 1973 and the Civil Rights Restoration Act of 1987. Contractor shall comply with the regulations of the Department of Transportation relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are incorporated by reference and made a part of this Contract. Contractor, with regard to the work performed after award and prior to completion of the Contract work, shall not discriminate on grounds of race, creed, color, sex or national origin in the selection and retention of

subcontractors, including procurement of materials and leases of equipment. Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the Contract covers a program set forth in Appendix B of the Regulations.

2. Solicitation for Subcontractors, including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations made by Contractor for work to be performed under a subcontract, including procurement of materials and equipment, each potential subcontractor or supplier shall be notified by Contractor of Contractor's obligations under this Contract and regulations relative to nondiscrimination on the grounds of race, creed, color, sex or national origin.
3. Nondiscrimination in Employment (Title VII of the 1964 Civil Rights Act). During the performance of this Contract, Contractor agrees as follows:
 - a. Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause.

- b. Contractor will, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex or national origin.
4. Information and Reports. Contractor will provide all information and reports required by the Regulations or orders and instructions issued pursuant thereto, and will permit access to his books, records, accounts, other sources of information, and his facilities as may be determined by Department or FHWA as appropriate, and shall set forth what efforts he has made to obtain the information.
5. Sanctions for Noncompliance. In the event of Contractor's noncompliance with the nondiscrimination provisions of the Contract, Department shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to Contractor under the agreement until Contractor complies; and/or
 - b. Cancellation, termination or suspension of the agreement in whole or in part.
6. Incorporation of Provisions. Contractor will include the provisions of paragraphs 1 through 6 of this section in every subcontract, including procurement of materials and leases of equipment, unless exempt from Regulations, orders or instructions issued pursuant thereto. Contractor shall take such action with respect to any subcontractor or procurement as Department or FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event Contractor becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such direction, Department may, at its option, enter into such litigation to protect the interests of Department, and, in addition, Contractor

may request Department to enter into such litigation to protect the interests of the State of Oregon.

VI. DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY

In accordance with Title 49, Code of Federal Regulations, Part 26, Contractor shall agree to abide by and take all necessary and reasonable steps to comply with the following statement:

DBE POLICY STATEMENT

DBE Policy. It is the policy of the United States Department of Transportation (USDOT) to practice nondiscrimination on the basis of race, color, sex and/or national origin in the award and administration of USDOT assist contracts. Consequently, the DBE requirements of 49 CFR 26 apply to this Contract.

Required Statement For USDOT Financial Assistance Agreement. If as a condition of assistance the Agency has submitted and the US Department of Transportation has approved a Disadvantaged Business Enterprise Affirmative Action Program which the Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference.

DBE Obligations. The Department and its Contractor agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR 26 have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds. In this regard, Contractor shall take all necessary and reasonable steps in accordance with 49 CFR 26 to ensure that Disadvantaged Business Enterprises have the opportunity to compete for and perform contracts. Neither Department nor its contractors shall discriminate on the basis of race, color, national origin or sex in the award and performance of federally-assisted contracts. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of such contracts. Failure by the Contractor to carry out these

requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as Department deems appropriate.

The DBE Policy Statement and Obligations shall be included in all subcontracts entered into under this Contract.

Records and Reports. Contractor shall provide monthly documentation to Department that it is subcontracting with or purchasing materials from the DBEs identified to meet Contract goals. Contractor shall notify Department and obtain its written approval before replacing a DBE or making any change in the DBE participation listed. If a DBE is unable to fulfill the original obligation to the Contract, Contractor must demonstrate to Department the Affirmative Action steps taken to replace the DBE with another DBE. Failure to do so will result in withholding payment on those items. The monthly documentation will not be required after the DBE goal commitment is satisfactory to Department.

Any DBE participation attained after the DBE goal has been satisfied should be reported to the Departments.

DBE Definition. Only firms DBE certified by the State of Oregon, Department of Consumer & Business Services, Office of Minority, Women & Emerging Small Business, may be utilized to satisfy this obligation.

CONTRACTOR'S DBE CONTRACT GOAL

DBE GOAL 0 %

By signing this Contract, Contractor assures that good faith efforts have been made to meet the goal for the DBE participation specified in the Contract for this project as required by ORS 200.045, and 49 CFR 26.53 and 49 CFR, Part 26, Appendix A.

VII. LOBBYING

The Contractor certifies, by signing this agreement to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

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

The Contractor also agrees by signing this agreement that he or she shall require that the language of this certification be included in all lower tier subagreements, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

**FOR INQUIRY CONCERNING
DEPARTMENT'S DBE**

11/19/14

PROGRAM REQUIREMENT
CONTACT OFFICE OF CIVIL
RIGHTS AT (503)986-4354.

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 1, 2014	Subject: Resolution No. 2504 A City Council resolution amending exhibits to Resolution No. 2440, which approved a minor amendment to the Year 2000 Urban Renewal Plan to revise district boundaries. Staff Member: Kristin Retherford, Economic Development Manager Department: Community Development
Action Required ☐ Motion ☐ Public Hearing Date: ☐ Ordinance 1 st Reading Date: ☐ Ordinance 2 nd Reading Date: ☒ Resolution ☐ Information or Direction ☐ Information Only ☐ Council Direction ☐ Consent Agenda	Advisory Board/Commission Recommendation ☒ Approval ☐ Denial ☐ None Forwarded ☐ Not Applicable Comments: This amendment would revise the legal description and map attached as exhibits to Resolution 2440 to conform to Clackamas County requirements.
Staff Recommendation: Staff recommends that the City Council approve Resolution No. 2504.	
Recommended Language for Motion: I move to approve Resolution No. 2504.	
PROJECT / ISSUE RELATES TO:	
☒ Council Goal: "D. Develop, Adopt and Begin Implementation of a Comprehensive Economic Development Strategy."	☐

ISSUE BEFORE THE CITY COUNCIL:

A resolution to amend the exhibits to Resolution No. 2440 as required by new Clackamas County standards for urban renewal legal descriptions and maps.

EXECUTIVE SUMMARY:

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

When adopted, Resolution No. 2440 revised the boundary of the Year 2000 Urban Renewal Area to reduce acreage to stay under the 25% acreage limitation mandated by ORS 457. The legal descriptions and maps attached as Exhibit A and Exhibit B to Resolution No. 2504 will replace those attached to Exhibit A and Exhibit B, respectively, to Resolution No. 2440.

EXPECTED RESULTS:

City Council's amendment of The Year 2000 Plan district boundary by reducing and adding acreage as referenced above will facilitate the City's compliance with ORS 457 and Clackamas County standards for urban renewal legal descriptions and maps.

TIMELINE:

This amendment will be effective immediately upon adoption of this resolution.

CURRENT YEAR BUDGET IMPACTS:

None.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 11/20/14

LEGAL REVIEW / COMMENT:

Reviewed by: MEK_____ Date: 11/20/2014_____

Resolution approved as to form.

COMMUNITY INVOLVEMENT PROCESS: N/A.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY: N/A

ALTERNATIVES: N/A

EXECUTIVE DIRECTOR COMMENT:

ATTACHMENTS

Attachment: Resolution No. 2504

RESOLUTION NO. 2504

A RESOLUTION OF THE CITY COUNCIL AMENDING EXHIBITS TO RESOLUTION NO. 2440 WHICH APPROVED A MINOR AMENDMENT TO THE CITY OF WILSONVILLE'S YEAR 2000 URBAN RENEWAL PLAN RELATED TO URBAN RENEWAL DISTRICT BOUNDARIES.

WHEREAS, on October 21, 2013 the Wilsonville City Council approved Resolution No. 2440 to modify the legal description and boundary of the Year 2000 Urban Renewal Plan; and

WHEREAS, staff was notified in the spring of 2014 by the Clackamas County Tax Assessor's Office of new formatting standards for urban renewal plan legal descriptions and boundary maps; and

WHEREAS, it is necessary to modify the legal description and boundary map approved by Resolution No. 2440 to comply with these new formatting standards; and

WHEREAS, the City has obtained a revised legal description and boundary map for the Year 2000 Urban Renewal Plan to comply with these new requirements; and

WHEREAS, the amended legal description and boundary map to be approved by this resolution are strictly formatting changes that do not change the geography of the Year 2000 Urban Renewal Area from what was approved by Resolution No. 2440; and

WHEREAS, the City Council is now amending and replacing the urban renewal legal description approved by Resolution No. 2440 with the urban renewal legal description attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the City Council is now amending and replacing the urban renewal boundary map approved by Resolution No. 2440 with the urban renewal boundary map attached hereto and incorporated herein as Exhibit B.

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

1. The Year 2000 Urban Renewal Plan legal description (Exhibit 1 to The Year 2000 Urban Renewal Plan) shall be amended as described in Exhibit A of this Resolution, attached hereto and incorporated herein by this reference and shall be titled "Exhibit 1" of The Year 2000 Plan and made part of The Year 2000 Plan.

2. The existing Year 2000 Urban Renewal Plan Exhibit 2, "Urban Renewal Boundary Map," shall be amended and replaced by the map which is Exhibit B of this Resolution. Exhibit

B is attached hereto and incorporated herein by this reference and is made a part of The Year 2000 Plan. The map boundaries conform to the legal description in Exhibit A.

3. Exhibit A and Exhibit B conform to the acreage reduction approved by Resolution No. 2440, reducing the total existing Year 200 Plan area from 629 acres to 570 acres.

4. The effective date of this Resolution is December 1, 2014.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 1st day of December 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

Attachments:

Exhibit A - Amended Legal Description of the Wilsonville Year 2000 Plan Urban Renewal Area

Exhibit B - Amended Year 2000 Plan Urban Renewal Area Boundary Map

Exhibit C -Resolution 2440

EXHIBIT A

**LEGAL DESCRIPTION
WILSONVILLE URBAN RENEWAL AREA
WILSONVILLE, OREGON**

**Revisions: U.R.A. Resolution No. 32, No. 59, No. 99, No. 102, No. 115,
and No. 118 And City of Wilsonville Resolution No. 1847, No. 1903, No. 2055, No.
2072, No. 2154 & Ordinance No. 639**

09/26/2014

The Area described is that land containing all lots or parcels of property situated in the City of Wilsonville, County of Clackamas, and the State of Oregon, described as follows:

Commencing at a point which bears South 88°40'46" East, 988.7 feet more or less from the corner common to sections 1 and 2, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon and Sections 11 and 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, said point being the point of intersection of the North line of the Northwest quarter of said Section 12 with the Northerly projection of the West line Partition Plat No. 1991-159, records of said county;

1. Thence along the North line of said Section 12, South 89°07'18" East, 1671.4 feet more or less, to the North one-quarter corner of said Section 12, Assessor's Map 3 1W 12;
2. Thence along the North-South centerline of said Section 12, South 01°36'35" West, 1297.8 feet more or less, to the North right of way line of Wiedemann Road, Assessor's Map 3 1W 12BD;
3. Thence along said North right of way line North 88°40'53" West 820.9 feet, more or less, to the intersection of the westerly extension of said North right of way line with the northerly extension of the East right of way line of Canyon Creek Road North;
4. Thence Southerly along said extension and East right of way line, 1127.7 feet more or less, as shown per the plat 3594, Canyon Creek Estates (117/26), to the point of intersection with the Northwest corner of Lot 1 of said plat, being on the southerly right of way line of Roanoke Drive South, Assessor's Map 3 1W 12BD;
5. Thence easterly along said southerly right of way line, 506 feet more or less, to the southerly extension of the East right of way line of McLeod Street;
6. Thence north along said southerly extension and said East right of way line, 430 feet more or less, to the Northwest Corner of Lot 56 per said Plat 3594;
7. Thence Northeasterly and Southeasterly along the southerly right of way line of Roanoke Drive North and the North lines of said Lot 56 and Lot 57 to the southeast corner of said Lot 57;
8. Thence Northeasterly North 47°48'35" East, 38.2 feet more or less, to the southerly most corner of Tract M (Colvin Lane), plat 3954, being on the Northeasterly right of way line of said Roanoke Drive North;
9. Thence northerly and easterly along the southerly line of said Tract M (Colvin Lane), 117.1 feet more or less to the northerly most corner of Lot 28, Plat 3594;
10. Thence along the East lines of said Lot 28, Lot 27, Lot 26, the East and South lines of Lot 25 a distance of 299.9 feet, more or less, to the Easterly right of way line of said Roanoke Drive North;
11. Thence Southeasterly along said Easterly right of way line, 15 feet more or less, to the Northwest corner of Lot 24;

12. Thence along the Northerly and Easterly lines of Lot 24 and the Easterly lines of Lot 23, Lot 22 and Lot 21 a distance of 315.2 feet, more or less to said North-South centerline of Section 12 being the east line of said plat 3594;
13. Thence South along said north-south centerline, 1007.9 feet more or less, to the Northerly Southeast corner of Canyon Creek Meadows Plat No. 3314, Assessor's Map 2 1W 12CA;
14. Thence continuing along said plat 3314, Southwesterly, 196 feet more or less, to the Southerly Southeast corner thereof;
15. Thence continuing Southwesterly, 38 feet more or less, to the Northeast corner of Copper Creek Plat No.4357;
16. Thence Westerly, 742.8 feet more or less, along the North line of Said Plat 4357 to the East right of way line of Canyon Creek Road North;
17. Thence Southerly along said East right of way line, 1622.7 feet more or less, to the North right of way line of Boeckman Road (County Road No. 80), Assessor's Map 3 1W 12D;
18. Thence Southeasterly along said North Right of Way Line 43 feet more or less to an angle point therein;
19. Thence continuing along said north right of way line and easterly extension thereof 3602 feet more or less to the east line of section 12;
20. Thence Southerly 30 feet more or less along said east line of section 12 to the Northeast corner of Section 13, T3S, R1W, WM, Assessor's Map 3 1W 13AA;
21. Thence Southerly along the East line of said Section 13, 1,320 feet more or less, to the Northerly Southeast corner of the plat of Landover, Plat No. 3246;
22. Thence Westerly along the south line of the northeast quarter of the northeast quarter of said section, 478.50 feet more or less, to the West line of said plat 3246;
23. Thence Northerly along said West line, 85 feet more or less, to the point of intersection with the South right of way line of SW Wagner Street as it intersects with the southeasterly line of Wilsonville Road;
24. Thence Southwesterly and westerly along said southeasterly right of way line of Wilsonville Road, 5869 feet more or less, to the East right of way line of Kolbe Lane, also being the Northwest corner of that tract of land described in Recording No. 87-53932 and a point on the south line of said section 13, Assessor's Map 3 1W 24A;
25. Thence southerly and southeasterly along said east line of Kolbe lane, 61.50 feet more or less, to a point on the westerly line of said recording no 87-53932,
26. Thence leaving said right of way line along said westerly line South 25° East, 207.8 feet more or less, to the Northerly corner of that tract of land described in recording No. 86-6963;
27. Thence Southerly along the West line of said recording No 86-6963, South 12° East, 157.1 feet more or less, to the North right of way line of said Kolbe Lane;
28. Thence Easterly along said North right of way line, 421.4 feet more or less, to a radial line measured from the westerly corner of that tract of land described in Recording No. 72-32388;
29. Thence Southerly along said radial line, 60 feet more or less, to said Westerly corner being a point on the south right of way line of Kolbe Lane (Schroeder Way);
30. Thence Westerly and Northerly along said South and west right of way line, 1136 feet more or less, to the point of intersection with the said south right of way line of Wilsonville road; Assessor's Map No. 3 1W 24;

31. Thence westerly along said south right of way line, 596 feet more or less, to the east right of way line of Memorial drive also being the west line of that tract of land described in recording No. 93-68993
32. Thence southerly along said west line South 02°51' West, 1133 feet more or less, to the Southwest corner thereof; Said corner also being Southeast corner of that tract of land described in recording 69-11979;
33. Thence Westerly along the South line of said recording 69-11979, 414 feet more or less, to the Easterly right of way line of Memorial Drive;
34. Thence Southwesterly and westerly along said Easterly and southerly right of way line of Memorial Drive, 2038 feet more or less, to the Westerly projection of the South right of way line of said Memorial Drive with the West right of way line of Parkway Avenue (Frontage Road), said point being on the East right of way line of Interstate five (I-5), Assessor's Map No. 3 1W 24CB;
35. Thence Westerly across said Interstate five (I-5), 563 feet more or less, to the point of intersection of the West right of way line of said Interstate five with the Easterly terminus of the South right of way line of 5th Street, per the Plat of Wilsonville Assessor's Map 3 1W 23AC;
36. Thence Southerly along said West right of way line, 1812 feet more or less, to the North bank of the Willamette River, Assessor's Map 3 1W 23DB;
37. Thence Westerly along the North bank of the Willamette River, 1408 feet more or less, to the East right of way line of the Oregon Electric Railroad now Pacific and Western Railroad, Assessor's Map 3 1W 23CA;
38. Thence Northerly along said East right of way line, 622 feet more or less, the North right of way line of 2nd Street of said Plat of Wilsonville;
39. Thence Easterly along said North right of way line, 180 feet more or less, to the West right of way line of Boones Ferry Road (Market Road No. 27 or Main Street);
40. Thence Northerly along said West right of way line, 940 feet more or less, to the South right of way line of said 5th Street, Assessor's Map 3 1W 23 BD;
41. Thence Westerly along said South right of way line, 236.2 feet more or less, to the West right of way line of the said Oregon Electric Railroad;
42. Thence Northerly along said West right of way line, 60 feet more or less, to the North right of way line of said 5th Street;
43. Thence Easterly along said North right of way line, 245 feet more or less, to the West right of way line of said Boones Ferry Road (Market Rd. No. 27 or Main Street);
44. Thence Northerly along said West right of way line, 582 feet more or less, to the South right of way line of Bailey Street, Assessor's Map 3 1W 23AB;
45. Thence Easterly along the easterly projection of said South right of way line, 63 feet more or less, to the point of intersection with the East right of way line of said Boones Ferry Road (Market Rd. No. 27 or Main Street);
46. Thence Southerly along said East right of way line 262 feet more or less to the North line of the said Plat of Wilsonville, Assessor's Map 3 1W 23AC;
47. Thence Easterly along said North line and the easterly projection thereof, South 87°03' East, 768 feet more or less, to the West line of Parcel 1, Partition Plat 2000-083, also being a point on the East line of the Thomas Bailey D.L.C. No. 45;
48. Thence Southerly along the West line of said Partition Plat 2000-083, South 01°47' West, 469 feet more or less, to the Southwest Corner thereof, being an angle point in the West right of way line of Interstate five (I-5) at the Eastern Terminus of the centerline of 5th Street, Plat of Wilsonville;

49. Thence Easterly along the South line of said Plat 2000-083, North 86°56' East, 272 feet, more or less, to an angle point in said West right of way line of Interstate five;
50. Thence Easterly across the right of way of said Interstate five North 89°22' East, 257 feet more or less, to the point of intersection of the Westerly projection of the North right of way line of Memorial Drive with the West right of way line of Parkway Avenue (Frontage Road), Assessor's Map No. 3 1W 24CB;
51. Thence Northerly along said West right of way line of Parkway , 1320' more or less, to the Northwest corner of that tract of land in recording No. 2001-043681, Assessor's Map No. 3 1W 23AA;
52. Thence Westerly across said Interstate I-5 to an angle point on the West right of way line thereof being an angle point on the East line of that tract of land in recording No. 93-63557, Assessor's Map No. 3 1W 23AB;
53. Thence Northwesterly along said West right of way line to the South right of way line of said Wilsonville Road (Market Road No. 6), also being the Northeast corner of that tract of land in recording No. 98-030367;
54. Thence Westerly along said South right of way line, 502.1 feet more or less, to the East right of way line of Boones Ferry Road (Market Road No. 27));
55. Thence Southerly along said East right of way line, 1145 feet more or less, to the Easterly projection of the North right of way line of Bailey Street;
56. Thence West along said Easterly projection, 63 feet more or less, to the point of intersection of said North right of way line with the West right of way line of said Boones Ferry Road;
57. Thence Northerly along said West right of way line, 1122 feet more or less, to the said South right of way line of Wilsonville Road (Market Road No. 6);
58. Thence Westerly along said South right of way line, 3372 feet more or less, to the East right of way line of Brown Road (County Road No. 355), Assessor's Map 3 1W 22A;
59. Thence Northerly across Wilsonville Road, 83 feet more or less, to the point of intersection of the North right of way line of said Wilsonville Road with the East right of way line of said Brown Road;
60. Thence Northerly along said East right of way line, 468 feet more or less, to the Northwest corner of Parcel 2 of Partition Plat 2003-037;
61. Thence Easterly along the North line of said Parcel 2, 205 feet more or less, to the Northeast corner thereof;
62. Thence Southerly along the East line of said Parcel 2 and its Southerly projection, 313' more or less, to the point of intersection of said projected line with the North right of way line of said Wilsonville Road;
63. Thence Easterly along said North right of way line, 2872' more or less, to the Southwest corner of Tax Lot 1301, Assessor's Map 3 1W 14D;
64. Thence clockwise around said tax lot 1301, North 131 feet more or less, East 150 feet more or less and south 10 feet more or less to the Northwest corner of that tract of land in Recording No. 212-470, being tax lot 1300;
65. Thence clockwise around said tax lot 1300 East 75 feet more or less, South 81 feet more or less to the Southeast corner thereof, said point being on the North right of way line of said Wilsonville Road;
66. Thence Easterly along said North right of way line, 107.7' more or less, to the West right of way line of Boone's Ferry Road;
67. Thence Northeasterly along said West right of way line 133.61 feet more or less, Northwesterly 181 feet more or less to an angle point on the East line of Parcel 2 of P.P. 2003-82;

68. Thence leaving said right of way line Southeasterly on a perpendicular line 80 feet more or less to the southeasterly right of way line of said Boone's Ferry Road;
69. Thence Southeasterly along said East right of way line 246 feet more or less to the point of intersection of said East right of way line with the North right of way line of said Wilsonville Road;
70. Thence Easterly 137 feet more or less along said North right of way line to a westerly line of that tract of land recorded in Book 454, Page 152;
71. Thence Northeasterly along said westerly line 250 feet, more or less to an angle point in said tract;
72. Thence continuing along the North line of said tract of land per Book 454, Page 152 East, 28 feet more or less, to the point of intersection of said North line with the West right of way line (access control line) of the I-5 (Interstate Five) Freeway;
73. Thence Northerly along said West right of way line, 70 feet more or less, to a point being 240 feet from when measured perpendicular to the centerline of said Wilsonville Road;
74. Thence East, parallel with and 240 feet from said centerline, 633 feet more or less, to the East right of way line of said Frontage Road;
75. Thence Southerly along said East right of way line, 110 feet more or less, to the point of intersection of said East right of way line with the North right of way line of said Wilsonville Road;
76. Thence East along the North right of way line of said Wilsonville Road, 448 feet more or less, to the point of intersection of said North right of way line with the West right of way line of Town Center Loop West;
77. Thence Northerly along said West right of way line, 1233 feet more or less, to the South line of Parcel 3 of Partition Plat 1991-202;
78. Thence North $88^{\circ}23'53''$ West along said South line and its West projection, 127.3 feet more or less, to the East right of way line of said Interstate Five (I-5) Freeway;
79. Thence North $01^{\circ}35'31''$ West along said East right of way of Interstate Five (I-5), 165.0 feet more or less, to projected extension of North line of Parcel 3 of Partition Plat 1991-202;
80. Thence South $88^{\circ}50'25''$ East along said extension of North line of Parcel 3 of Partition Plat 1991-202, 28.6 feet more or less, to the North West corner of said Parcel 3 with the intersection of the East right of way of Interstate Five (I-5) Freeway;
81. Thence North along said East right of way line, 1505 feet more or less, to the Southwest corner of Parcel 4 of Partition Plat 2011-058;
82. Thence East along the South line of said Parcel 4, 1084 feet more or less, to the point of intersection of said South line with the West right of way line of Parkway Avenue (Market Road No. 27);
83. Thence Northerly, 2420 feet more or less, along said West right of way line to the point of intersection of said West right of way line with the South right of way line of Boeckman Road;
84. Thence West along said South right of way line, 677.3 feet, to the point of intersection of said South right of way line with the East right of way line of Interstate Five (I-5) Freeway, which is the Northwest corner of Parcel 2 of Partition Plat 2002-006;
85. Thence South along said East right of way line, 609 feet more or less, to the point of intersection of said East right of way line with the East projection of the North line of Lot 5 of the Plat of Boberg;
86. Thence Westerly, 300 feet more or less, along said East projected line, across Interstate Five (I-5) Freeway and Boones Ferry Road (Frontage Road) to the Northeast corner of said Lot 5, said point being on the West right of way line of said Boones Ferry Road;

87. Thence Northerly along said West right of way line, 267 feet more or less, to an angle point on the East line of Tax Lot 300, Assessor's Map 3 1W 14A;
88. Thence Northwesterly along the Northeasterly line of said Tax Lot 300, 389 feet more or less, to the North corner thereof, said point being on the South right of way line of Boeckman Road;
89. Thence North $19^{\circ}29'53''$ West, 154.1 feet more or less, to an angle point in the South line of Parcel 7 of PP 2003-64, said point being the point of intersection of the West right of way line of Boone's Ferry Road with the North Right of way line of Boeckman Road;
90. Thence Northeasterly along the West right of way line, 398.2 feet more or less, of said Boone's Ferry Road to an angle point in the East line of said Parcel 7, said Assessor's Map;
91. Thence South $84^{\circ}15'05''$ East across Boone's Ferry Road and Interstate Five (I-5) Freeway, 326.9 feet more or less, to the Northwest corner of tax lot 702, Assessor's Map 3 1W 11, said point being on the East right of way line of said Interstate Five (I-5) Freeway;
92. Thence Southerly along said East right of way line, 271.7 feet more or less, to the point of intersection of said East right of way line with the North right of way line of Boeckman Road;
93. Thence Easterly along said North right of way line, 664 feet more less, to the point of intersection of said North right of way line with the West right of way line of Parkway Avenue;
94. Thence Northerly along said West right of way line, 223.7 feet more or less, to the point of intersection of West right of way line with the West projection of the South line of Tax Lot 500, Assessor's Map 3 1W 12,;
95. Thence East along said West projection across Parkway Avenue, 136.1 feet more or less, to the West Line of Parcel 1 of Partition Plat 2005-022, said point being on the East right of way line of said Parkway Avenue;
96. Thence Southeasterly along said East right of way line, 231.1 feet more or less, to the point of intersection of said East right of way line with the North right of way line of Boeckman Road;
97. Thence East along said North right of way line, 1958.8 feet more or less, to the point of intersection of said North right of way line with the West right of way line of Canyon Creek Road;
98. Thence North along said West right of way line, 2626 feet more or less, through the Northeast corner of Parcel 1 of Partition Plat 2005-022, said Assessor's Map;
99. Thence continuing the East line of Tax Lot 500, Assessor's Map 3 1W 12, 277 feet more or less to the Northeast corner thereof, said point being a point on the South right of way line of Wiedmann County Road;
100. Thence West along said South right of way line, 2810.3 feet more or less, to the point of intersection of said South right of way line with the East right of way line of Parkway Avenue, Assessor's Map 3 1W 11;
101. Thence South along said East right of way line, 1342.1 feet more or less, to the Northwest corner of Parcel 3 of Partition Plat 2002-047, Assessor's Map 3 1W 11D;
102. Thence Southeasterly along the North line of said Partition Plat 2002-047, 1996 feet more or less, to the East corner thereof, said point being an angle point on the North line Parcel 1 of Partition Plat 2005-022, Assessor's Map 3 1W 12;
103. Thence Southwesterly along said North line, 433.2 feet more or less, to the Northeast corner thereof Parcel 2 of Partition Plat 2005-022;

104. Thence Southerly and Westerly along the West and South lines, 1141.4 feet more or less, of said Partition Plat 2005-022 to the Southerly Southwest corner of Parcel 2 of said Partition Plat 2005-022;
105. Thence Northerly and Westerly along the West line of said Parcel 2, 934.8 feet more or less, to the Northerly Southwest corner thereof, said point being on the East right of way line of Parkway Avenue (County Road No. 1233);
106. Thence West along the projection of the South line of said Parcel 2 of Partition Plat 2005-022, North 88°48' West for 62 feet more or less to the West right of way line of said Parkway Avenue;
107. Thence Northerly along said West right of way line, 3191 feet more or less, to a point 150 feet North of the North right of way line of Wiedmann County Road, Assessor's Map 3 1W 11;
108. Thence Easterly, 70 feet more or less, along a line perpendicular to the centerline of said Parkway Avenue to a point on the East right of way line of said Parkway Avenue;
109. Thence South along said East right of way line, 153 feet more or less, to the point of intersection of said East right of way line with the North right of way line of said Wiedmann County Road;
110. Thence East along said North right of way line, 2116.3 feet more or less, to the Southwest corner of Parcel 1 of Partition Plat No. 1993-133;
111. Thence North along the West line of said Parcel 1 of Partition Plat No. 1993-133 and along the West line of Parcel 1 of Partition Plat No. 1991-159, North 01°13' East for 1285.7 feet more or less to the **Point of Commencement**.

Excepting:

Commencing at a point of intersection of the South right of way line of Boeckman Road (County Road No. 80 or Robert Road) with the East right of way line of Canyon Creek Road (Jensen Road), Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon;

1. Thence East along the South right of way line of Boeckman Road, 2878 feet more or less, to the Northwest corner of Lot 86 of the plat of Landover No. 2, Plat No. 3248, Assessor's Map 3 1W 13AA;
2. Thence South along the West line of said plat, 27.85 feet to an angle point in said West line, said point being on the West right of way line of the old alignment of Wilsonville Road;
3. Thence continuing South along a portion of the West line of said plat and along the West line of the old Wilsonville Road right of way alignment, 1126.3 feet more or less, to the point of intersection of said old West right of way line with the current West right of way line of Wilsonville Road;
4. Thence South and West along said current West right of way line, 4957 feet more or less, to the point of intersection of said right of way line with the centerline of Boeckman Creek;
5. Thence Northeasterly along the centerline of Boeckman Creek, 1525.8 feet more or less, to the Northeast corner of Tax Lot 2600, Assessor's Map 3 1W 13CD;
6. Thence West along the north line of said Tax Lot 2600, 362.1 feet more or less, to the Northwest corner thereof;
7. Thence counter-clockwise around the westerly lines of said Tax Lot 2600 and Tax Lot 2700, 1360.1 feet more or less, to the Northeast corner of Tax Lot 2707;
8. Thence West along the North lines of said Tax Lot 2707 and Tax Lot 3000, 512.8 feet more or less, to the most easterly Southwest corner of Lot 2, Block 1, Courtside Estates;

9. Thence Northwesterly along the South line of said Lot 2, 84 feet more or less, to the East right of way line of Town Center Loop East;
10. Thence Northerly along said East right of way line, 1289.5 feet more or less, to the Southwest corner of Parcel 3 P.P. 1991-166, Assessor's Map 3 1W 13CB;
11. Thence counter-clockwise around said P.P. 1991-166, 317.6 feet more or less, to the Southwest corner of Parcel 2 of P. P. 1990-114, of said Assessor's Map;
12. Thence counter-clockwise around said Partition Plat No. 1990-114, 681 feet more or less to the point of intersection with the South right of way line of Vlahos Drive;
13. Thence North and perpendicular to said South right of way line of Vlahos Drive, 60 feet more or less, to the North right of way line of Vlahos Drive;
14. Thence West along said North right of way, 167 feet more or less, to the East right of way line of Canyon Creek Road South Extension;
15. Thence North along said East right of way line, 632.8 feet more or less, to the Northwest Corner of Lot 21, Sundial Subdivision, Plat No. 2910, Assessor's Map 3 1W 13BD;
16. Thence East along the North line of said Plat, 655.9 feet, more or less, to the Southeast corner of Canyon Creek Road South at the terminus of said road;
17. Thence North along the East right of way line of said Canyon Creek Road South, 1964.1 feet more or less, to the point of intersection of said East right of way line with the South right of way line of Boeckman Road, said point being the **Point of Commencement**.

Excepting:

Commencing at a point of intersection of the East right of way line of Parkway Avenue (Market Road No. 27) with the North right of way line of said Town Center Loop East, Assessor's Map No. 3 1W 13CB, Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon;

1. Thence North along said East right of way line, 1575.1 feet more or less, to the Northwest corner of the plat of Ash Meadows, Plat No. 2583, Assessor's Map 3 1W 13BC;
2. Thence Easterly along the North line of said Plat No. 2583, 1016.7 feet more or less, to the most Easterly corner thereof, said point being on the West line of Tax Lot 2601, Assessor's Map 3 1W 13B;
3. Thence clockwise around said Tax Lot 2601, 761 feet more or less, to the Northwest Corner of Lot 21, Sundial Subdivision, Plat No. 2910, Assessor's Map 3 1W 13BD, said point being the Northeast corner of Canyon Creek Road South Extension;
4. Thence S 82°56' W, 24 feet, more or less, along the North line of said Canyon Creek Road South Extension
5. Thence S 02° W, 256 feet, more or less, along the West right of way line of said Canyon Creek Road South Extension to the point of curvature with a 609 foot radius curve;
6. Thence along said curve to the right, an arc length of 477.7 feet more or less, to a point of tangency;
7. Thence S 55° W, 17.6 feet more or less, to the point of intersection of said West right of way line with the North right of way line of Vlahos Drive;
8. Thence West and Southwesterly along said North right of way, 449.2 feet more or less, to the Northerly right of way line of Town Center Loop East;
9. Thence Westerly along said Northerly right of way line, 663.6 feet more or less, to the **Point of Commencement**.

Excepting:

Commencing at a point of intersection of the West right of way line of Town Center Loop East with the South line of Tax Lot No. 417 (recording No. 88 52872), Assessor's Map No. 3 1W 13, Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon;

1. Thence clockwise around said Tax Lot No. 417, 1280.1 feet more or less, to the Southwest corner of Tax Lot No. 406 (recording No. 91 12373), of said plat;
2. Thence North along the West line of Tax Lot No. 406, 471.2 feet more or less, to the point of intersection of said West line with the South right of way line of said Town Center Loop East;
3. Thence along said right of way line Easterly and Southerly, 1392.1 feet more or less, to the **Point of Commencement**.

Excepting:

Tax Lot 2702 per Assessor's Map 3 1W 13CD, Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.

The described property, located entirely within the City of Wilsonville, County of Clackamas and the State of Oregon, contains **five-hundred seventy (570)** acres, more or less.

Lots and maps referenced are taken from Assessor's tax maps and survey records from May and June 2014 and are shown for reference only. Underlying base map provided by City of Wilsonville GIS. Bearings and distances shown hereon are subject to change and are assumed more or less to the called controlling features. This legal description and exhibit are not intended for the transfer of real property.

RESOLUTION NO. 2440

A RESOLUTION OF THE CITY COUNCIL APPROVING A MINOR AMENDMENT TO THE YEAR 2000 PLAN, AN URBAN RENEWAL PLAN OF THE CITY OF WILSONVILLE, RELATED TO URBAN RENEWAL DISTRICT BOUNDARIES.

WHEREAS, The Year 2000 Plan, an Urban Renewal Plan and Program of the City of Wilsonville (hereinafter "Plan") Section 1200 "Procedures for Changes or Amendments in the Approved Urban Renewal Plan" states that,

"The Plan will be reviewed and analyzed periodically and will continue to evolve during the course of project execution and on-going planning. It is anticipated that this Plan will be changed or modified from time to time; or amended as development potential and conditions warrant, as planning studies are completed, as financing becomes available, or as local needs dictate."; and

WHEREAS, Sections 1201 and 1202 of the Plan provide that the Agency and the City Council can approve Minor Amendments to the Plan by resolution; and

WHEREAS, the removal of acreage from the Plan boundary that does not significantly alter the Goals and Objectives of the Plan is considered a Minor Amendment under Section 1202 of the Plan; and

WHEREAS, Section 1204 of the Plan considers additions of land "not more than one percent (1%) of the existing area of the Urban Renewal Area" to be a Minor Amendment rather than a Substantial Amendment; and

WHEREAS, ORS 457.220(3) states that "No land equal to more than 20 percent of the total land area of the original plan shall be added to the urban renewal areas of a plan by amendments"; and.

WHEREAS, there have been numerous changes in the residential, industrial and commercial development of the community and the Plan area since adoption of the Plan by Ordinance No. 373 in 1990; and

WHEREAS, Minor Amendments approved under URA Resolutions 32 and 59 have added a total of 11.22 acres to the Plan area, which equals 1.3% of the original Plan area; , and

WHEREAS, Minor Amendments approved under URA Resolutions 99, 102, 118 and 176 have removed acreage from the Plan area, resulting in current acreage of 629 acres; and

WHEREAS, the Agency found, determined and recommended to the Council that it is in the best interest of the public to further reduce the size of the Plan area to reduce acreage to remain under the City-wide 25% urban renewal acreage cap required under ORS 457; and

WHEREAS, tax lot 31W13 00100 is 60.5 +/- acres and is the site of Wilsonville High School; and

WHEREAS, this tax lot is publicly owned and produces no tax increment; and

WHEREAS, Section 601(A)(2) of the Plan describes the Canyon Creek South road project from "Boeckman Road, south to Wilsonville Road. Includes intersection with Town Center Loop East, modifications to Vlahos Drive and storm drain; and

WHEREAS, this section was amended by URA Resolution No. 117 on August 30, 2004 to include "Necessary activities required to carry out the Plan may occur immediately outside of the Urban Renewal Area"; and

WHEREAS, the legal description for the Plan does not include that section of the road alignment between Canyon Creek Road South at its current southern terminus at the south end of the Renaissance Homes development to the east and Vlahos Drive; and

WHEREAS, it has been established that this area was never included in the original legal description and map for the Plan; and

WHEREAS, due to the specific text reference in the Plan, the absence of this area from the Plan's original legal description and map is determined to be a scrivener's error; and

WHEREAS, the Canyon Creek Road South project to Vlahos Drive and Town Center Loop will be designed in Fiscal Year 2013/14 and is included in the City of Wilsonville 2013/14 adopted budget as Project 4184; and

WHEREAS, the Agency found, determined and recommended to the Council that it is in the best interest of the public to further amend the Plan area to correct this scrivener's error and include the area needed for the Canyon Creek South project as described in Section 601(A)(2) of the Plan; and

WHEREAS, this addition to the area contains 1.72 acres +/- which is .27% of the existing Plan area making the addition of this area to the Plan a Minor Amendment; and

WHEREAS, the addition of these 1.72 acres in conjunction with the 11.22 acres added to the Plan under URA Resolutions 32 and 59 total 12.94 acres or 1.5% of the original Plan area;

WHEREAS, these adjustments to the Plan area as described in Exhibit A and shown in Exhibit B, attached hereto and incorporated by will reduce the district's acreage from 629 acres to 570 acres; and

WHEREAS, the proposed acreage reduction from Plan boundary will not adversely affect Agency debt service and will not impair the Agency's ability to carry out Plan projects; and

WHEREAS, on October 7, 2013 the Urban Renewal Agency of the City of Wilsonville approved URA Resolution 235, attached hereto and incorporated herein as Exhibit C, recommending this Minor Amendment.

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

1. The City Council adopts and incorporates by reference herein the above Recitals as findings and determinations of the Council.

2. The Year 2000 Urban Renewal Plan legal description (Exhibit 1 to The Year 2000 Urban Renewal Plan) as previously amended by Urban Renewal Agency Resolution Nos. 32, 59, 99, 102, 115, 118 and 176 shall be amended as described in Exhibit A of this Resolution, attached hereto and incorporated herein by this reference and shall be titled "Exhibit 1" of The Year 2000 Plan and made part of The Year 2000 Plan. The Plan Area is reduced in accordance with Exhibit A.

3. The existing Year 2000 Urban Renewal Plan Exhibit 2, "Urban Renewal Boundary Map," previously amended by Urban Renewal Agency Resolution Nos. 32, 59, 99, 102, 115, 118, and 176 shall be amended and replaced by the map which is Exhibit B of this Resolution entitled "East Side Urban Renewal Boundary Revised per URA Resolution Nos. 32, 59, 99, 102, 115, 118, and 176. Exhibit B is attached hereto and incorporated herein by this reference and is made a part of The Year 2000 Plan. The map boundaries conform to the legal description in Exhibit A.

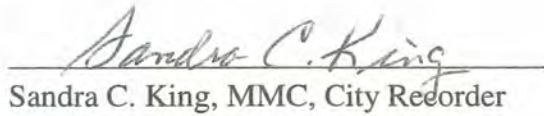
4. The existing Plan area includes a total land area of 629 acres. The area removed and added by this proposed Minor Amendment to the Plan area leaves a total of 570 acres in Plan Area. The Council finds and determines that this reduction and addition of land to the Plan area by a Minor Amendment to the Plan is not a substantial amendment to the Plan as the term "substantial amendment" is defined in ORS 457.085 (2) (1) and is approved by the City Council.

5. The effective date of this Resolution is October 21, 2013.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 21st day of October 2013, and filed with the Wilsonville City Recorder this date.


TIM KNAPP, MAYOR

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Goddard	Yes
Councilor Starr	Yes
Councilor Fitzgerald	Yes
Councilor Stevens	Yes

Attachments:

Exhibit A - Amended Legal Description of the Wilsonville Year 2000 Plan Urban Renewal Area
Exhibit B - Amended Year 2000 Plan Urban Renewal Area Boundary Map
Exhibit C - URA Resolution 235

EXHIBIT 1

**LEGAL DESCRIPTION
WILSONVILLE URBAN RENEWAL AREA
WILSONVILLE, OREGON**

**Revisions: U.R.A. Resolution No. 32, No. 59, No. 99, No. 102, No. 115,
and No. 118 And City of Wilsonville Resolution No. 1847, No. 1903, No.
2055, No. 2072, No. 2154 & Ordinance No. 639**

09/17/13

Lots and maps are taken from Assessor's tax maps from July, 2013 and attached hereto. The Area is described as that land containing all lots or parcels of property situated in the City of Wilsonville, County of Clackamas, and the State of Oregon, bounded as follows:

Commencing at a point which bears South 88°47' 08" East, 989.69 feet from the corner common to sections 1 and 2, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon and sections 11 and 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, said point being the point of intersection of the North line of the Northwest quarter of said Section 12 with the Northerly projection of the West line Partition Plat No. 1991-159, records of said county;

1. Thence East along the North line of said Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, 1671.76 feet, to the North ¼ corner of said Section 12, Assessor's Plat 3 1W 12;
2. Thence South along the North-South centerline of said Section 12 1,255 feet, more or less, to the North right of way line of Wiedemann Road, Assessor's Plat 3 1W 12BD;
3. Thence West along said North right of way line 835 feet, more or less, to the point of intersection of said North right of way line with the East right of way line of Canyon Creek Road North;
4. Thence Southerly along said East right of way line 1,150 feet, more or less, to the point of intersection of said East right of way line and the North line of Tax Lot 100, also being a point on the South right of way line of Roanoke Drive (South), of said Plat No. 3 1W 12BD;
5. Thence Easterly along said South right of way line 490 feet, more or less, to the southerly extension of the East right of way line of McLeod Street;
6. Thence North along the Southerly extension of said East right of way line and said East right of way line 430 feet, more or less, to the Northwest Corner of Tax Lot 6400;
7. Thence Northeasterly and Southeasterly along the North lines of said Tax Lot 6400 and Tax Lot 8000 to the point of intersection of said north line and the Southwesterly projection of the Southeasterly right of way line of Colvin Lane;

8. Thence Northeasterly along said Southwesterly projection of said Colvin Lane and the Southeasterly right of way line of Colvin Lane to the Northeast corner of Tax Lot 2800;
9. Thence along the East lines of Tax Lot 2800, Tax Lot 2700, Tax Lot 2600 and the East and South lines of Tax Lot 2500 a distance of 215 feet, more or less, to the point of intersection of the South line of Tax Lot 2500 and the Easterly right of way line of Roanoke Drive (North), of said Plat No. 3 1W 12BD;
10. Thence Southeasterly along said Easterly right of way line 15 feet to the Northwest corner of Tax Lot 2400;
11. Thence along the North and East lines of Tax Lot 2400 and the East lines of Tax Lot 2300, Tax Lot 2200 and Tax Lot 2100 to said North-South centerline of said Section 12;
12. Thence South along said north-south centerline to a point 649 feet, more or less, South of the center of section corner thereof, said point being the Northerly Southeast corner of Canyon Creek Meadows Plat No. 3314, Assessor's Plat 2 1W 12CA;
13. Thence Southwesterly 196 feet, more or less, to the Southerly Southeast corner of said Plat, said point being at the Western terminus of Frogpond Lane and the Northeast corner of Tax Lot No. 604, Assessor's Plat 3 1W 12D;
14. Thence continuing Southwesterly 38 feet, more or less, to the Southeast corner of said Tax Lot No. 604, said point being 25 feet from when measured perpendicular to the South line of said Plat No. 3314;
15. Thence West parallel with and 25 feet from said South line, 740 feet, more or less to the point of intersection of the South line of said Tax Lot No. 604 with the East right of way line of Canyon Creek Road North;
16. Thence South along said East right of way line 1,800 feet, more or less, to the point of intersection of said East right of way line with the North right of way line of Boeckman Road (County Road No. 80 or Roberts), Assessor's Plat 3 1W 12D;
17. Thence East along said North right of way line to the point of intersection of said North right of way line with the East right of way line of S.W. 65th Avenue (Market Road No. 12 or Stafford Road);
18. Thence Southwesterly to the Northeast corner of Section 13, T3S, R1W, WM, Assessor's Plat 3 1W 13AA;
19. Thence South along the East line of the Northeast $\frac{1}{4}$ of said Section 13, 1,300 feet, more or less, to the Northerly Southeast corner of the plat of Landover, Plat No. 3246;
20. Thence West across said Plat No. 3246 to the West line thereof;
21. Thence North along said West line to the point of intersection of said West line with the East right of way line of Wilsonville Road (Market Road No. 12);
22. Thence South and West along said right of way line to the Northwest corner of tax lot 3600 (Recording No. 87-53932), Assessor's Plat 3 1W 24A;
23. Thence counter clockwise around said tax lot 3600 to the North corner of tax lot 3700 (Recording No. 86-6963), said Assessor's Plat;
24. Thence Southerly along the West line of said tax lot 3700 to the point of intersection with the North right of way line of Kolbe Lane;
25. Thence East along said North right of way line to the point of intersection of said North right of way line with a line measured perpendicular from said North right of way line to the West corner of Tax Lot 3800 (Recording No. 72-32388), said Assessor's Plat;

26. Thence Southerly along said perpendicular line to the West corner of said Tax Lot 3800, said point being on the South right of way line of said Kolbe Lane (Schroeder Way);
27. Thence West along said South right of way line to the point of intersection of said South right of way line with the East line of Tax Lot No. 600 (recording No. 93-68993), Assessor's Plat No. 3 1W 24;
28. Thence clockwise around said Tax Lot No. 600 to the Southwest corner thereof;
29. Thence Westerly along the projection of the South line of said Tax Lot No. 600 to the point of intersection of said projected line with the Easterly right of way line of Memorial Drive;
30. Thence along said Easterly right of way line Southerly and Westerly to the point of intersection of the Westerly projection of the South right of way line of said Memorial Drive with the West right of way line of Parkway Avenue (Frontage Road), said point being on the East right of way line of Interstate five (I-5), Assessor's Plat No. 3 1W 24CB;
31. Thence Westerly across said Interstate five (I-5) to the point of intersection of the West right of way line of said Interstate five with the Eastern terminus of the South right of way line of 5th Street, Assessor's Plat 3 1W 23AC;
32. Thence continuing Southerly along said West right of way line to the North bank of the Willamette River, Assessor's Plat 3 1W 23DB;
33. Thence Westerly along the North bank of the Willamette River to the East right of way line of the Oregon Electric Railroad, Assessor's Plat 3 1W 23CA;
34. Thence Northerly along said East right of way to the point of intersection of said East right of way line with the North right of way line of 2nd Street of said Wilsonville Plat;
35. Thence East along said North right of way line to the point of intersection of said North right of way line with the West right of way line of Boones Ferry Road (Market Road No. 27 or Main Street);
36. Thence Northerly along said West right of way line to the point of intersection of said West right of way line with the South right of way line of 5th Street, Assessor's Plat 3 1W 23 BD;
37. Thence West along said South right of way line to the point of intersection of said South right of way line with the West right of way line of the Oregon Electric Railroad;
38. Thence North along said West right of way line to the point of intersection of said West right of way line with the North right of way line of said 5th Street;
39. Thence East along said North right of way line to the point of intersection of said North right of way line with the West right of way line of said Boones Ferry Road (Market Rd. No. 27 or Main Street);
40. Thence Northerly along said West right of way line to the point of intersection of said West right of way line with the South right of way line of Bailey Street, Assessor's Plat 3 1W 23AB;
41. Thence East along the easterly projection of said South right of way line to the point of intersection of said easterly projection and the East right of way line of said Boones Ferry Road (Market Rd. No. 27 or Main Street);
42. Thence Southerly along said East right of way line to the North line of the Plat of Wilsonville, Assessor's Plat 3 1W 23AC;
43. Thence East along said North line and the easterly projection thereof, 824 feet, more or less, to the West line of Tax Lot 101, also being a point on the East line of the Thomas Bailey D.L.C.;

44. Thence South along the West line of said Tax Lot 101 and the West line of Tax Lot 100 to the Southwest Corner of said Tax Lot 100, also being an angle point in the West right of way line of Interstate five (I-5) at the Eastern Terminus of 5th Street, Plat of Wilsonville;
45. Thence East along the South line of said Tax Lot 100, 272 feet, more or less, to the Southeast corner thereof, also being an angle point in said West right of way line;
46. Thence Easterly across said Interstate five to the point of intersection of the Westerly projection of the North right of way line of Memorial Drive with the West right of way line of Parkway Avenue (Frontage Road), said point being on the East right of way line of said Interstate five, Assessor's Plat No. 3 1W 24CB;
47. Thence along said East right of way line, Northerly to the Northwest corner of Tax Lot No. 200 (recording No. 2001-043681), Assessor's Plat No. 3 1W 23AA;
48. Thence Westerly across I-5 to an angle point on the West right of way line of said Interstate five (I-5), also being an angle point on the East line of Tax Lot No. 100 (recording No. 93-63557), Assessor's Plat No. 3 1W 23AB;
49. Thence Northwesterly along said West right of way line to the point of intersection of said West right of way line with the South right of way line of Wilsonville Road (Market Road No. 6), also being the Northeast corner of Tax Lot No. 101 (recording No. 98-030367);
50. Thence West along said South right of way line to the point of intersection of said South right of way line with the East right of way line of Boones Ferry Road (Market Road No. 27), also being the Northwest corner of Tax Lot No. 700 (recording No. 2006-011467);
51. Thence South along said East right of way line to the point of intersection of said East right of way line with the Easterly projection of the North right of way line of Bailey Street;
52. Thence West along said Easterly projection to the point of intersection of said North right of way line with the West right of way line of said Boones Ferry Road;
53. Thence North along said West right of way line to the point of intersection of said West right of way line with the South right of way line of said Wilsonville Road (Market Road No. 6);
54. Thence West along said South right of way line to the point of intersection of said South right of way line with the East right of way line of Brown Road (County Road No. 355), Assessor's Plat 3 1W 22A;
55. Thence Northerly across Wilsonville Road to the point of intersection of the North right of way line of said Wilsonville Road with the East right of way line of said Brown Road;
56. Thence North along said East right of way line, 408 feet, more or less, to the Northwest corner of tax lot 801 (Recording No. 72-27330), Assessor's Plat 3 1W 14C;
57. Thence East along the North line of said Tax Lot 801, 204 feet, more or less, to the Northeast corner thereof;
58. Thence South along the East line of said Tax Lot 801 and its Southerly projection to the point of intersection of said projected line with the North right of way line of said Wilsonville Road;
59. Thence Easterly along said North right of way line to the Southwest corner of Tax Lot 1301, Assessor's Plat 3 1W 14D;
60. Thence clockwise around said tax lot 1301 to the Northwest corner of tax lot 1300 (Recording No. 212-470), said Assessor's Plat;

61. Thence clockwise around said tax lot 1300 to the Southeast corner thereof, said point being on the North right of way line of said Wilsonville Road;
62. Thence East along said North right of way line to the West right of way line of Boone's Ferry Road;
63. Thence North along said West right of way line to an angle point on the East line of Parcel 2 of P.P. 2003-82, said Assessor's Plat;
64. Thence perpendicular from said West right of way line, Southeasterly 60 feet to a point in said Boone's Ferry Road;
65. Thence Northeasterly parallel with and 60 feet from said West right of way line 250 feet, more or less, to an angle point in the East right of way line of said Boone's Ferry Road;
66. Thence Southeasterly along said East right of way line to the point of intersection of said East right of way line with the North right of way line of said Wilsonville Road;
67. Thence Easterly along said North right of way line to the Southwest corner of Tax Lot 2100, said Assessor's Plat, (recorded in Book 454, Page 152);
68. Thence Northeast, 250 feet, more or less to an angle point in said Tax Lot 2100;
69. Thence along the North line of said Tax Lot 2100, East 28 feet, more or less, to the point of intersection of said North line with the West right of way line (access control line) of the I-5 (Interstate Five) Freeway;
70. Thence Northerly along said West right of way line 70 feet, more or less, to a point being 240 feet from when measured perpendicular to the centerline of said Wilsonville Road;
71. Thence East, parallel with and 240 feet from said centerline, 577 feet, more or less, to the East right of way line of Frontage Road, said Assessor's Plat;
72. Thence Southerly along said East right of way line, 536 feet, more or less, to the point of intersection of said East right of way line with the North right of way line of said Wilsonville Road;
73. Thence East along the North right of way line of said Wilsonville Road to the point of intersection of said North right of way line with the West right of way line of Town Center Loop West;
74. Thence Northerly along said West right of way line to the point of intersection of said West right of way line with the South line of Parcel 3 of PP 1991-202;
75. Thence West along said South line and its West projection across Frontage Road to the point of intersection of said projected line with the East right of way line of said Interstate Five (I-5) Freeway;
76. Thence North along said East right of way line to the Southwest corner of Parcel 1 of PP 2002-6, Assessor's Plat 3 1W 14A;
77. Thence East along the South line of said Parcel 1, 1,084 feet, more or less, to the point of intersection of said South line with the West right of way line of Parkway Avenue (Market Road No. 27);
78. Thence Northerly along said West right of way line to the point of intersection of said West right of way line with the South right of way line of Boeckman Road;
79. Thence West along said South right of way line to the point of intersection of said South right of way line with the East right of way line of Interstate Five (I-5) Freeway;
80. Thence South along said East right of way line to the point of intersection of said East right of way line with the East projection of the North line of Lot 5 of the Plat of Boberg, said Assessor's Plat;

81. Thence West along said East projected line, across Interstate Five (I-5) Freeway and Boones Ferry Road (Frontage Road) to the Northeast corner of said Lot 5, said point being on the West right of way line of said Boones Ferry Road;
82. Thence Northerly along said West right of way line, 244 feet, more or less, to an angle point on the East line of Tax Lot 300, said Assessor's Plat;
83. Thence Northwesterly along the Northeasterly line of said Tax Lot 300, 388 feet, more or less, to the North corner thereof, said point being on the South right of way line of Boeckman Road, said Assessor's Plat;
84. Thence Northerly to an angle point in the South line of Parcel 7 of PP 2003-64, said point being the point of intersection of the West right of way line of Boone's Ferry Road with the North Right of way line of Boeckman Road, Assessor's Plat 3 1W 11D;
85. Thence Northeasterly along the West right of way line of said Boone's Ferry Road, 398 feet, more or less, to an angle point in the East line of said Parcel 7, said Assessor's Plat;
86. Thence East across Boone's Ferry Road and Interstate Five (I-5) Freeway to the Northwest corner of tax lot 702, Assessor's Plat 3 1W 11, said point being on the East right of way line of said Interstate Five (I-5) Freeway, 362 feet, more or less, North of the point of intersection of said East right of way line with the South line of the Southeast $\frac{1}{4}$ of Section 11, T3S, R1W, WM, Assessor's Plat 3 1W 11;
87. Thence South along said East right of way line to the point of intersection of said East right of way line with the North right of way line of Boeckman Road;
88. Thence East along said North right of way line to the point of intersection of said North right of way line with the West right of way line of Parkway Avenue;
89. Thence North along said West right of way line, 380 feet, more or less, to the point of intersection of said West right of way line with the West projection of the South line of Tax Lot 500, said Assessor's Plat;
90. Thence East along said West projection across Parkway Avenue to the Southwest corner of said tax lot 500, said point being on the East right of way line of said Parkway Avenue;
91. Thence Southeasterly along said East right of way line to the point of intersection of said East right of way line with the North right of way line of Boeckman Road;
92. Thence East along said North right of way line to the point of intersection of said North right of way line with the West right of way line of Canyon Creek Road;
93. Thence North along said West right of way line 1,136 feet, more or less, to the Southeast corner of Tax Lot 500, said Assessor's Plat;
94. Thence continuing along a portion of said West right of way line and along the East line of said Tax Lot 500 to the Northeast corner thereof, said point being a point on the South right of way line of Wiedmann County Road and 1,689 feet, more or less, East of the point of intersection of said South right of way line with the West line of the Northwest $\frac{1}{4}$ of Section 12, T3S, R1W, WM;
95. Thence West along said South right of way line to the point of intersection of said South right of way line with the East right of way line of Parkway Avenue, Assessor's Plat 3 1W 11;
96. Thence South along said East right of way line to the Northwest corner of Parcel 3 of P.P. 2002-47, Assessor's Plat 3 1W 11D;
97. Thence Southeasterly along the North line of said P.P. 2002-47 to the East corner thereof, said point being an angle point on the North line Parcel 2 of PP 2000-89, Assessor's Plat 3 1W 12;
98. Thence Southwesterly along said North line to a Northwest corner thereof;

99. Thence South and West along the West line of said P.P. 2000-89 to the Southerly Southwest corner of Tax Lot 507 (9.93 acre parcel adjacent to said Parcel 2), said Assessor's Plat;
100. Thence North and West along the West line of said Tax Lot 507 to the Northerly Southwest corner thereof, said point being on the East right of way line of Parkway Avenue (County Road No. 1233);
101. Thence West along the projection of the South line of said Tax Lot 507 to the point of intersection of said projected line with the West right of way line of said Parkway Avenue;
102. Thence Northerly along said West right of way line to a point 150 feet North of the South right of way line of Wiedmann County Road, Assessor's Plat 3 1W 11;
103. Thence Easterly along a line perpendicular to the centerline of said Parkway Avenue to a point on the East right of way line of said Parkway Avenue;
104. Thence South along said East right of way line to the point of intersection of said East right of way line with the North right of way line of said Wiedmann County Road;
105. Thence East along said North right of way line to the Southwest corner of Parcel 1 of Partition Plat No. 1993-133;
106. Thence North along the West line of said Parcel 1 and along the West line of Parcel 1 of Partition Plat No. 1991-159 to the **Point of Commencement**.

Excepting:

Commencing at a point of intersection of the South right of way line of Boeckman Road (County Road No. 80 or Robert Road) with the East right of way line of Canyon Creek Road (Jensen Road), Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon;

1. Thence East along the South right of way line of Boeckman Road to the Northwest corner of Lot 86 of the plat of Landover No. 2, Plat No. 3248, Assessor's Plat 3 1W 13AA;
2. Thence South along the West line of said plat, 27.85 feet to an angle point in said West line, said point being on the West right of way line of the old alignment of Wilsonville Road;
3. Thence continuing South along a portion of the West line of said plat and along the West line of the old Wilsonville Road right of way alignment to the point of intersection of said old West right of way line with the current West right of way line of Wilsonville Road;
4. Thence South and West along said current West right of way line to the point of intersection of said right of way line with the centerline of Boeckman Creek;
5. Thence Northeasterly along the centerline of Boeckman Creek to the Northeast corner of Tax Lot 2600, Assessor's Plat 3 1W 13CD;
6. Thence West along the north line of said Tax Lot 2600 to the Northwest corner thereof;
7. Thence counter-clockwise around the westerly lines of said Tax Lot 2600 and Tax Lot 2700 to the Northeast corner of Tax Lot 2707;
8. Thence West along the North lines of said Tax Lot 2707 and Tax Lot 3000 to the most easterly Southwest corner of Lot 2, Block 1, Courtside Estates;
9. Thence Northwesterly along the South line of said Lot 2 144 feet, more or less to the East right of way line of Town Center Loop East;
10. Thence Northerly along said East right of way line to the Southwest corner of Parcel 3 P.P. 1991-166, Assessor's Plat 3 1W 13CB;

11. Thence counter-clockwise around said P.P. 1991-166 to the Southwest corner of Parcel 2 of P. P. 1990-114, of said Assessor's Plat;
12. Thence counter-clockwise around said Partition Plat No. 1990-114 to the point of intersection with the South right of way line of Vlahos Drive;
13. Thence North and perpendicular to said South right of way line of Vlahos Drive to the North right of way line of Vlahos Drive;
14. Thence West along said North right of way, 167 feet, more or less, to the East right of way line of Canyon Creek Road South Extension;
15. Thence North along said East right of way line to the Northwest Corner of Lot 21, Sundial Subdivision, Plat No. 2910, Assessor's Plat 3 1W 13BD;
16. Thence East along the North line of said Plat, 657 feet, more or less, to the Southeast corner of Canyon Creek Road South at the terminus of said road;
17. Thence North along the East right of way line of said Canyon Creek Road South to the point of intersection of said East right of way line with the South right of way line of Boeckman Road, said point being the **Point of Commencement**.

Excepting:

Commencing at a point of intersection of the East right of way line of Parkway Avenue (Market Road No. 27) with the North right of way line of said Town Center Loop East, Assessor's Plat No. 3 1W 13CB, Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon;

1. Thence North along said East right of way line to the Northwest corner of the plat of Ash Meadows, Plat No. 2583, Assessor's Plat 3 1W 13BC;
2. Thence Easterly along the North line of said Plat No. 2583 to the most Easterly corner thereof, said point being on the West line of Tax Lot 2601, Assessor's Plat 3 1W 13B;
3. Thence clockwise around said Tax Lot 2601 to the Northwest Corner of Lot 21, Sundial Subdivision, Plat No. 2910, Assessor's Plat 3 1W 13BD, said point being the Northeast corner of Canyon Creek Road South Extension;
4. Thence N 88° W, 73 feet, more or less, along the North line of said Canyon Creek Road South Extension
5. Thence S 02° W, 256 feet, more or less, along the West right of way line of said Canyon Creek Road South Extension to the point of curvature with a 609 foot radius curve;
6. Thence along said curve to the right, an arc length of 478 feet, more or less, to a point of tangency;
7. Thence S 55° W, 17 feet, more or less, to the point of intersection of said West right of way line with the North right of way line of Vlahos Drive;
8. Thence West and Southwesterly along said North right of way to the Northerly right of way line of Town Center Loop East;
9. Thence Westerly along said Northerly right of way line to the **Point of Commencement**.

Excepting:

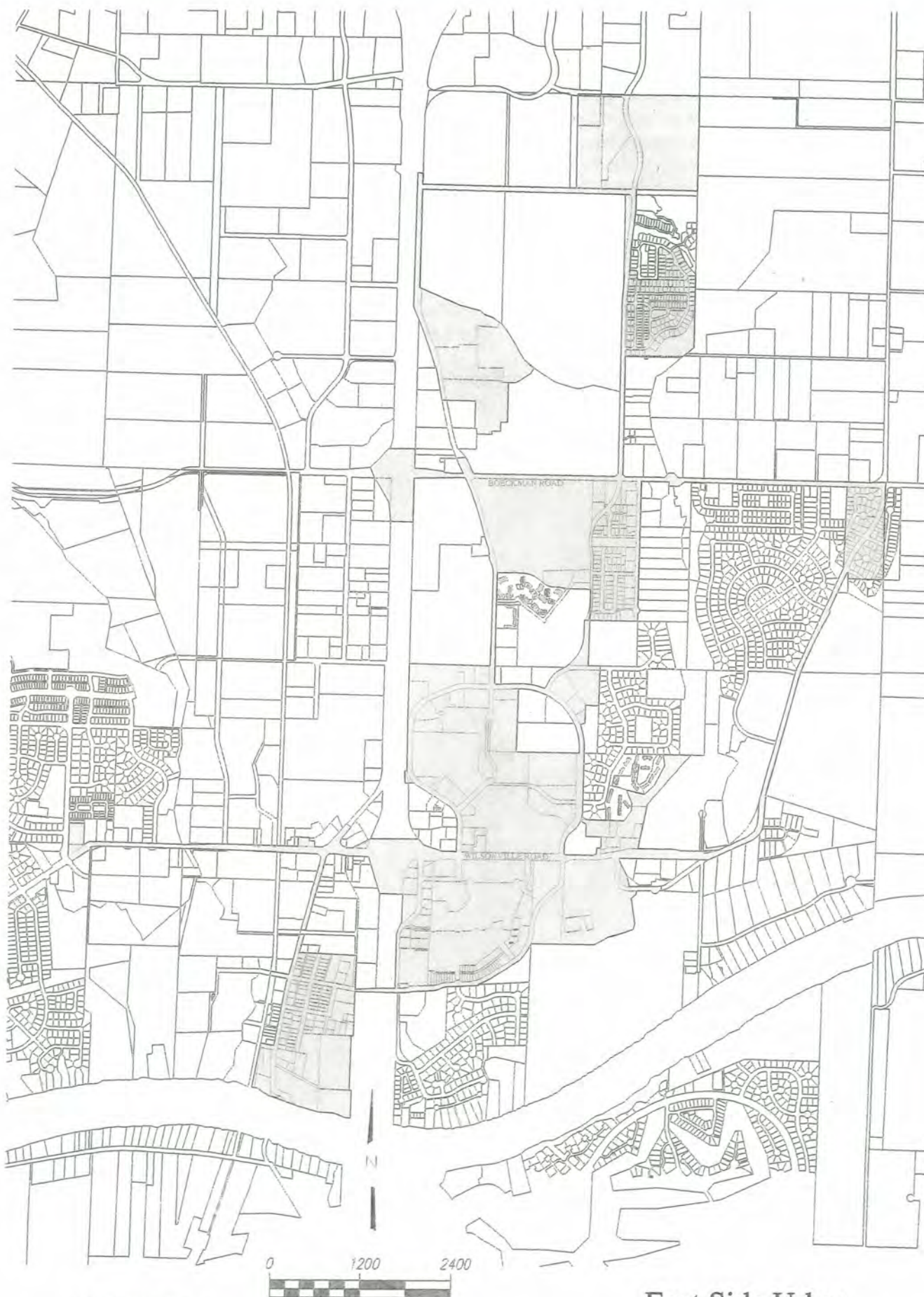
Commencing at a point of intersection of the West right of way line of Town Center Loop East with the South line of Tax Lot No. 417 (recording No. 88 52872), Assessor's Plat No. 3 1W 13, Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon;

1. Thence clockwise around said Tax Lot No. 417 to the Southwest corner of Tax Lot No. 406 (recording No. 91 12373), of said plat;
2. Thence North along the West line of Tax Lot No. 406 to the point of intersection of said West line with the South right of way line of said Town Center Loop East;
3. Thence along said right of way line Easterly and Southerly to the **Point of Commencement**.

Excepting:

Tax Lot 2702 per Assessor's Plat 3 1W 13CD, Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.

The described property, located entirely within the City of Wilsonville, County of Clackamas and the State of Oregon, contains **five-hundred seventy (570)** acres, more or less.



Urban Renewal Area
 — Urban Renewal Boundary

SCALE: 1" = 1200'

East Side Urban Renewal Boundary

Revised Per: U.R.A. Resolution No. 32, No. 59, No. 99, No. 102, No. 115 & No. 118 And City of Wilsonville Resolution No. 1847, No. 1903, No. 2055, No. 2072, No. 2154 and Ordinance No. 639.

URA RESOLUTION NO. 235

A RESOLUTION OF THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE RECOMMENDING THAT THE CITY COUNCIL AMEND THE YEAR 2000 PLAN URBAN RENEWAL DISTRICT BOUNDARIES TO REDUCE ACREAGE.

WHEREAS, The Year 2000 Plan, an Urban Renewal Plan and Program of the City of Wilsonville (hereinafter "Plan") Section 1200 "Procedures for Changes or Amendments in the Approved Urban Renewal Plan" states that,

"The Plan will be reviewed and analyzed periodically and will continue to evolve during the course of project execution and on-going planning. It is anticipated that this Plan will be changed or modified from time to time; or amended as development potential and conditions warrant, as planning studies are completed, as financing becomes available, or as local needs dictate."; and

WHEREAS, Section 1202 of the Plan requires that the City Council approve by resolution any change to the Plan that alters the Goals and Objectives of the Plan; and

WHEREAS, there have been numerous changes in the residential, industrial and commercial development of the community and the Plan Area since adoption of the Plan by Ordinance No. 373 in 1990; and

WHEREAS, the Agency finds it is in the best interest of the public to further reduce the size of the Year 2000 Plan Area to reduce acreage to remain under the City-wide 25% urban renewal acreage cap required under ORS 457; and

WHEREAS, tax lot 31W13 00100 is 61.5 +/- acres and is the site of Wilsonville High School and tax lot 31W24 00600 is 21.5 +/- acres and is the site of Murase Plaza at Memorial Park; and

WHEREAS, both of these tax lots are publicly owned and produce no tax increment; and

WHEREAS, removal of these tax lots from The Year 2000 Plan district boundary will reduce the district's acreage by 83 acres from 629 acres to 546 acres; and

WHEREAS, the proposed area geographic reductions from The Year 2000 Plan district boundary will not adversely affect Agency debt service and will not impair the Agency's ability to carry out Plan projects; and

NOW, THEREFORE, THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The Year 2000 Urban Renewal Plan legal description (Exhibit 1 to The Year 2000 Urban Renewal Plan) as previously amended by Urban Renewal Agency Resolution Nos. 32, 59, 99, 102, 115, and 118, and City of Wilsonville Resolution No. 1847, 1903, 2055, 2072, 2154 and City of Wilsonville Ordinance No. 639 shall be amended as described in Exhibit A of this Resolution, attached hereto and incorporated herein by this reference and shall be titled "Exhibit 1" of The Year 2000 Plan and made part of The Year 2000 Plan. The Plan Area is reduced in accordance with Exhibit A.

2. The existing Year 2000 Urban Renewal Plan Exhibit 2, "Urban Renewal Boundary Map," previously amended by Urban Renewal Agency Resolution Nos. 32, 59, 99, 102, 115, and 118 and City of Wilsonville Resolution No. 1847, 1903, 2055, 2072, 2154 and City of Wilsonville Ordinance No. 639 shall be amended and replaced by the map which is Exhibit B of this Resolution entitled "East Side Urban Renewal Boundary Revised per URA Resolution Nos. 32, 59, 99, 102, 115, and 118 and City of Wilsonville Resolution No. 1847, 1903, 2055, 2072, 2154 and City of Wilsonville Ordinance No. 639". Exhibit B is attached hereto and incorporated herein by this reference and is made a part of The Year 2000 Plan. The map boundaries conform to the legal description in Exhibit A.

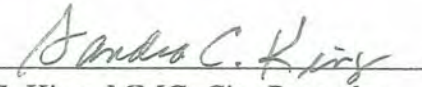
3. The existing Year 2000 Plan Area includes a total land area of 629 acres. The area removed by this proposed Council-approved amendment to the Plan Area is a total land reduction of eighty-three (83) acres, leaving 546 acres in The Year 2000 Plan Area. The Agency finds and determines that this reduction of land to the Plan Area by a Council-approved amendment to the Plan is not a substantial amendment to the Plan as the term "substantial amendment" is defined in ORS 457.085 (2) (1) and recommends this finding and determination be adopted and approved by City Council.

4. The effective date of this Resolution is October 7, 2013.

ADOPTED by the Wilsonville Urban Renewal Agency at a regular meeting thereof this 7th day of October 2013, and filed with the Wilsonville City Recorder this date.


TIM KNAPP, BOARD CHAIR

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Chair Knapp	Yes
Member Goddard	Yes
Member Starr	Yes
Member Fitzgerald	Yes
Member Stevens	Yes

Attachments:

Exhibit A - Amended Legal Description of the Wilsonville Year 2000 Plan Urban Renewal Area
Exhibit B - Amended Year 2000 Plan Urban Renewal Area Boundary Map

EXHIBIT 1

**LEGAL DESCRIPTION
WILSONVILLE URBAN RENEWAL AREA
WILSONVILLE, OREGON**

Revisions: U.R.A. Resolution No. 32, No. 59, No. 99, No. 102, No. 115, and No. 118 And City of Wilsonville Resolution No. 1847, No. 1903, No. 2055, No. 2072, No. 2154 & Ordinance No. 639

08/19/13

The approximate boundaries of the Area are shown by the Urban Renewal Plan Area Map (Exhibit 2).

Lots and maps are taken from Assessor's tax maps from July, 2013 and attached hereto. The Area is described as that land containing all lots or parcels of property situated in the City of Wilsonville, County of Clackamas, and the State of Oregon, bounded as follows:

Commencing at a point which bears South 88°47' 08" East, 989.69 feet from the corner common to sections 1 and 2, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon and sections 11 and 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, said point being the point of intersection of the North line of the Northwest quarter of said Section 12 with the Northerly projection of the West line Partition Plat No. 1991-159, records of said county;

1. Thence East along the North line of said Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, 1671.76 feet, to the North ¼ corner of said Section 12, Assessor's Plat 3 1W 12;
2. Thence South along the North-South centerline of said Section 12 1,255 feet, more or less, to the North right of way line of Wiedemann Road, Assessor's Plat 3 1W 12BD;
3. Thence West along said North right of way line 835 feet, more or less, to the point of intersection of said North right of way line with the East right of way line of Canyon Creek Road North;
4. Thence Southerly along said East right of way line 1,150 feet, more or less, to the point of intersection of said East right of way line and the North line of Tax Lot 100, also being a point on the South right of way line of Roanoke Drive (South), of said Plat No. 3 1W 12BD;
5. Thence Easterly along said South right of way line 490 feet, more or less, to the southerly extension of the East right of way line of McLeod Street;
6. Thence North along the Southerly extension of said East right of way line and said East right of way line 430 feet, more or less, to the Northwest Corner of Tax Lot 6400;

7. Thence Northeasterly and Southeasterly along the North lines of said Tax Lot 6400 and Tax Lot 8000 to the point of intersection of said north line and the Southwesterly projection of the Southeasterly right of way line of Colvin Lane;
8. Thence Northeasterly along said Southwesterly projection of said Colvin Lane and the Southeasterly right of way line of Colvin Lane to the Northeast corner of Tax Lot 2800;
9. Thence along the East lines of Tax Lot 2800, Tax Lot 2700, Tax Lot 2600 and the East and South lines of Tax Lot 2500 a distance of 215 feet, more or less, to the point of intersection of the South line of Tax Lot 2500 and the Easterly right of way line of Roanoke Drive (North), of said Plat No. 3 1W 12BD;
10. Thence Southeasterly along said Easterly right of way line 15 feet to the Northwest corner of Tax Lot 2400;
11. Thence along the North and East lines of Tax Lot 2400 and the East lines of Tax Lot 2300, Tax Lot 2200 and Tax Lot 2100 to said North-South centerline of said Section 12;
12. Thence South along said north-south centerline to a point 649 feet, more or less, South of the center of section corner thereof, said point being the Northerly Southeast corner of Canyon Creek Meadows Plat No. 3314, Assessor's Plat 2 1W 12CA;
13. Thence Southwesterly 196 feet, more or less, to the Southerly Southeast corner of said Plat, said point being at the Western terminus of Frogpond Lane and the Northeast corner of Tax Lot No. 604, Assessor's Plat 3 1W 12D;
14. Thence continuing Southwesterly 38 feet, more or less, to the Southeast corner of said Tax Lot No. 604, said point being 25 feet from when measured perpendicular to the South line of said Plat No. 3314;
15. Thence West parallel with and 25 feet from said South line, 740 feet, more or less to the point of intersection of the South line of said Tax Lot No. 604 with the East right of way line of Canyon Creek Road North;
16. Thence South along said East right of way line 1,800 feet, more or less, to the point of intersection of said East right of way line with the North right of way line of Boeckman Road (County Road No. 80 or Roberts), Assessor's Plat 3 1W 12D;
17. Thence East along said North right of way line to the point of intersection of said North right of way line with the East right of way line of S.W. 65th Avenue (Market Road No. 12 or Stafford Road);
18. Thence Southwesterly to the Northeast corner of Section 13, T3S, R1W, WM, Assessor's Plat 3 1W 13AA;
19. Thence South along the East line of the Northeast $\frac{1}{4}$ of said Section 13, 1,300 feet, more or less, to the Northerly Southeast corner of the plat of Landover, Plat No. 3246;
20. Thence West across said Plat No. 3246 to the West line thereof;
21. Thence North along said West line to the point of intersection of said West line with the East right of way line of Wilsonville Road (Market Road No. 12);
22. Thence South and West along said right of way line to the Northwest corner of tax lot 3600 (Recording No. 87-53932), Assessor's Plat 3 1W 24A;
23. Thence counter clockwise around said tax lot 3600 to the North corner of tax lot 3700 (Recording No. 86-6963), said Assessor's Plat;
24. Thence Southerly along the West line of said tax lot 3700 to the point of intersection with the North right of way line of Kolbe Lane;
25. Thence East along said North right of way line to the point of intersection of said North right of way line with a line measured perpendicular from said North right of

- way line to the West corner of Tax Lot 3800 (Recording No. 72-32388), said Assessor's Plat;
26. Thence Southerly along said perpendicular line to the West corner of said Tax Lot 3800, said point being on the South right of way line of said Kolbe Lane (Schroeder Way);
 27. Thence West and North along said right of way line to the point of intersection of said right of way line and the South right of way line of Wilsonville Road (Market Road No. 12);
 28. Thence West along said South right of way line to the point of intersection of said South right of way line and the Easterly right of way line of Memorial Drive;
 29. Thence along said Easterly right of way line Southerly and Westerly to the point of intersection of the Westerly projection of the South right of way line of said Memorial Drive with the West right of way line of Parkway Avenue (Frontage Road), said point being on the East right of way line of Interstate five (I-5), Assessor's Plat No. 3 1W 24CB;
 30. Thence Westerly across said Interstate five (I-5) to the point of intersection of the West right of way line of said Interstate five with the Eastern terminus of the South right of way line of 5th Street, Assessor's Plat 3 1W 23AC;
 31. Thence continuing Southerly along said West right of way line to the North bank of the Willamette River, Assessor's Plat 3 1W 23DB;
 32. Thence Westerly along the North bank of the Willamette River to the East right of way line of the Oregon Electric Railroad, Assessor's Plat 3 1W 23CA;
 33. Thence Northerly along said East right of way to the point of intersection of said East right of way line with the North right of way line of 2nd Street of said Wilsonville Plat;
 34. Thence East along said North right of way line to the point of intersection of said North right of way line with the West right of way line of Boones Ferry Road (Market Road No. 27 or Main Street);
 35. Thence Northerly along said West right of way line to the point of intersection of said West right of way line with the South right of way line of 5th Street, Assessor's Plat 3 1W 23 BD;
 36. Thence West along said South right of way line to the point of intersection of said South right of way line with the West right of way line of the Oregon Electric Railroad;
 37. Thence North along said West right of way line to the point of intersection of said West right of way line with the North right of way line of said 5th Street;
 38. Thence East along said North right of way line to the point of intersection of said North right of way line with the West right of way line of said Boones Ferry Road (Market Rd. No. 27 or Main Street);
 39. Thence Northerly along said West right of way line to the point of intersection of said West right of way line with the South right of way line of Bailey Street, Assessor's Plat 3 1W 23AB;
 40. Thence East along the easterly projection of said South right of way line to the point of intersection of said easterly projection and the East right of way line of said Boones Ferry Road (Market Rd. No. 27 or Main Street);
 41. Thence Southerly along said East right of way line to the North line of the Plat of Wilsonville, Assessor's Plat 3 1W 23AC;
 42. Thence East along said North line and the easterly projection thereof, 824 feet, more or less, to the West line of Tax Lot 101, also being a point on the East line of the Thomas Bailey D.L.C.;

43. Thence South along the West line of said Tax Lot 101 and the West line of Tax Lot 100 to the Southwest Corner of said Tax Lot 100, also being an angle point in the West right of way line of Interstate five (I-5) at the Eastern Terminus of 5th Street, Plat of Wilsonville;
44. Thence East along the South line of said Tax Lot 100, 272 feet, more or less, to the Southeast corner thereof, also being an angle point in said West right of way line;
45. Thence Easterly across said Interstate five to the point of intersection of the Westerly projection of the North right of way line of Memorial Drive with the West right of way line of Parkway Avenue (Frontage Road), said point being on the East right of way line of said Interstate five, Assessor's Plat No. 3 1W 24CB;
46. Thence along said East right of way line, Northerly to the Northwest corner of Tax Lot No. 200 (recording No. 2001-043681), Assessor's Plat No. 3 1W 23AA;
47. Thence Westerly across I-5 to an angle point on the West right of way line of said Interstate five (I-5), also being an angle point on the East line of Tax Lot No. 100 (recording No. 93-63557), Assessor's Plat No. 3 1W 23AB;
48. Thence Northwesterly along said West right of way line to the point of intersection of said West right of way line with the South right of way line of Wilsonville Road (Market Road No. 6), also being the Northeast corner of Tax Lot No. 101 (recording No. 98-030367);
49. Thence West along said South right of way line to the point of intersection of said South right of way line with the East right of way line of Boones Ferry Road (Market Road No. 27), also being the Northwest corner of Tax Lot No. 700 (recording No. 2006-011467);
50. Thence South along said East right of way line to the point of intersection of said East right of way line with the Easterly projection of the North right of way line of Bailey Street;
51. Thence West along said Easterly projection to the point of intersection of said North right of way line with the West right of way line of said Boones Ferry Road;
52. Thence North along said West right of way line to the point of intersection of said West right of way line with the South right of way line of said Wilsonville Road (Market Road No. 6);
53. Thence West along said South right of way line to the point of intersection of said South right of way line with the East right of way line of Brown Road (County Road No. 355), Assessor's Plat 3 1W 22A;
54. Thence Northerly across Wilsonville Road to the point of intersection of the North right of way line of said Wilsonville Road with the East right of way line of said Brown Road;
55. Thence North along said East right of way line, 408 feet, more or less, to the Northwest corner of tax lot 801 (Recording No. 72-27330), Assessor's Plat 3 1W 14C;
56. Thence East along the North line of said Tax Lot 801, 204 feet, more or less, to the Northeast corner thereof;
57. Thence South along the East line of said Tax Lot 801 and its Southerly projection to the point of intersection of said projected line with the North right of way line of said Wilsonville Road;
58. Thence Easterly along said North right of way line to the Southwest corner of Tax Lot 1301, Assessor's Plat 3 1W 14D;
59. Thence clockwise around said tax lot 1301 to the Northwest corner of tax lot 1300 (Recording No. 212-470), said Assessor's Plat;

60. Thence clockwise around said tax lot 1300 to the Southeast corner thereof, said point being on the North right of way line of said Wilsonville Road;
61. Thence East along said North right of way line to the West right of way line of Boone's Ferry Road;
62. Thence North along said West right of way line to an angle point on the East line of Parcel 2 of P.P. 2003-82, said Assessor's Plat;
63. Thence perpendicular from said West right of way line, Southeasterly 60 feet to a point in said Boone's Ferry Road;
64. Thence Northeasterly parallel with and 60 feet from said West right of way line 250 feet, more or less, to an angle point in the East right of way line of said Boone's Ferry Road;
65. Thence Southeasterly along said East right of way line to the point of intersection of said East right of way line with the North right of way line of said Wilsonville Road;
66. Thence Easterly along said North right of way line to the Southwest corner of Tax Lot 2100, said Assessor's Plat, (recorded in Book 454, Page 152);
67. Thence Northeast, 250 feet, more or less to an angle point in said Tax Lot 2100;
68. Thence along the North line of said Tax Lot 2100, East 28 feet, more or less, to the point of intersection of said North line with the West right of way line (access control line) of the I-5 (Interstate Five) Freeway;
69. Thence Northerly along said West right of way line 70 feet, more or less, to a point being 240 feet from when measured perpendicular to the centerline of said Wilsonville Road;
70. Thence East, parallel with and 240 feet from said centerline, 577 feet, more or less, to the East right of way line of Frontage Road, said Assessor's Plat;
71. Thence Southerly along said East right of way line, 536 feet, more or less, to the point of intersection of said East right of way line with the North right of way line of said Wilsonville Road;
72. Thence East along the North right of way line of said Wilsonville Road to the point of intersection of said North right of way line with the West right of way line of Town Center Loop West;
73. Thence Northerly along said West right of way line to the point of intersection of said West right of way line with the South line of Parcel 3 of PP 1991-202;
74. Thence West along said South line and its West projection across Frontage Road to the point of intersection of said projected line with the East right of way line of said Interstate Five (I-5) Freeway;
75. Thence North along said East right of way line to the Southwest corner of Parcel 1 of PP 2002-6, Assessor's Plat 3 1W 14A;
76. Thence East along the South line of said Parcel 1, 1,084 feet, more or less, to the point of intersection of said South line with the West right of way line of Parkway Avenue (Market Road No. 27);
77. Thence Northerly along said West right of way line to the point of intersection of said West right of way line with the South right of way line of Boeckman Road;
78. Thence West along said South right of way line to the point of intersection of said South right of way line with the East right of way line of Interstate Five (I-5) Freeway;
79. Thence South along said East right of way line to the point of intersection of said East right of way line with the East projection of the North line of Lot 5 of the Plat of Boberg, said Assessor's Plat;

80. Thence West along said East projected line, across Interstate Five (I-5) Freeway and Boones Ferry Road (Frontage Road) to the Northeast corner of said Lot 5, said point being on the West right of way line of said Boones Ferry Road;
81. Thence Northerly along said West right of way line, 244 feet, more or less, to an angle point on the East line of Tax Lot 300, said Assessor's Plat;
82. Thence Northwesterly along the Northeasterly line of said Tax Lot 300, 388 feet, more or less, to the North corner thereof, said point being on the South right of way line of Boeckman Road, said Assessor's Plat;
83. Thence Northerly to an angle point in the South line of Parcel 7 of PP 2003-64, said point being the point of intersection of the West right of way line of Boone's Ferry Road with the North Right of way line of Boeckman Road, Assessor's Plat 3 1W 11D;
84. Thence Northeasterly along the West right of way line of said Boone's Ferry Road, 398 feet, more or less, to an angle point in the East line of said Parcel 7, said Assessor's Plat;
85. Thence East across Boone's Ferry Road and Interstate Five (I-5) Freeway to the Northwest corner of tax lot 702, Assessor's Plat 3 1W 11, said point being on the East right of way line of said Interstate Five (I-5) Freeway, 362 feet, more or less, North of the point of intersection of said East right of way line with the South line of the Southeast $\frac{1}{4}$ of Section 11, T3S, R1W, WM, Assessor's Plat 3 1W 11;
86. Thence South along said East right of way line to the point of intersection of said East right of way line with the North right of way line of Boeckman Road;
87. Thence East along said North right of way line to the point of intersection of said North right of way line with the West right of way line of Parkway Avenue;
88. Thence North along said West right of way line, 380 feet, more or less, to the point of intersection of said West right of way line with the West projection of the South line of Tax Lot 500, said Assessor's Plat;
89. Thence East along said West projection across Parkway Avenue to the Southwest corner of said tax lot 500, said point being on the East right of way line of said Parkway Avenue;
90. Thence Southeasterly along said East right of way line to the point of intersection of said East right of way line with the North right of way line of Boeckman Road;
91. Thence East along said North right of way line to the point of intersection of said North right of way line with the West right of way line of Canyon Creek Road;
92. Thence North along said West right of way line 1,136 feet, more or less, to the Southeast corner of Tax Lot 500, said Assessor's Plat;
93. Thence continuing along a portion of said West right of way line and along the East line of said Tax Lot 500 to the Northeast corner thereof, said point being a point on the South right of way line of Wiedmann County Road and 1,689 feet, more or less, East of the point of intersection of said South right of way line with the West line of the Northwest $\frac{1}{4}$ of Section 12, T3S, R1W, WM;
94. Thence West along said South right of way line to the point of intersection of said South right of way line with the East right of way line of Parkway Avenue, Assessor's Plat 3 1W 11;
95. Thence South along said East right of way line to the Northwest corner of Parcel 3 of P.P. 2002-47, Assessor's Plat 3 1W 11D;
96. Thence Southeasterly along the North line of said P.P. 2002-47 to the East corner thereof, said point being an angle point on the North line Parcel 2 of PP 2000-89, Assessor's Plat 3 1W 12;
97. Thence Southwesterly along said North line to a Northwest corner thereof;

98. Thence South and West along the West line of said P.P. 2000-89 to the Southerly Southwest corner of Tax Lot 507 (9.93 acre parcel adjacent to said Parcel 2), said Assessor's Plat;
99. Thence North and West along the West line of said Tax Lot 507 to the Northerly Southwest corner thereof, said point being on the East right of way line of Parkway Avenue (County Road No. 1233);
100. Thence West along the projection of the South line of said Tax Lot 507 to the point of intersection of said projected line with the West right of way line of said Parkway Avenue;
101. Thence Northerly along said West right of way line to a point 150 feet North of the South right of way line of Wiedmann County Road, Assessor's Plat 3 1W 11;
102. Thence Easterly along a line perpendicular to the centerline of said Parkway Avenue to a point on the East right of way line of said Parkway Avenue;
103. Thence South along said East right of way line to the point of intersection of said East right of way line with the North right of way line of said Wiedmann County Road;
104. Thence East along said North right of way line to the Southwest corner of Parcel 1 of Partition Plat No. 1993-133;
105. Thence North along the West line of said Parcel 1 and along the West line of Parcel 1 of Partition Plat No. 1991-159 to the **Point of Commencement**.

Excepting:

Commencing at a point of intersection of the South right of way line of Boeckman Road (County Road No. 80 or Robert Road) with the East right of way line of Canyon Creek Road (Jensen Road), Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon;

1. Thence East along the South right of way line of Boeckman Road to the Northwest corner of Lot 86 of the plat of Landover No. 2, Plat No. 3248, Assessor's Plat 3 1W 13AA;
2. Thence South along the West line of said plat, 27.85 feet to an angle point in said West line, said point being on the West right of way line of the old alignment of Wilsonville Road;
3. Thence continuing South along a portion of the West line of said plat and along the West line of the old Wilsonville Road right of way alignment to the point of intersection of said old West right of way line with the current West right of way line of Wilsonville Road;
4. Thence South and West along said current West right of way line to the point of intersection of said right of way line with the centerline of Boeckman Creek;
5. Thence Northeasterly along the centerline of Boeckman Creek to the Northeast corner of Tax Lot 2600, Assessor's Plat 3 1W 13CD;
6. Thence West along the north line of said Tax Lot 2600 to the Northwest corner thereof;
7. Thence counter-clockwise around the westerly lines of said Tax Lot 2600 and Tax Lot 2700 to the Northeast corner of Tax Lot 2707;
8. Thence West along the North lines of said Tax Lot 2707 and Tax Lot 3000 to the most easterly Southwest corner of Lot 2, Block 1, Courtside Estates;
9. Thence Northwesterly along the South line of said Lot 2 144 feet, more or less to the East right of way line of Town Center Loop East;
10. Thence Northerly along said East right of way line to the Southwest corner of Parcel 3 P.P. 1991-166, Assessor's Plat 3 1W 13;

11. Thence counter-clockwise around said P.P. 1991-166 to the Southwest corner of Parcel 2 of P. P. 1990-114, of said Assessor's Plat;
12. Thence counter-clockwise around said Partition Plat No. 1990-114 to the point of intersection with the South right of way line of Vlahos Drive;
13. Thence North and perpendicular to said South right of way line of Vlahos Drive to the North right of way line of Vlahos Drive;
14. Thence West and Southwesterly along said North right of way to the Northerly right of way line of Town Center Loop East;
15. Thence Westerly along said Northerly right of way line to the East right of way line of Parkway Avenue (Market Road No. 27);
16. Thence North along said East right of way line to the Northwest corner of the plat of Ash Meadows, Plat No. 2583, Assessor's Plat 3 1W 13BC;
17. Thence Easterly along the North line of said Plat No. 2583 to the most Easterly corner thereof, said point being on the West line of Tax Lot 2601, Assessor's Plat 3 1W 13B;
18. Thence clockwise around said Tax Lot 2601 to the Southwest corner of the Plat of Bridle Trail Ranchetts;
19. Thence East along the South line of said Plat, 657 feet, more or less, to the Southeast corner of Canyon Creek Road South at the terminus of said road;
20. Thence North along the East right of way line of said Canyon Creek Road South to the point of intersection of said East right of way line with the South right of way line of Boeckman Road, said point being the **Point of Commencement**.

Excepting:

Commencing at a point of intersection of the West right of way line of Town Center Loop East with the South line of Tax Lot No. 417 (recording No. 88 52872), Assessor's Plat No. 3 1W 13, Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon;

1. Thence clockwise around said Tax Lot No. 417 to the Southwest corner of Tax Lot No. 406 (recording No. 91 12373), of said plat;
2. Thence North along the West line of Tax Lot No. 406 to the point of intersection of said West line with the South right of way line of said Town Center Loop East;
3. Thence along said right of way line Easterly and Southerly to the **Point of Commencement**.

Excepting:

Tax Lot 2702 per Assessor's Plat 3 1W 13CD, Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.

The described property, located entirely within the City of Wilsonville, County of Clackamas and the State of Oregon, contains five-hundred forty-six (546) acres, more or less.



Urban Renewal Area
 — Urban Renewal Boundary

SCALE: 1" = 1200'

East Side Urban Renewal Boundary

Revised Per: U.R.A. Resolution No. 32, No. 59, No. 99, No. 102, No. 115 & No. 118 And City of Wilsonville Resolution No. 1847, No. 1903, No. 2055, No. 2072, No. 2154 and Ordinance No. 639.

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 1, 2014	Subject: Resolution No. 2501 Authorizing Second Extension of Franchise Agreement with Comcast Staff Member: Mike Kohlhoff Department: Legal
Action Required ☐ Motion ☐ Public Hearing Date: ☐ Ordinance 1 st Reading Date: ☐ Ordinance 2 nd Reading Date: ☒ Resolution ☐ Information or Direction ☐ Information Only ☐ Council Direction ☐ Consent Agenda	Advisory Board/Commission Recommendation ☐ Approval ☐ Denial ☐ None Forwarded ☒ Not Applicable Comments:
Staff Recommendation: Approve Resolution No. 2501.	
Recommended Language for Motion: I move to adopt Resolution No. 2501.	
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to:]</i>	
☐ Council Goals/Priorities	☐ Adopted Master Plan(s)
☐ Not Applicable	

ISSUE BEFORE COUNCIL: Whether to extend the current Comcast Franchise Agreement, currently set to expire on January 31, 2015, to January 31, 2016.

EXECUTIVE SUMMARY: Last year the City Council approved a one year extension to the City's current franchise agreement with Comcast in order to allow staff more time to negotiate a new agreement with Comcast. At the time, Comcast was in negotiations with several other Cities, including the Metropolitan Area Communication Commission ("MACC") and it was the City Attorney's belief that waiting to see how those negotiations went would be beneficial.

Many of those negotiations are ongoing or have just concluded, not leaving enough time for staff to negotiate an agreement with Comcast before the end of the year.

EXPECTED RESULTS: The desired outcome is a better agreement with Comcast and less rushed and potentially contentious negotiations.

TIMELINE: We would begin negotiation soon after the first of the year, when we can make arrangements to meet with Comcast staff.

CURRENT YEAR BUDGET IMPACTS: The current Agreement would remain in place. Thus, there is no anticipated budget impact.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 11/20/14
No additional comments.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 11/19/14
Legal Department provided Resolution and report.

COMMUNITY INVOLVEMENT PROCESS: N/A - legal contract negotiations.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY : An Agreement with Comcast which retains or better revenue for the City.

ALTERNATIVES: Rushed negotiations without the benefit of reviewing other recently negotiated agreements with Comcast.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Resolution No. 2501
- B. Second Franchise Extension Agreement

RESOLUTION NO. 2501

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO SIGN A FRANCHISE EXTENSION AGREEMENT WITH COMCAST, EXTENDING THE TERM OF THE CURRENT COMCAST CABLE FRANCHISE TO JANUARY 31, 2016

WHEREAS, the Comcast Cable Franchise, effective February 1, 1999, expired on January 31, 2014; and

WHEREAS, the City required more time to complete the required ascertainment process and franchise negotiations than would be afforded by that current expiration date and therefore extended the contract to January 31, 2015; and

WHEREAS, the City and Comcast require additional time to complete the foregoing negotiations than would be afforded by the current extension and therefore wish to extend the contract to January 31, 2016 to ensure sufficient time to complete the ongoing negotiations;

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

1. The City Manager is authorized to sign the Second Franchise Extension Agreement with Comcast, extending the term of the cable franchise to January 31, 2016, a copy of which is marked **Exhibit A**, attached hereto and incorporated by reference as if fully set forth herein.
2. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this ____ day of _____, 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
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

Attachments:

Exhibit A – Second Franchise Extension Agreement

SECOND FRANCHISE EXTENSION AGREEMENT
for the
City of Wilsonville/Comcast Cable Franchise Agreement

WHEREAS, Comcast of California/Colorado/Florida/Oregon, Inc. ("Comcast") currently holds a cable franchise with the City of Wilsonville ("City"), with an effective date of February 1, 1999 and expiration date of January 31, 2014 ("City Franchise"); and

WHEREAS, by letter dated March 8, 2011, Comcast initiated the renewal process under Section 626 of the Cable Act and reserved its statutory rights related thereto; and

WHEREAS, by letter dated August 23, 2013, the City confirmed continuing to proceed with informal negotiations; and

WHEREAS, the City and Comcast determined that it is in both parties' best interests to extend the term of the City Franchise from January 31, 2014 through January 31, 2015 and entered into an Extension Agreement to that effect; and

WHEREAS, the City and Comcast have now determined that it is in both parties' best interests to further extend the term of the City Franchise to January 31, 2016 to allow additional time for negotiations.

NOW, THEREFORE, the City and Comcast agree as follows:

1. The City Franchise extended to January 31, 2015 shall be further extended to January 31, 2016.
2. All provisions of the City Franchise, other than the duration of the City Franchise as set forth in Section 2.3, shall remain in full force and effect through the extended date set forth herein.
3. The City and Comcast agree that execution of this extension does not waive any rights that either party has under Section 626 of the Cable Act.

ACCEPTED this ____ day of _____, 2014: ACCEPTED this ____ day of _____, 2014:

Comcast of California/Colorado/Florida/Oregon, Inc. **City of Wilsonville**

By: _____

By: _____

Bryan Cosgrove, City Manager

Print Name: _____

Title: _____

King, Sandy

From: Ottenad, Mark
Sent: Tuesday, November 25, 2014 11:41 AM
To: Mayor Tim Knapp; Scott Starr - personal (scottstarr97070@gmail.com); Sherer, Stan
Cc: Cosgrove, Bryan; King, Sandy
Subject: Xerox presentation at 12/1 Council mtg; 12/4 Holiday Tree Lighting
Attachments: Xerox Ceremonial Check for City - Dec 2014.pdf

Good day,

Xerox is providing \$2,000 donation in support of the Holiday Tree Lighting Ceremony.

At the Mon 12/1 Council meeting, Dick Spence and other Xerox reps will present a ceremonial check (attached) to the Mayor during Communications.

At the Thur 12/4 Holiday Tree Lighting Ceremony, Dick Spence and other Xerox reps will present a ceremonial check (attached) to the Council President.

Thank you.

- Mark

Mark C. Ottenad
Public/Government Affairs Director
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070
General: 503-682-1011
Direct: 503-570-1505
Fax: 503-682-1015
Email: ottenad@ci.wilsonville.or.us
Web: www.ci.wilsonville.or.us

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



**The Xerox Foundation
Xerox Community Involvement Program (XCIP)**

December 1, 2014

PAY TO THE
ORDER OF

The City of Wilsonville

\$2,000.00

Two-thousand and ⁰⁰/100

DOLLARS

MEMO ***Community Involvement Project***

Local Xerox Employees

City of Wilsonville
December 1, 2014 City Council Meeting

SPEAKER CARD

✓ Supports moving forward
with F.P. Bridge
study + analysis
T.K.

NAME: Simon Springall

ADDRESS: 7577 SW VLAHOS DRIVE, WILSONVILLE

TELEPHONE: _____ E-MAIL Simon@Springall.com

AGENDA ITEM YOU WANT TO ADDRESS: FRENCH PRAIRIE
BRIDGE

Please limit your comments to 3 minutes. Thank you.

City of Wilsonville
December 1, 2014 City Council Meeting

SPEAKER CARD

✓ Suggest Council
Convene a
summit to discuss
Low Income Family needs
in WL. / J.K.

NAME: LONNIE GIEBER

ADDRESS: 10558 SW SUNNYSIDE DR 97070

TELEPHONE: _____ E-MAIL _____

AGENDA ITEM YOU WANT TO ADDRESS: Low Income Family Need

Please limit your comments to 3 minutes. Thank you.

City of Wilsonville
December 1, 2014 City Council Meeting

Tooze + Graham's
Properties Annexation &
Re Zone.

SPEAKER CARD

NAME:

Charlotte Lehan

Advocate for saving

ADDRESS:

the large
"London Plane" tree
on the Tooze property!

TELEPHONE:

E-MAIL

AGENDA ITEM YOU WANT TO ADDRESS:

Tooze Rd Annexation

Please limit your comments to 3 minutes. Thank you.

**City of Wilsonville
City Council Meeting
December 1, 2014 Sign In Sheet**

[illegible]