

AGENDA

WILSONVILLE CITY COUNCIL MEETING OCTOBER 20, 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

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|------------------|---|-----------|
| 5:00 P.M. | EXECUTIVE SESSION | [30 min.] |
| A. | Pursuant to ORS 192.660(2)(f) Exempt Public Records
ORS 192.660(2)(h) Litigation | |
| 5:30 P.M. | REVIEW OF AGENDA | [5 min.] |
| 5:35 P.M. | COUNCILORS' CONCERNS | [5 min.] |
| 5:40 P.M. | PRE-COUNCIL WORK SESSION | |
| A. | Transit Integration Project Update (Jen Massa Smith) | [30 min.] |
| B. | Chapter 5 Parking Code Revisions(Kohlhoff) | [10 min.] |
| C. | Chapter 8 Code Revisions (Rappold/Kerber) | [10 min.] |
| D. | Chapter 10 Code Revisions (Griffith) | [10 min.] |
| E. | Climate Smart Communities Scenario Update (Kraushaar) | [10 min.] |
| 6:50 P.M. | ADJOURN | |
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CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, October 20, 2014 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on October 7, 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. Renewal of City Attorney Employment Contract
- B. Upcoming Meetings

7:25 P.M. COMMUNICATIONS

- A. Metro Councilor Dirksen, Update on Metro Activities
- B. Wilsonville Sister City Presentation, Joelle Scrbacic
- C. Introduce New Finance Director Susan Cole (staff – Cosgrove)

7:45 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.

7:50 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)*

8:00 P.M. CONSENT AGENDA

- A. Minutes of the September 29, 2014 and October 6, 2014 Council Meetings. (staff – King)

8:05 P.M. PUBLIC HEARING

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

8:20 P.M. * CONTINUING BUSINESS

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

8:30 P.M. NEW BUSINESS

- A. **Resolution No. 2489**
A Resolution Of The City Of Wilsonville Authorizing Acquisition Of Property Interest Related To The Planned Future Construction Of Road, Sewer And Trail Improvements On Boeckman Road East Of Canyon Creek Road. (staff – Retherford)

8:45 P.M. CITY MANAGER'S BUSINESS

- A. Quarterly Goals Update

8:55 P.M. LEGAL BUSINESS

9:00 P.M. ADJOURN

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

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 20, 2014	Subject: Transit Integration Project update Staff Member: Jen Massa Smith Department: Transit
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: Please visit the project's website: www.ridesmart.com/tip
Staff Recommendation: n/a	
Recommended Language for Motion: n/a	
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>	
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Transit Master Plan (TMP)
<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Consultants and staff will provide an overview of SMART's Transit Integration Project efforts including project background, outreach process, public input, and service options.

EXECUTIVE SUMMARY:

To provide its customers with the best possible services within the Wilsonville to Portland I-5 corridor given the resources available, SMART is now completing work on the I-5 Corridor Transit Integration Project. The study focuses on two main services:

- Route 2X which circulates through Wilsonville then travels I-5 to Barbur Transit Center

- Out-of-town dial-a-ride services which provide door-to-door service to medical appointments in the Portland area for Wilsonville residents age 60 and older and for persons with disabilities

The study identifies and assesses potential strategies to:

- Integrate fixed-route services for commuters and door-to-door services for the elderly and individuals with a disability
- Modify Route 2X service, potentially changing its northern terminus. It could be either extended further north to a location closer to downtown Portland or terminated closer to Wilsonville

As Wilsonville's population ages, the demand for medical trips is expected to increase, while the resources available for providing medical trips remain fixed. Door-to-door, on-demand services cost SMART over five times as much as fixed-route service on a per passenger basis. The combination of limited funding, increasing costs and increasing demand requires SMART to prioritize access to door-to-door, on-demand services for persons with disabilities and to deny some trip requests for the general public and for medical trips outside of the city.

The draft Needs Assessment Report can be found online at www.ridesmart.com/NAreport

EXPECTED RESULTS:

SMART would like to maintain these services and this project focuses on how efficiencies can be created by integrating fixed-route and demand-responsive services. SMART is also exploring strategies for modifying and/or enhancing fixed-route (2X) service in this corridor to improve the efficiency of the services and increase ridership. This could enable resources to be used to provide more frequent service with closer access to desired destinations. An additional goal is to determine how to better serve medical trips outside of Wilsonville for persons able to use fixed-route service.

Potential strategies and evaluation criteria can be found in attachment A.

TIMELINE:

November 17, 2014 - Follow-up Council work session

February 2015 - Final Report

Spring/Summer 2015 – Conduct outreach for new services

Fall 2015 – Implement approved service changes

CURRENT YEAR BUDGET IMPACTS:

Project expenses were provided by a grant and are included in the FY14/15 adopted budget.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____ Date: _____

LEGAL REVIEW / COMMENT:

Reviewed by: _____ Date: _____

COMMUNITY INVOLVEMENT PROCESS:

Outreach to the business and residential community has been an integral part of this project. A review of community involvement and citizen input will be presented during the work session.

The draft Public Involvement Report can be found in attachment B

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

As with any change in public transit service, there will be some riders or potential riders who benefit from the change and some who do not. SMART is striving to minimize negative impacts to the community by focusing on overall service efficiency that serves the greater community with as much public transit service as possible within the adopted budget.

ALTERNATIVES:

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Potential Strategies.pdf
- B. Public Involvement Report draft 10_7_14.pdf

POTENTIAL STRATEGIES

The study evaluated the following strategies to address the previously identified needs within the constraints placed on SMART. This document identifies the criteria used to evaluate the strategies and provide the evaluation of strategies for both the out-of-town medical service and Route 2X.

EVALUATION CRITERIA

The following criteria were used when evaluating the effectiveness of each strategy.

- **Maintains Existing Connections.** Assesses the strategy's ability to maintain regional connections currently available with existing out-of-town medical service or Route 2X.
- **Increases Connection Options.** Assesses the number of destinations potentially available to Wilsonville residents by transit, reachable via direct service or reasonable connections.
- **Improves Travel Times.** Assesses the strategy's ability to reduce transit travel times relative to the current system. It includes directness of routing, number of transfers required, and frequency of service.
- **Increases Customer Convenience.** Assesses the number of transfers required to travel outside of Wilsonville along with likely wait times for these transfers.
- **Increases Cost-effectiveness of Medical Service or Route 2X.** Assesses the potential for the service to carry more riders per unit cost of service.
- **Customer Cost.** Assesses the monetary cost to complete a regional trip in terms of total fare required (SMART and TriMet where applicable).
- **Cost to SMART.** Assesses the monetary cost to SMART as an incremental cost/savings relative to the current out-of-town medical and Route 2X services.
- **Avoids Duplication with Existing Services.** Assess the degree to which the strategy duplicates services in common transit markets.
- **Service to Downtown Portland.** Assess the strategy's ability to connect Wilsonville to Downtown Portland.
- **Service to Major Medical Institutions.** Assess the strategy's ability to connect Wilsonville to major medical facilities in the region.
- **Operational Feasibility.** Assesses the strategy's impacts on transit operations including layover locations, passenger capacity, and complexity of passenger eligibility and trip screening procedures.
- **Potential to attract new customers.** Assesses strategy's ability to attract new passengers not currently using SMART, especially among potential choice riders.

OUT-OF-TOWN MEDICAL SERVICE

The following strategies were evaluated for the out-of-town medical service.

Proposed Alternatives

Serve Primary Destinations with Medical Shuttle

This strategy addresses the limited productivity the out-of-town medical service by serving popular destination with scheduled service. These services can provide more efficient service (carrying more riders at the same time) when serving a limited set of popular and nearby destinations. The new service would make scheduled stops at a couple of locations in Wilsonville and at popular medical facilities that make up the majority of current medical service destinations. SMART local buses, or in-city dial-a-ride for qualifying passengers, will be available to provide connections to the in-town stops. Additionally, time will be built into the schedule allowing for a limited number of deviations to medical facilities not on the schedule or to home locations in Wilsonville.

Other Alternatives

Shift Out-of-Town Medical Dial-A-Ride trips to fixed route

Transit trips made via demand-response, or dial-a-ride services are inherently more expensive than those completed on fixed-route services. Fixed route's ability to carry more riders per hour or mile of service leads to conditions where dial-a-ride trips cost five times as much. Therefore the first potential solution strategy strives to encourage out-of-town medical trip riders to use fixed route whenever they can. This strategy encompasses a number of well-accepted tactics used in the transit industry including:

- Conditional Eligibility and Trip Screening – to determine which trips remain appropriate for dial-a-ride service based on trip characteristics and passenger capabilities
- Fare Free or Reduced Fare Programs – to encourage the use of fixed-route service as a less expensive option
- Travel Training and Promotion – to increase customer knowledge of, and comfort with using fixed-route service as an option when appropriate

Integrate Out of Town Medical Dial-A-Ride and fixed-route trips

This strategy physically integrates demand response service with fixed-route service when dial-a-ride service is needed at the rider's origin and/or destination. This may occur when the passengers cannot navigate to a fixed-route bus stop due to a disability or barriers in the path of travel to the stop, or the distance to a bus stop is great; but the customer can otherwise travel on a fixed-route bus. This approach can greatly reduce costs and free up vehicles if the long-distance component of a long trip can be shifted to fixed route. Implementation would require SMART to establish trip screening to identify what trips can be partially shifted to fixed route and enhanced eligibility procedures to identify which passengers can transfer to a bus.

Evaluation of Out-of-Town Medical Service Strategies

Figure 1 shows how these strategies rate based on the evaluation criteria presented above. The table illustrates that the proposed alternative (medical shuttle service) maintains service to the major medical institutions closest to Wilsonville where the majority of existing out-of-town medical trips are taken. It increases the cost-effectiveness of the service, which is expected to allow it to serve more riders and currently unmet demand for the service.

**SMART Transit Integration Project
Evaluation of Strategies**



Figure 1 Effectiveness of Out-of-Town Service Strategies in Meeting Criteria

Criteria/Objectives	Proposed Alternative	Other Alternatives	
	Serve Primary Destinations with Medical Shuttle	Shift Out-of-Town Medical Dial-A-Ride trips to fixed route	Integrate Out of Town Medical Dial-A-Ride and fixed-route trips
Maintains Existing Connections		N/A	N/A
Increases Connection Options	N/A	N/A	N/A
Improves Travel Times		N/A	
Increases Customer Convenience			
Increases cost-effectiveness of Medical Service			
Customer Cost		N/A	N/A
Cost to SMART			
Avoids duplication with existing services	N/A	N/A	N/A
Service to Downtown Portland	N/A	N/A	N/A
Service to Major Medical Institutions		N/A	
Operational Feasibility		N/A	
Potential to attract new customers			

ROUTE 2X SERVICE

The following strategies were evaluated for Route 2X. Figure 2 summarizes their evaluation against the above criteria.

Proposed Alternatives

Provide Direct Service to More Attractive Destinations

This strategy provides a “single-seat” ride (not requiring transfers) to Downtown Portland, or the nearby South Waterfront area. This approach is attractive to Wilsonville residents looking to take transit on a regular basis for jobs in Downtown, or for occasional personal trips into Portland. It was highlighted as a recommendation in the 2008 SMART Transit Master Plan.

Options

Two potential options for extending 2X service to Portland are being considered. Both options would continue to serve the Tualatin Park & Ride but bypass the Barbur Transit Center. The goal of both options is to better serve commuters between Wilsonville and Portland, as well as provide additional opportunities for accessing out-of-town medical services:

- **Option 1: Direct Route 2X All-Day Service.** This option could serve either downtown Portland or the South Waterfront area with operating hours and frequency similar to current Route 2X service. With an extension to downtown Portland, Route 2X could terminate close to PSU near the Transit Mall (access to TriMet buses, MAX light rail, and Streetcar). Alternatively, the extended route could terminate in the South Waterfront, providing access to the aerial tram (to OHSU), existing Streetcar and future Streetcar Loop (to OMSI and Lloyd Center), future MAX Orange Line light rail, and TriMet buses.
- **Option 2: Route 2X/TriMet Line 96 Integration.** In this option, Route 2X would connect to TriMet Line 96 at the Tualatin Park & Ride. The goal of this option would be to avoid service duplication and save resources that SMART can use to enhance other services.

During AM/PM Peak Hours, Route 2X would terminate at Tualatin Park & Ride when Line 96 operates (about 5:30-9:30 AM and 3-8 PM). Line 96 would serve downtown Portland, with connections to TriMet buses, MAX light rail, and Streetcar.

During the Midday, Route 2X would be extended to downtown Portland (about 9:30 AM – 3 PM). It would follow a similar route to Line 96. This service would be expected to be especially helpful to swing shift workers when Line 96 is not operating.

The total one-way fare to Portland would be \$3 for either option. In Option 1, SMART would receive the fare. In Option 2, the Route 2X fare would be reduced to 50 cents. With a TriMet fare of \$2.50, the total fare would be \$3.00.

Other Alternatives

Connect with Regional Transit Network Closer to Wilsonville

This strategy provides connections with the TriMet system close to Wilsonville to minimize travel distance and SMART operating costs. This would entail connections with existing regional service in Wilsonville, Tigard and/or Tualatin.

Upgrade TriMet Line 96 Service to Provide All-Day Downtown Portland Service

This strategy relies on the TriMet Line 96 service to connect Wilsonville with Downtown Portland. Line 96 requires additional trips each day to provide all-day service and should terminate at SMART Central or at the Town Center to optimize connections.

Evaluation of Route 2X Strategies

Figure 2 shows how these strategies rate based on the evaluation criteria presented above. The table illustrates that the proposed alternatives (Option 1: Direct Service to Portland or Option 2: Integrated TriMet Line 96 / SMART Route 2X Service to Portland) maintain most existing connections while providing a convenient travel option to Portland that should attract new customers.

Options 1 and 2 have tradeoffs.

- Option 1 provides direct service without a transfer and would be the most convenient option for passengers, but would be more costly for SMART to provide, and duplicates TriMet service. Customers who need to transfer to a TriMet service in downtown Portland would also need to pay an additional fare.
- Option 2 would require that passengers transfer to Line 96 during peak periods but would be less expensive for SMART to operate and would complement rather than duplicate TriMet service. The fact that Route 2x will provide direct service midday, but will require a transfer at other times may confuse some potential passengers. The TriMet fare paid in Tualatin would cover transfers in downtown Portland if required.

Either option could improve connections to medical institutions in and around downtown Portland for passengers able to use fixed-route transit services (with a connection to TriMet services or the Aerial Tram to OHSU/VA Hospital).

The option to upgrade TriMet Line 96 service to all-day would be cost effective for SMART and avoid service duplication, but create a number of challenging operational issues for the two agencies. Improved connections to the regional network closer to Wilsonville provides benefits to some customers but does not improve connections to Downtown Portland and does not reduce SMART's costs.

**SMART Transit Integration Project
Evaluation of Strategies**



Figure 2 Effectiveness Route 2X Service Strategies in Meeting Criteria

Criteria/Objectives	Proposed Alternatives		Other Alternatives	
	Provide Direct Service to Portland (Proposed Option 1)	Provide Integrated (Line 96/Route 2X) Service to Portland (Proposed Option 2)	Connect with Regional Transit Network Closer to Wilsonville	Upgrade TriMet Line 96 Service to Provide All-Day Downtown Portland Service
Maintains Existing Connections				
Increases Connection Options				
Improves Travel Times				
Increases Customer Convenience				
Increases cost-effectiveness of Route 2X				
Customer Cost				
Cost to SMART				
Avoids duplication with existing services				
Service to Downtown Portland				
Service to Major Medical Institutions			N/A	N/A
Operational Feasibility				
Potential to attract new customers				

**SMART Transit Integration Project
Evaluation of Strategies**

SMART Transit Services

- SMART Route 2X (Existing)
- - - SMART Route 2X (Proposed)
- Other Bus Routes
- Stops

TriMet & City of Portland Transit Services

- - - MAX, Streetcar, Aerial Tram
- ● - WES Route and Stops (Peak-Only)
- Bus Routes
- City Boundaries

Barbur Blvd Transit Center
TriMet Routes 12 64 94
Proposed:
Discontinue SMART Route 2

Tualatin Park-and-Ride
SMART Route 2X
TriMet Routes 36 37 38 76 96

Option 1 MAX, Streetcar, bus connections on Transit Mall

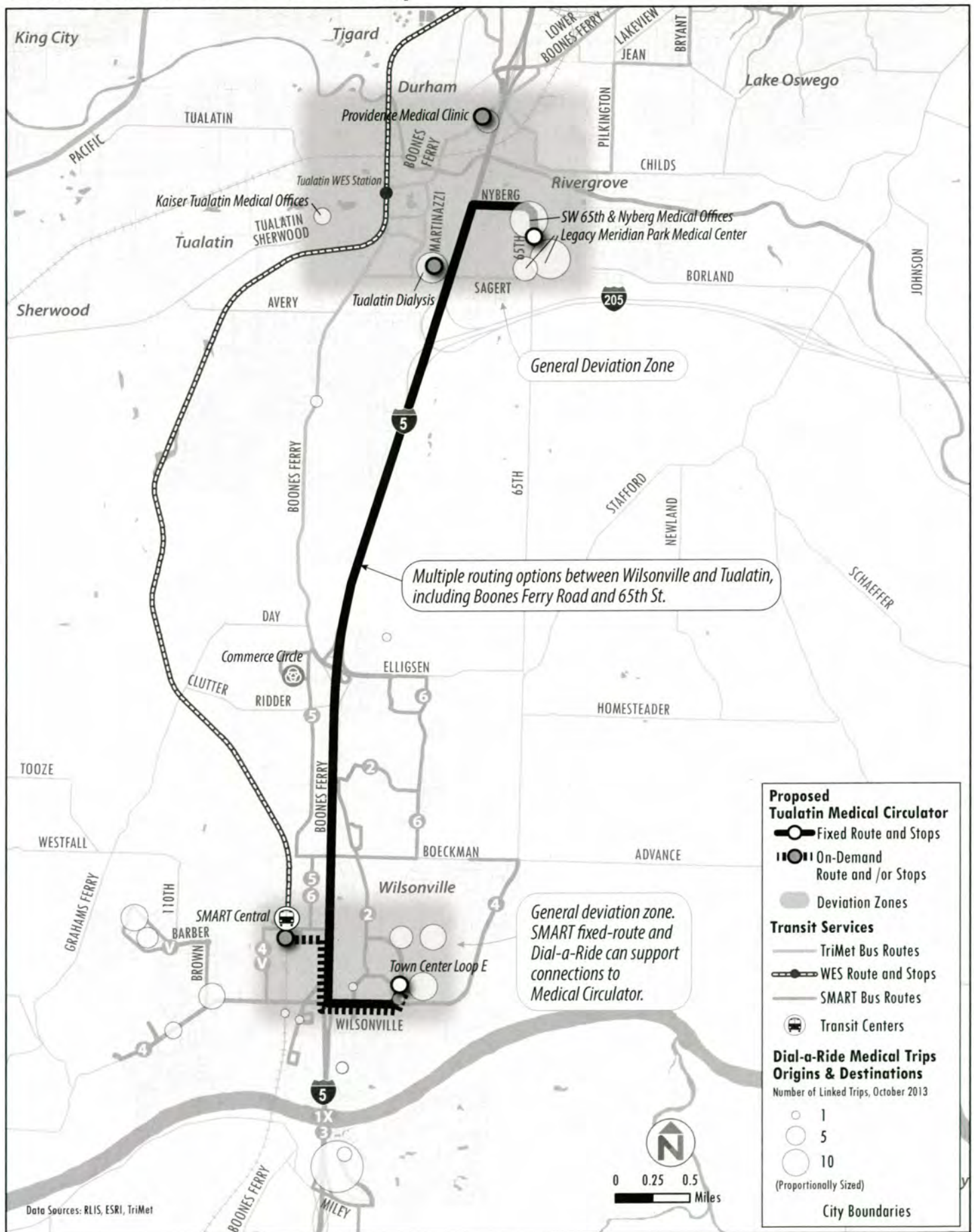
Option 2 Tram, MAX, Streetcar, TriMet Routes 9, 17, 19, 35

0 2 4 Miles

Data Sources: ESRI, OR Geospatial Enterprise Office, TriMet

Data Sources: ESRI, OR Geospatial Enterprise Office, TriMet

Tualatin Medical Circulator Map



TRANSIT INTEGRATION PROJECT REPORT ON PHASE 2 PUBLIC INVOLVEMENT

October 2014

A. OVERVIEW

As part of the Wilsonville SMART Transit Integration Project – Phase 2 (Service Alternatives), a variety of public outreach efforts were conducted during the June-September 2014 period to engage with community members to raise awareness of the project and to obtain input on proposed service options. Public outreach efforts focused on two proposals to improve services within the Wilsonville to Portland I-5 corridor: improvements to SMART's 2X service and a new out-of-town medical shuttle for seniors and persons with disabilities. These outreach efforts included:

- Posting of informational materials.
 - *Boone's Ferry Messenger* articles.
 - Project web page.
 - Flyers (both comprehensive and specific to each of the service proposals).
 - Channel cards inside Route 2X buses.
 - Mobile display boards.
- Telephone interviews with key partners and stakeholders.

Interviewees were identified in consultation with SMART staff and included representatives from groups that had participated in Phase 1 interviews. Several of the Phase 1 participants, however, were non-responsive to repeated contacts to arrange interviews. In preparation for the interviews, participants were provided with flyers describing the proposed service improvements. Those flyers included survey questions that largely replicated the interview questions.
- Surveys specific to both proposals.
 - Both surveys were posted on the project web site.
 - Route 2X surveys were distributed by a number of major employers to their employees.
 - Route 2X surveys were distributed by SMART drivers to Route 2X riders.
 - Medical shuttle surveys were direct mailed to all users of SMART's medical dial-a-ride service within the past six months.
 - Medical shuttle surveys were distributed to attendees of the weekly seniors lunch at Wilsonville Community Center.
 - Medical shuttle surveys were available for pickup at the Community Center and at Wilsonville Public Library.
- SMART Dispatch advised medical dial-a-ride callers of the proposed medical shuttle proposal and directed those callers to the project web site for information and the surveys.
- Presentation to the board of directors of Wilsonville Community Seniors, Inc.

B. SYNOPSIS OF RESULTS

1. PROPOSED OUT-OF-TOWN MEDICAL SHUTTLE

a. Interviews

The desirability and perceived feasibility of an out-of-town medical shuttle varied among health service providers, depending upon the ambulatory status of their clientele. For example, Marqui Health Services staff indicated that the proposed medical shuttle would be “amazing”, especially since their current demand for dial-a-ride service exceeds Metro West’s capacity and the shuttle would represent a less costly alternative. Conversely, Springridge Court representatives felt that a shuttle would be impractical because of the health limitations of their clientele (non- ambulatory) and the difficulty in coordinating health appointment schedules.

While the shuttle concept is generally viewed as a good idea if it preserves services that might otherwise be reduced or lost, interviewees did not desire to see the current dial-a-ride service entirely replaced by a shuttle service. Ride Connection cautioned SMART about the potential for a shuttle costing more than on-demand services. Ride Connection noted that it has had challenges making medical shuttles work due primarily to difficulties in scheduling with doctors’ offices and clinics. Scheduling is particularly difficult for dialysis patients. A very proactive outreach with senior centers, assisted living centers, doctors’ offices and medical clinics is required to make a shuttle service functional. For Springridge Court representatives, any loss of on-demand services in favor of a shuttle would be expected to adversely affect their clientele.

It is agreed that the Tualatin area is an appropriate shuttle destination, especially if there is improved Route 2X service to OHSU. Service demand is spread out during the week; generally 9:00 am – 4:00 pm. While there is a growing demand for Saturday service to dialysis and chemotherapy clinics, Monday-Friday service best corresponds with schedules for doctors’ offices and medical clinics. It is recommended that shuttle stops be located at centralized locations where clients can comfortably wait between arrivals, e.g. coffee shops. From this centralized location, clients can then transfer to taxis to reach their specific destinations.

Both Ride Connection and Clackamas County representatives suggested groupings of dial-a-ride trips in lieu of a shuttle. It was also suggested that, if a shuttle is provided, customers should be asked to pay a portion of the trip cost.

b. Surveys

Seven-six (76) out-of-town medical shuttle surveys were completed, with about 30% of respondents using SMART’s dial-a-ride service for medical trips outside of Wilsonville at least 5 times per month and almost 68% using it less than once per month or never. Almost 75% of these respondents indicate that they would be likely to use a shuttle bus to access their out-of-town medical trips. Use of the shuttle would be most affected by its route and schedule, with lack of other transportation to medical services cited as a key factor in using this service. Locational issues are most frequently cited by those who are unlikely to use the shuttle service.

TRANSIT INTEGRATION PROJECT | REPORT ON PUBLIC INVOLVEMENT – PHASE 2

City of Wilsonville - South Metro Area Regional Transit
October 7, 2014 Draft

A wide array of desired destinations are identified, with Legacy Meridian Park Hospital, St. Vincent's Hospital and Tualatin medical facilities generally cited most frequently. Lake Oswego destinations are also frequently cited; OHSU and Marquam Hill destinations are cited much less frequently. Weekdays are the most important days to run the shuttle, with only 10% of respondents identifying Saturday service as important.

When asked how they would expect other seniors and persons with disabilities to feel about the proposed shuttle bus service, 65% of respondents expect them to be supportive or able to live with it, with slightly more than 10% of respondents expecting them to oppose it.

Miscellaneous comments of note:

- Consider combining the shuttle with dial-a-ride by using the shuttle for more frequent runs and dial-a-ride for the less frequent destinations.
- Such services should be provided by the County health department rather than being subsidized by Wilsonville businesses.

c. Conclusions

In the project's Needs Assessment phase, participants cited service to seniors and persons with disabilities as one of SMART's strengths. Increased frequency of service and convenient access to out-of-town medical services were identified as desired service improvements, with the greatest demand being for access to medical/dental services in Tualatin, Tigard, and Portland, as well as to County health services in Oregon City. Accessing hubs of medical services was identified as more desirable than expanding SMART's service area.

Phase 2 participants note that they very much appreciate the access to out-of-town medical services that SMART currently provides and hope that it will continue. There is strong support among survey respondents for the proposed out-of-town medical shuttle. However, it may not have been clear to all respondents that the shuttle would replace existing on-demand services and it is unclear how respondents would have reacted to a distinct choice between the two. Other conclusions include:

- Strong concerns will likely be expressed by some seniors and persons with disabilities, as well as by some service providers, to entirely replacing Wilsonville's existing out-of-town dial-a-ride service with a shuttle bus system. While the shuttle bus is generally viewed as a good idea if it preserves services that might otherwise be reduced or lost, there is concern that it will not be accessible to non-ambulatory persons and that it will not serve all current destinations.
- Concerns about the proposed shuttle focus on the timing and frequency of service. Coordinating schedules with doctors' offices and medical clinics is expected to be the greatest operational challenge.
- Monday-Friday service and Tualatin area destinations would be the most desirable.
- A response of 76 surveys indicates a relatively high level of awareness of the proposal among those populations associated with SMART's out-of-town medical services. However, expanded and ongoing public education is needed about how the provision of out-of-town medical transport is a voluntary (not required) community service provided by SMART; the

high and growing cost of that service; and that, to be able to continue to provide such service, SMART needs to implement significant changes in its existing medical dial-a-ride program.

- To address concerns about replacement of all medical dial-a-ride services with a shuttle bus service, consider phasing in the replacement service over a 1-2 year period and/or investigate the feasibility of replacing the existing dial-a-ride service with a volunteer driver program.

2. PROPOSED ROUTE 2X IMPROVEMENTS

a. Interviews

Interviews with key Wilsonville employers and OHSU representatives suggest that a limited number of their employees use transit, with the majority of those relying upon WES for access to/from work. For those using Route 2X service, the Barbur Transit Center is a primary destination. The strongest opinion stressed in the interviews related to ensuring continuation of service to the Barbur Transit Center.

Some interviewees question the need for the proposed route improvements:

- Are these options a more cost-effective way of providing service than improving the frequency and hours of the existing Route 2X?
- SMART already has great connections; is this really needed?
- If low ridership on Route 2X is the issue, has SMART worked with employers to provide transit use incentives?

If the existing Route 2X service is modified, direct service (Option 1) to Downtown Portland is generally the preferred option: "the faster the access, the greater the likelihood of use." Direct mid-day service to Portland could be beneficial for certain shifts of workers. The South Waterfront is expected to be an important destination/transfer point when TriMet's Orange line is in operation. Mid-day service to South Waterfront would be expected to get some use by those accessing OHSU and the Veterans' Hospital.

Human service providers note that these options would not take any significant amount of pressure off of the need to provide paratransit services. They also note that seniors might like the service for purposes of recreation/shopping/socialization.

b. Surveys

Surveys on Route 2X improvements were distributed by major Wilsonville employers and OHSU to employees who were known to be Route 2X riders, and by Route 2X drivers to passengers. One hundred thirty one (131 surveys) were completed, with more than three quarters of respondents being regular Route 2X users.

Respondents indicate general support for direct service to Portland but note a very high level of concern about eliminating access to the Barbur Transit Station.

TRANSIT INTEGRATION PROJECT | REPORT ON PUBLIC INVOLVEMENT – PHASE 2

City of Wilsonville - South Metro Area Regional Transit
October 7, 2014 Draft

For 80% of respondents, Downtown, rather than South Waterfront, is the preferred destination for an extension of Route 2X. Downtown is seen as providing more options for connections to other destinations and better access to employment, shopping and entertainment.

If direct all-day Route 2X service to Portland (Option 1) is provided, it would be used regularly by almost 45% of respondents, with another 25% using it occasionally. (No quantitative information is available in the responses to translate occasional into weekly or monthly frequency.)

If direct all-day Route 2X service to Portland cannot be provided for cost or logistical reasons, 40% of respondents feel that integrated Route 2X/Line 96 service (Option 2) would work well or fairly well for them as an alternative. An equal number of respondents, however, identified concerns about the effectiveness of this integrated service, including issues about the frequency and slowness of Line 96 service, timing of connections, transfers adding time and cost to trips, and other convenience factors,

If the integrated Route 2X/Line 96 service was provided at peak times, only 25% of respondents indicate that they would use it regularly. Another 30% would use it occasionally. This 55% compares with 70% of respondents indicating regular or occasional use of direct Downtown service.

Limiting direct Route 2X service to Portland to the mid-day results in a significant decline in likely use -- to 16% regularly and 24% occasionally. More than half of the respondents indicate that they would be unlikely to use mid-day service.

Other options identified for consideration include expanded WES service, express service in the I-205 corridor, accessing Portland via Barbur Boulevard rather than I-5, weekend service, and extended service hours.

Other comments raise concerns about increased fare costs and the convenience and timing of the new service. The need for weekend service is also frequently mentioned.

c. Conclusions

Outreach during the project's first phase revealed that frequency of service is the most desired improvement in Route 2X service; this is affirmed in Phase 2 input. Also affirmed is the Phase 1 input that connectivity to primary transit centers, such as the Barbur Transit Center, is more important to current users than is direct service to Downtown Portland or the South Waterfront. Access to hubs is preferable to expanding SMART's service area. Both interviews and survey responses suggest that significant concern about and opposition to elimination of service to the Barbur Transit Station can be expected if implemented as part of Route 2X service improvements. A case will need to be more strongly made for the need for this proposed change in service. Other conclusions include:

- Direct all-day service to Portland (Option 1) is favored over trying to better integrate TriMet and SMART services (Option 2).
- Responses suggest that the different alternatives in Option 2 for AM/PM peak hours and for mid-day service are confusing.
- Low ridership would be likely on mid-day direct routes to Downtown Portland.

TRANSIT INTEGRATION PROJECT | REPORT ON PUBLIC INVOLVEMENT – PHASE 2

City of Wilsonville - South Metro Area Regional Transit
October 7, 2014 Draft

- Schedule and route details are desired.
- Given that respondents are primarily current Route 2X riders, neither Phase 1 or Phase 2 input provides much insight on the service needs of non-riders (what's it take to get them on a bus). Major Wilsonville employers note very low transit ridership among their employees, with the vast majority of their transit riders using WES. They also cite the challenges for shift workers of accessing convenient transit service and, most significantly, an auto-centric cultural attitude among their employees.

Attachments

- Interview Results
- Survey Results

WILSONVILLE SMART TRANSIT INTEGRATION STUDY SUMMER 2014 INTERVIEW RESULTS

INTRODUCTION

As part of the public involvement program for the Transit Integration Study -- Phase 2, interviews with key stakeholders were conducted in August-September 2014. Interviewees were identified in consultation with SMART staff and included representatives from groups that had participated in Phase 1 interviews. Several Phase 1 interview participants, however, were non-responsive to repeated contacts to arrange interviews. In preparation for the interviews, participants were provided flyers describing the proposed service improvements. Those flyers included survey questions that largely replicate the interview questions below.

Interview results are organized both by the affiliation of the stakeholder and the primary area of the interview focus -- out-of-town medical shuttle or Route 2X expansion options.

FOCUS: PROPOSED OUT-OF-TOWN MEDICAL SHUTTLE

	Stakeholder Affiliation	Contact Information	Comments
Human Service Providers			
1	Clackamas County Health, Housing & Community Services Social Services Division	Cindy Becker/Teresa Christopherson Cindy: 503-650-5696 or 503-930-6894 cbecker@co.clackamas.or.us Teresa: 505-650-5718 teresachr@co.clackamas.or.us	Interviewed in both phases
2	Marqui Care Center	Mary Beth Taennler 503-682-2840; mtaennler@marquiscompanies.com	Interviewed in both phases
3	Springridge Court	Anna Bourne 503-694-2800; abourne@srg-llc.com	Interviewed in both phases
Transportation Providers			
4	Ride Connection	Julie Wilckie/Elaine Wells/Cora Potter (503) 528-1725 elainew@rideconnection.org	Interviewed in both phases

QUESTIONS

1. What is your general reaction to the proposed change to the out-of-town medical service?
2. What is your sense about how your clientele may feel about this proposed new service?
3. How likely would you clientele be to use a shuttle bus to access out-of-town medical services?
4. What factors would most affect your clientele's use of such a medical shuttle?
5. Do you think your clientele would more likely support such a medical shuttle if the Tualatin area was served three days a week and OHSU was served two days a week? (in comparison to 5 days/week to the Tualatin area)
6. How would support change if the Tualatin area was served three days a week and two day-a-week Dial-a-Ride service was offered over a limited service area?
7. Are the identified stops and schedule adequate?
8. Assuming that SMART has the ability to run the shuttle 5 days per week, what are the most important days?

9. Should additional funding be sought to operate the shuttle 6 days, including on Saturdays?
10. How can we best outreach to your clientele?

RESPONSES

Marqui Care Center

Out-of-Town Medical Shuttle

- The proposed medical shuttle would be “amazing”. Demand for Metro West service exceeds their capacity; have to book several days out; cannot obtain service between 10:00 am – 2:00 pm. This would be a less costly alternative to Metro West.
- Tualatin area is an appropriate focal point, especially if there is improved Route 2X service to OHSU.
- Service demand is spread out during the week; generally 9 am – 4:00 pm. There is minimal demand for Saturday service; Monday-Friday service should be the focus.
- No adverse reactions from clients would be expected, unless service is limited to attended clients (can be a challenge to find family members or friends to accompany).
- The focus on outreach to care centers is appropriate; too difficult to outreach to individual clients.
- Desires to be kept in loop.

Springridge Court

Out-of-Town Medical Shuttle

- Any exchange (loss) of on-demand services in favor of a shuttle would have adverse consequences. Majority of clients are too elderly or physically impaired to be able to use a shuttle; not an ambulatory population.
- Scheduling of appointments would also be extremely challenging; there’s no easy group of appointments and no particular emphasis on the Tualatin area.
- Not opposed to concept but feel it will not work for them.

Ride Connection

Out-of-Town Medical Shuttle

- Historically, Ride Connection has had difficulty making medical shuttles work due primarily to difficulties in scheduling with doctors’ offices and clinics. Dialysis clients are particularly hard to coordinate schedules with; requires very proactive outreach with senior centers, doctors’ offices and medical clinics.
- SMART is cautioned about the potential for a shuttle costing more than on-demand services.
- There is a large unmet need for access to dialysis centers.
- While targeting service to the Tualatin area makes some sense, a considerable number of Wilsonville residents are seeking access to OHSU, Veterans Hospital, St. Vincent and Portland-area hospitals. Assessing historic demand statistics may help define whether and where service should be targeted.
- Peak medical trip times are 9:00-11:00 am and 1:30-3:30 pm.
- Consider designing a shuttle route that has a centralized location as its destination where clients can comfortably wait between arrivals, e.g. coffee shops. From this centralized location, clients can then transfer to a taxi to reach their specific destinations.
- In lieu of a shuttle, SMART may want to consider how to encourage groupings of trips. If a shuttle is provided, consider having customers pay a portion of the trip cost.

Route 2X Extension Options

- For 2X service into Portland, the South Waterfront will be an important destination/transfer point when the Orange line is in operation.

Miscellaneous

- Ride Connection will be taking over the existing Tualatin commute shuttle later this year and redesigning the service in early 2015. Keep them informed; they may be opportunities to coordinate service.

Clackamas County Health, Housing & Community Services

Out-of-Town Medical Shuttle

- Generally, the shuttle concept is a good idea if it preserves services that might otherwise be reduced or lost.
- With the shuttle system, there would still be a need to provide demand responsive service to those unable/unwilling to use the shuttle. The concept of grouping trips makes sense if SMART can still provide individualized service to those needing specialized services.
- The Tualatin area as a destination makes sense if that's what the demand analysis shows. The OHSU/VA facilities will still need to be served, however.
- If frequent (e.g. hourly) service is provided, scheduling logistics with doctors' offices and medical clinics will be easier. Scheduling pick-up for dialysis and chemotherapy patients will be a challenge.
- Monday-Friday service best corresponds with schedules for doctors' offices and medical clinics. There will likely be demand for transport to Saturday dialysis and chemotherapy services.

Route 2X Extension Options

- If WES is providing express service, wouldn't there be duplication with all-day Route 2X service?
- Are these options a more cost-effective way of providing service than improving the frequency and hours of the existing Route 2X?
- SMART already has great connections; is this really needed?
- If low ridership on Route 2X is the issue, has SMART worked with employers to provide transit use incentives?
- A mid-day service to South Waterfront would get some use by those accessing OHSU, Veterans' Hospital.
- These options would not take any significant amount of pressure off of the need to provide paratransit services. Seniors might like the service for purposes of recreation/shopping/socialization.

FOCUS: PROPOSED ROUTE 2X EXTENSION OPTIONS

	Stakeholder Affiliation	Contact Information	Comments
Major Employers			
5	Mentor Graphics	Please contact: Bill Chown bill_chown@mentor.com 503-685-1537	Interviewed in both phases

	Precision Interconnect / Tyco Electronics	Joyce Sorlien 503-673-4767 Joyce.Sorlien@tycoelectronics.com Neil Ghosh 503-673-4596 Neil.Ghosh@te.com	In Phase 1, no time for interview; communicated via email; In Phase 2, no response
6	Rockwell Collins	Patti Matzie - TC coordinator Michelle Sanford- HR 503.404-0656 Patricia.Matzie@rockwellcollins.com	In Phase 1, no response
	FLIR Systems	Scott Sloat 503 498-3801 scott.sloat@flir.com Nordis Taylor 503-498-3547 Nondis.taylor@flir.com	Due to change in personnel, request for interview referred to another party; no response to date.
	OIT – Oregon Tech	Mateo Avoy/Abbie Allan	Little information gleaned in Phase 1; no response in Phase 2
7	Convergys (Stream Global Services)	Jillene Jensen Director, Site Operations Office: 503.626.2800 X8202003 Mobile: 360.608.4453 jillene.jensen@stream.com	Interviewed in both phases
Potential Destinations			
8	OHSU	John Landolfe 503-494-2555 Landolfe@ohsu.edu	Interviewed in both phases

QUESTIONS

1. What is your general reaction to the proposed Route 2X service options?
2. How do you think these 2X service options will affect transit use by your employees?
3. Which destination in the Portland area – Downtown or South Waterfront – do you feel would be more important to serve with an extension of the 2X route?
4. Which of the two options being considered do you feel would be favored by your employees?
5. If only midday direct service were provided to Portland on Route 2X, how likely would your employees be to use this service?
6. What incentives or constraints could factor into Route 2X use by your employees (e.g., paid transit passes, parking limitations)?
7. What issues or questions would you have about the integrated Route 2X/TriMet Line 96 service?
8. Are there other options for extending service to Portland that should be considered?
9. What other concerns or comments do you have about SMART's proposal for extending its service to Portland?
10. How can we best outreach to your employees to explain these service options and get their input?

RESPONSES

Mentor Graphics

Route 2X Extension Options

- Staff distributed flyer/survey to employees through display boards and in-house employee publications. Minimal response was received, with little useful information according to staff.
- Only 2% of employees use transit, with most of these using WES; very few employees ride Route 2X.
- Direct 2X service to Downtown supported but would be unlikely to impact any large number of employees.
- Desires to be kept in loop as project moves forward.

Convergys (formerly Stream Global Services)

Route 2X Extension Options

- Staff distributed flyer/survey to employees through display boards. Surveys returned directly to SMART.
- Major impacts to employees not anticipated; Mid-day service may elicit some use but shift employees typically use personal transportation because WES not available.
- Option 2 provides more flexibility than Option 1.
- To date, employees have not commented on desired changes to SMART service.
- Desires advance notice of any changes in service.
- Questions/Comments:
 - When would changes go into effect?
 - Be clearer that there is no change in fare.

Oregon Health Sciences University

Route 2X Extension Options

- Staff distributed flyer/survey to employees through internal OHSU website, with a focus on Wilsonville-based employees.
- Barbur Transit Center (TC) service is very popular with OHSU employees, especially the access to express service to Marquam Hill. Extending service beyond Barbur TC would help meet demand.
- If extending service into Downtown, some type of South Waterfront stop would be desired. Extension to an area near the tram would be of greatest benefit, or on the west side of the Gibb Street pedestrian bridge.
- Mid-day service would benefit clients more than employees, although 1:00 pm and 3:00 pm shifts could benefit.
- Direct service is the best option; the faster the access, the greater the likelihood of use.
- Question: When would changes go into effect?

Miscellaneous

- OHSU's April, 2015 Transportation Fair would be an opportunity for SMART outreach.
- OHSU would consider providing SMART passes to employees.

Rockwell Collins

Route 2X Extension Options

- Barbur Transit Center is the primary destination for transit users; loss of access to the TC would be a concern.
- Only 8 employees use route 2X regularly; 4 of these go into Portland (or beyond).
- Direct downtown Portland service would be desirable, but only if access to the Barbur TC is maintained.

- Downtown would be the preferred destination over South Waterfront.
- Mid-day direct service to Portland would be beneficial for certain shifts (5:30-6:00 am and 2:30-4:00 pm); could attract more users.

FOCUS: BOTH PROPOSALS

	Stakeholder Affiliation	Contact Information	Comments
9	ODOT Public Transit Division	Sherrin Coleman (503) 986-4305 sherrin.k.coleman@odot.state.or.us	Previously headed up ODOT's Disabled Mobility section; Interviewed in both phases.
10	TriMet	(503) 962-4883 MillsT@trimet.org	Contact made by Nelson/Nygaard

QUESTIONS

1. How well do you feel these changes respond to the goal to integrate special needs transportation with fixed route services in the I-5 corridor?
2. What functional concerns would you have about SMART providing these services within the Wilsonville-Portland I-5 corridor?
3. Are there other types of services that would provide the best bang for the buck for SMART that should be considered?
What do we need to be aware of in terms of plan or policy direction that could affect or be affected by these proposed changes in service in the Wilsonville-Portland I-5 corridor?
4. What do you see as the opportunities resulting from these changes in service? Constraints?
5. What do you see as factors in successful implementation of these changes?

RESPONSES

ODOT Public Transit Division

- Because out-of-town medical is not a required service, no official position on the proposals. SMART is to be complemented for its efforts to attempt to ensure such service is continued.
- Important to coordinate with both other public transportation providers and with the human service community.
- Other transit agencies have been considering shuttle services to address increasing demand and costs of access to medical services; no specific examples to suggest, however.
- Perception that there is increasing demand from seniors/persons with disabilities within the region for access to Downtown Portland shopping and recreational activities.

TriMet

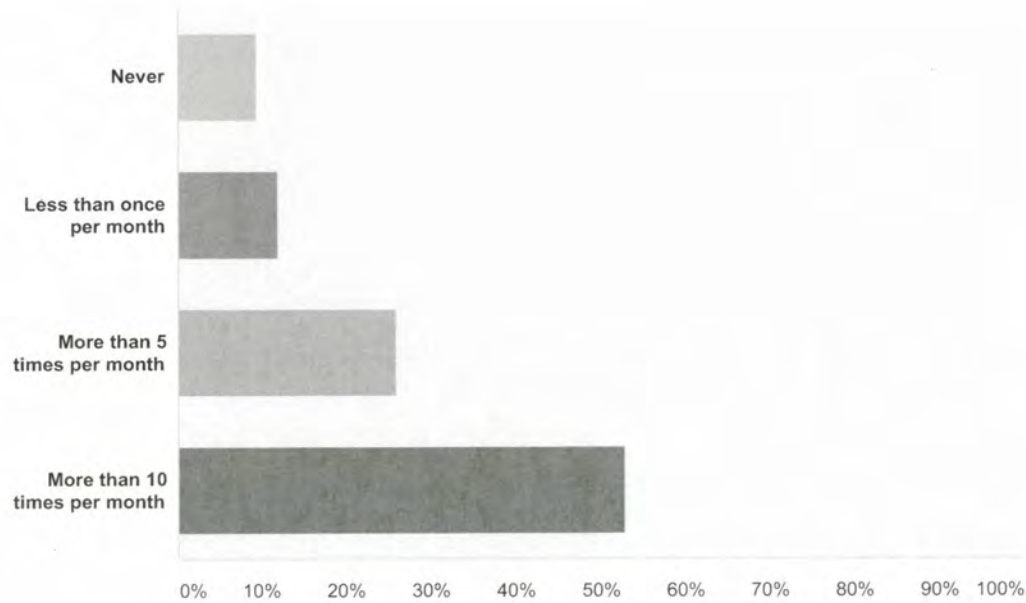
- TriMet open to discussing the possibility of SMART paying TriMet to extend Line 96 to SMART Central. This should save SMART a significant amount of funds and would allow TriMet to remove the portable toilet at Commerce Circle.

- Issues regarding TriMet being responsible for ADA service alleviated by determination that Line 96 qualifies as a commuter line and therefore isn't required to provide ADA service.

Route 2X Questionnaire

Q1 How often do you use SMART's 2X service?

Answered: 127 Skipped: 4

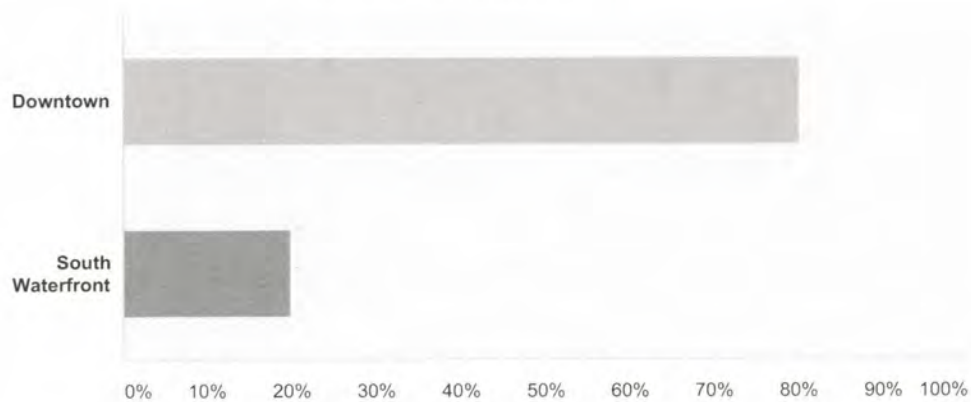


Answer Choices	Responses	
Never	9.45%	12
Less than once per month	11.81%	15
More than 5 times per month	25.98%	33
More than 10 times per month	52.76%	67
Total		127

Route 2X Questionnaire

Q2 Which destination in the Portland area - Downtown or South Waterfront - do you feel would be more important to serve with an extension of the 2X route?

Answered: 106 Skipped: 25



Answer Choices	Responses	
Downtown	80.19%	85
South Waterfront	19.81%	21
Total		106

#	Why?	Date
1	A more central stop for those who work downtown	10/1/2014 1:41 PM
2	None	9/18/2014 8:51 AM
3	Closer to Portland	9/18/2014 8:46 AM
4	more transfers	9/18/2014 8:44 AM
5	THat's where I go!	9/18/2014 8:42 AM
6	Downtown provides easier and nore transfer options and is more convenient for those living in downtown/sw portland	9/18/2014 8:40 AM
7	Children can enjoy in water fountain and pleasant view	9/18/2014 8:24 AM
8	I don't really have a preference.	9/17/2014 3:42 PM
9	You can get anywhere downtown afromt he southwaterfront	9/16/2014 2:49 PM
10	connections to trimet system main system without make transfers	9/16/2014 2:46 PM
11	more businesses	9/16/2014 2:43 PM
12	more centralized	9/16/2014 2:41 PM
13	more destination/transfers	9/16/2014 1:58 PM
14	more destination	9/16/2014 1:57 PM
15	shorter walking distance to businesses	9/16/2014 1:56 PM

Route 2X Questionnaire

16	Neither	9/16/2014 1:54 PM
17	For shopping or restaurants or any event that are organized in downtown.	9/15/2014 1:46 PM
18	Closest to Barbur/where I live	9/15/2014 1:45 PM
19	Neither, the TrMet 12 does that. No need for SMART to waste resources but I would pay more to have downtown route and keep barbur	9/15/2014 1:43 PM
20	Neither wold in pact me. I pick up at Tualatin P&R	9/15/2014 1:39 PM
21	Better access to my needs	9/15/2014 1:36 PM
22	Either would work -more people need to get tot he downtown area	9/15/2014 1:34 PM
23	Not much at souther waterfront for me. I am a student at PSU. but live near the Barbur TC. I really use the 2x to go to Tualatin	9/15/2014 1:32 PM
24	Because I live in EAST PORTland, If 2x goes downtown, I can connect to the max directly. no need totake 12 or 94. I would take it twice as much!!!	9/15/2014 1:25 PM
25	both because itis needed	9/15/2014 1:19 PM
26	My wife and I both work downtown	9/15/2014 1:17 PM
27	Both mey wige and I work in Downtown	9/15/2014 1:16 PM
28	Closer to more stops and locations	9/15/2014 1:13 PM
29	I drive about 2 miles to Barbur TC each weekday, park and thake 2x to Wilsonville. I don't need to use TriMet to get there	9/15/2014 1:12 PM
30	Avoid downtown traffic	9/15/2014 1:06 PM
31	Seems like it would e est to accomoate our seniors and other citizens needing ohsu access	9/15/2014 1:01 PM
32	There is more bus connections	9/15/2014 12:35 PM
33	Only get on and off at Barbur	9/15/2014 12:22 PM
34	Barbur Transit Center. Most useful stop to transfer to other bus lines	9/15/2014 12:18 PM
35	I only go to Barbur	9/15/2014 12:13 PM
36	none- I don't go to Portland	9/15/2014 12:08 PM
37	Transi Mall connection	9/15/2014 12:06 PM
38	more transfers to other buses	9/15/2014 11:57 AM
39	Easier access to downtown	9/15/2014 11:39 AM
40	Becasue I to more for that area	9/15/2014 11:37 AM
41	OHSU ACCESS	9/15/2014 11:36 AM
42	NEITHER	9/15/2014 11:33 AM
43	EASy Access to rest of transit systems	9/15/2014 11:29 AM
44	I think it would be used more often on work days	9/15/2014 11:09 AM
45	More access to Trimet.	9/13/2014 12:18 PM
46	I live close to the south water front - SW meade and SW first is my location	9/13/2014 11:44 AM
47	gets me where I wont to go/or close,	9/10/2014 4:26 PM
48	I currently commute to downtown Portland for work at least 3 days a week and would love a direct bus route (train would be better!) from Wilsonville to Portland. South waterfront would require a transfer- a more centrally located downtown stop, preferably on the south end of town, would be great.	9/10/2014 1:14 PM
49	more transfer options	9/8/2014 1:16 PM

Route 2X Questionnaire

50	Neither, I catch it at Barbur TC since I live right next to it.	9/7/2014 2:35 PM
51	Easy access to more resources, including businesses and public transportation.	9/7/2014 10:24 AM
52	Going all the way downtown would give more access to more bus and max routes.	9/6/2014 7:32 AM
53	Easy access to everything	9/5/2014 2:58 PM
54	more options downtown	9/4/2014 5:15 PM
55	More connections out to the suburbs	9/4/2014 9:52 AM
56	Better connection to red/blue line MAX.	9/3/2014 10:28 AM
57	closer to my connecting buses & max	9/3/2014 10:13 AM
58	This is where PSU is located, a transfer stop to PCC, where all offices and events take place.	9/3/2014 8:50 AM
59	Connections to busses.	9/3/2014 8:29 AM
60	Living in NE Portland, the connection would be much easier for me to get to.	9/3/2014 8:18 AM
61	It would be the most direct connection to busses that I already use.	9/3/2014 7:51 AM
62	Because it's central and offers another route to the city	9/3/2014 7:38 AM
63	Availability for more riders and possible connection with the max	9/3/2014 5:10 AM
64	Direct Access to the Trimet Hub I.E buses, MAX	9/2/2014 9:02 PM
65	Its a more centered location for living spaces	9/2/2014 7:11 PM
66	Closer to my bus stop.	9/2/2014 6:21 PM
67	Centralization of Trimet	9/2/2014 6:15 PM
68	More convenient. CONNECTING TO OTHER ROUTES ON TRI MET	9/2/2014 5:58 PM
69	Because it is closer to where the current route of the 2X and it would make sense to be the next stop added.	9/2/2014 5:35 PM
70	because that's easier for me	9/2/2014 5:32 PM
71	My destination is usually around Macadam.	9/2/2014 5:25 PM
72	more accessible	9/2/2014 5:24 PM
73	I live in Tualitan, but I know a lot of people at my work who commute from downtown.	9/2/2014 5:12 PM
74	A one shot to downtown and all the various transportation options from there (not to mention the businesses) would be invaluable	9/2/2014 4:54 PM
75	Central to Trimet MAX/Bus Lines, shops, and attractions.	9/2/2014 4:43 PM
76	Neither, I do not travel to or from downtown Portland.	9/2/2014 3:48 PM
77	makes for a faster Trip for the 2x. riders will still be taking TriMet but they'll have the options of PSC or the 35 and the Tram (from OHSU).	9/2/2014 1:16 PM
78	Connection to bus mall and C-Tran routes	9/2/2014 7:28 AM
79	You could maintain a more predictable schedule if you follow the TriMet 94 route into downtown, not the Trimet 96 route into town (i.e. use Barbur, not I-5). That would put the busses near PSU, not south waterfront.	9/1/2014 7:02 PM
80	Commuters trying to get to downtown Portland	8/29/2014 10:55 PM
81	Easier to make connections to other transportation	8/28/2014 1:27 PM
82	Occasionally I would go downtown after work	8/27/2014 9:30 AM
83	Traffic in downtown in rush hour is horrible. Avoid driving SMART buses in actual downtown. It will be more efficient to connect to streetcar and new MAX at new south waterfront MAX station.	8/27/2014 7:42 AM
84	downtown offers a wider offering for customers to connect to appropriate transfers as well as offering a potential increase in customers looking to take advantage of wilsonville locations.	8/26/2014 3:10 PM

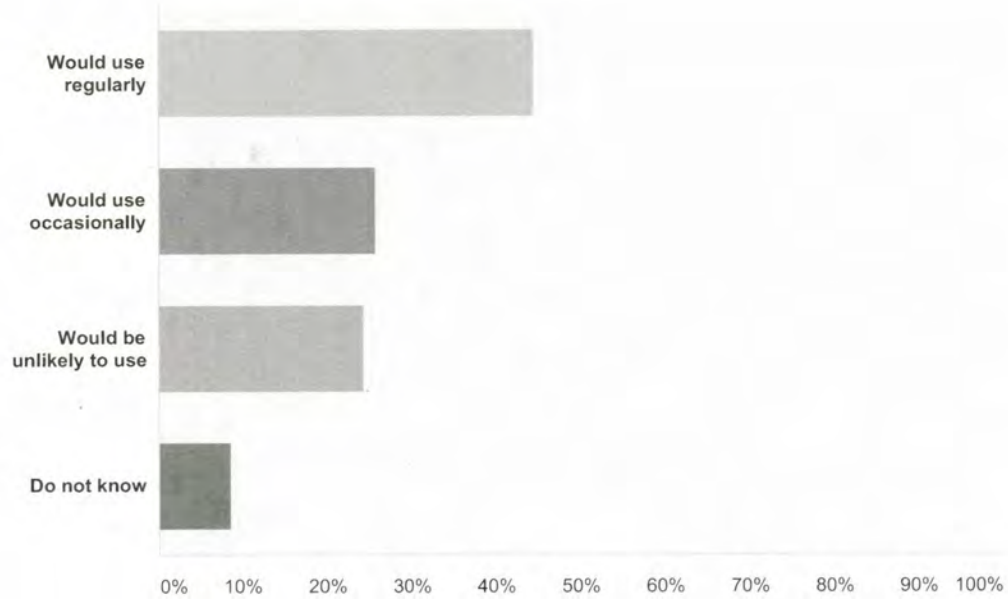
Route 2X Questionnaire

85	Because all major transit lines run through downtown Portland. The south waterfront is only a bandage solution. Currently, riding to Beaverton TC in some cases is also considerably out of the way with few to no alternatives dependent on one's work schedule.	8/26/2014 2:28 PM
86	TriMet transfers happen on the bus mall; not in SOWA. The 96 serves both.	8/26/2014 2:09 PM
87	direct max service	8/26/2014 1:59 PM
88	More connections to TriMet buses and light rail lines are in downtown. South Waterfront service may work once light rail opens in 2015, but not until then.	8/26/2014 11:20 AM
89	Trimet 96 already serves downtown.	8/26/2014 7:40 AM
90	Lots of ways to get downtown, not lots to get to s waterfront	8/25/2014 7:34 AM
91	none, there are already two lines from trimet running downtown. the 12 and 94, plus also the max goes there	8/22/2014 9:57 AM
92	Need to make connections	8/22/2014 5:56 AM
93	I would not know since I do not have to travel into Downtown or South Waterfront.	8/21/2014 2:29 PM
94	I would not take the 2X to either destination since Barbur Transit Center is where I board and depart.	8/21/2014 2:23 PM
95	I know a lot of people that need to be downtown by 6:00 am and it's impossible to do by transit.. Or at least get us up to Barbur Tc by 5:30 so we can get downtown	8/21/2014 5:57 AM
96	Better for more people, although I live in South Waterfront area	8/19/2014 6:45 PM
97	More offices	8/18/2014 10:23 PM
98	not sure	8/13/2014 9:56 AM
99	Connecting to the businesses and services in downtown would be great, but not at the expense of losing the Barbur Transit Center stop - it is critical to those of us attending PCC-Sylvania.	8/12/2014 2:15 PM

Route 2X Questionnaire

Q3 How likely would you be to use Direct All-Day Route 2X service to Portland (Option 1) if provided?

Answered: 128 Skipped: 3

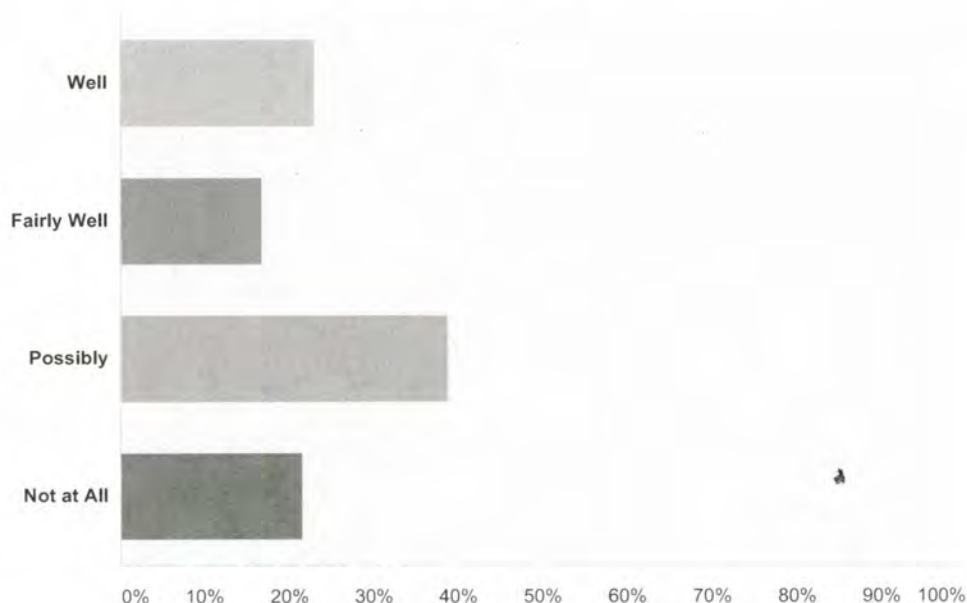


Answer Choices	Responses	
Would use regularly	44.53%	57
Would use occasionally	25.78%	33
Would be unlikely to use	24.22%	31
Do not know	8.59%	11
Total Respondents: 128		

Route 2X Questionnaire

Q4 If Direct All-Day Service (Option 1) cannot be provided for cost or logistical reasons, how well would Integrated Route 2X/Line 96 Service (Option 2) work for you?

Answered: 126 Skipped: 5



Answer Choices	Responses	
Well	23.02%	29
Fairly Well	16.67%	21
Possibly	38.89%	49
Not at All	21.43%	27
Total		126

#	Why?	Date
1	I could catch the 96 from tualatin park and ride	9/18/2014 8:51 AM
2	creates better options and coverage for riders	9/18/2014 8:48 AM
3	depends on times	9/18/2014 8:44 AM
4	It would work	9/18/2014 8:42 AM
5	Less convenient, but still do-able	9/18/2014 8:40 AM
6	I have no good way to get from where I live to Rte. 96 without an extra 5-10 miles of driving or 30+ minutes of bus riding, each way.	9/17/2014 3:42 PM
7	It would allow me to use the SMART to and from work	9/16/2014 2:49 PM
8	not sure where 96 goes	9/16/2014 2:43 PM
9	I only ride to/from Tualatin P&R	9/16/2014 1:56 PM

Route 2X Questionnaire

10	It would be only a part of a trip from home to, which would more than double my time it takes 2 extra buses.	9/16/2014 1:54 PM
11	Paying both SMART and TriMet no. I could be paying TriMet only now. I don't want to.	9/15/2014 1:45 PM
12	I would use smart to get downtown one time a week on tights or on weekends only.	9/15/2014 1:43 PM
13	no impact	9/15/2014 1:39 PM
14	TriMet 96 is always stuck in the traffic and never reroutes. I would have to leave earlier.	9/15/2014 1:34 PM
15	I don't want to pay double fares for SMART and TriMet	9/15/2014 1:32 PM
16	More on the weekends would help also	9/15/2014 1:27 PM
17	The 96 doesn't get on the freeway till almost Tigard where it proceeds to get stuck in the terrible curves with everyone else on route to PDX. Also doesn't start running until 3 pm or so. ONLY reason I take it is b/c I have a monthly trimet pass anyway. Would I love and pay for alternative.	9/15/2014 1:25 PM
18	convenient	9/15/2014 1:19 PM
19	Would connect to downtown Portland	9/15/2014 1:17 PM
20	It will still get me to downtown	9/15/2014 1:16 PM
21	Gets me to where I need to go	9/15/2014 1:13 PM
22	no convenient access to Route 96 from where I live. Would have to take a TriMet bus to downtown first, or drive to Tualatin PR, which is already most of the way to Wilsonville	9/15/2014 1:12 PM
23	If it is all that is available, I guess I'd make it work	9/15/2014 1:06 PM
24	Direct would be nice as it gets you there quicker and easier (no worries about transfers) but I could handle option 2 fine	9/15/2014 1:01 PM
25	Only use Barbur transit	9/15/2014 12:22 PM
26	I will take it from Barbur transit center	9/15/2014 12:18 PM
27	I only go to Barbur Transit	9/15/2014 12:13 PM
28	Since WES service times don't work for me I use the 2X line in order to get to work on time. 96 does not stop at Tigard TC	9/15/2014 12:08 PM
29	Prefer not to transfer	9/15/2014 12:06 PM
30	I always ride to barbur transit center	9/15/2014 11:57 AM
31	I walk about a mile for this not more	9/15/2014 11:39 AM
32	Not great - 96 never has room for my bike	9/15/2014 11:36 AM
33	I almost always use 96 and 2X	9/15/2014 11:29 AM
34	I am not from this area	9/15/2014 11:09 AM
35	Routes between my location and tualatin are inconsistent	9/13/2014 11:44 AM
36	unknown	9/10/2014 4:26 PM
37	There's always a risk with transfers that a bus will be late and a connection missed.	9/10/2014 1:14 PM
38	It would cost too much more just to get to where I need to catch it.	9/7/2014 2:35 PM
39	The 96 does not run frequently enough	9/6/2014 7:32 AM
40	If I had to use it, I would.	9/5/2014 2:58 PM
41	The only reason I do not use the 96 when I have to take 2X now, is that the 76 connection to Beaverton is better for me	9/4/2014 9:52 AM
42	My work schedule is 11a-10p.	9/3/2014 11:35 AM
43	I have carpool backups	9/3/2014 10:44 AM

Route 2X Questionnaire

44	Transfers add time and \$\$\$	9/3/2014 10:28 AM
45	Requires looking into. Time factor an issue as well.	9/3/2014 8:29 AM
46	Too many connections & would take much longer than other options available	9/3/2014 8:18 AM
47	96 Doesn't run on Holidays	9/3/2014 7:55 AM
48	Another Transfer ticket for Trimet, Thus increasing Cost	9/2/2014 9:02 PM
49	Own a vehicle but when it's down I use this line	9/2/2014 6:15 PM
50	I would still be able to reach my destination with relative ease in comparison to what it is now.	9/2/2014 5:35 PM
51	I usually do my changes at Barbur.	9/2/2014 5:25 PM
52	some of the connections and time addition make it less convinient - can tip the need to drive instead of take transit	9/2/2014 4:54 PM
53	Not sure.	9/2/2014 4:43 PM
54	I only travel to and from Barbur Transit Center to Wilsonville	9/2/2014 3:48 PM
55	there are times when I need to get to Tualatin from DT Portland mid-day and the 2X would really work for that. That might be once a month.	9/2/2014 1:16 PM
56	2X and 96 schedules are not well integrated at this time.	9/2/2014 7:28 AM
57	Currently, WES-Trimet #12 is a better backup to the 2X-Trimet #12/#94 route. If you chose Option 2, I would often use the WES instead (even though it requires an additional bus for me to get to Wilsonville station).	9/1/2014 7:02 PM
58	96 bus stops are inconvenient to downtown Portland	8/30/2014 11:12 AM
59	I can find better connections in my own neighborhood	8/27/2014 9:30 AM
60	Direct (option 1) is better. Connections between two routes that only every half hour is scary.	8/27/2014 7:42 AM
61	without looking into specific scheduling, a potential change of work locations would be highly considered.	8/26/2014 3:10 PM
62	Integrated service still means Convergys employees are paying twice for their ride home. This amounts to hundreds per year. We're talking about an extra hour or more (each direction) sometimes on the current scheduling. Missing a connection only compounds this wasted time which becomes depleted energy which becomes reduced productivity and general contentment. If SPs are scheduled to work as late as 9,10,11pm, then a direct shot to Portland is the only acceptable solution. I don't understand how this was not negotiated before or during the move to Wilsonville. This anonymous individual was certainly vocal about it. Ask Chak.	8/26/2014 2:28 PM
63	Well, provided that SMART fixes currently broken connection times with the 96 @ Tualatin.	8/26/2014 2:09 PM
64	i use the 76 to beaverton transit center	8/26/2014 1:59 PM
65	I live near the Barbur Transit Center, so it would be convenient for me only if Route 2X still made a stop at Barbur TC before continuing on into downtown Portland.	8/26/2014 11:20 AM
66	Line 96 runs directly from the Tualatin P&R to downtown. It's fast and easy.	8/26/2014 7:40 AM
67	I really need to get to Barbur transit center	8/25/2014 7:34 AM
68	Line 96 does not go to Tigard Transit Center	8/22/2014 9:57 AM
69	If it runs earlier	8/22/2014 5:56 AM
70	I only use SMART transit to commute to and from work.	8/21/2014 2:29 PM
71	I only use SMART to commute to and from work. If I had to use trimet as part of my commute it would be more costly and take more time. I used to take the 96 line to Wilsonville but started using SMART because of the lack of service provided by trimet. There have been times when the 96 line service was not in service due to lack of drivers.	8/21/2014 2:23 PM
72	Only provided it ran early enough	8/21/2014 5:57 AM
73	I ride the 96 all the time; in the afternoons, there is no connection at Commerce Circle, which is a pain.	8/19/2014 6:45 PM
74	No reasonable connection to my home from there	8/19/2014 4:25 PM

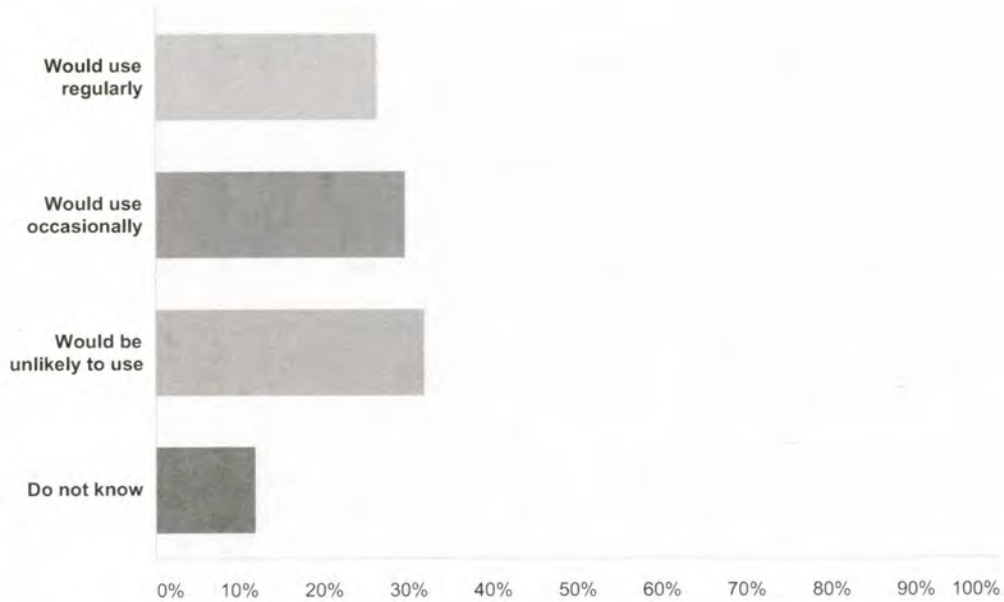
Route 2X Questionnaire

75	Not nearly as convenient as direct service.	8/18/2014 10:23 PM
76	I live in SW Portland and there will be no good way for me to get to Xerox from there.	8/13/2014 9:56 AM

Route 2X Questionnaire

Q5 How likely would you be to use the integrated Route 2X/TriMet Line 96 service (Option 2) if provided at peak times?

Answered: 125 Skipped: 6

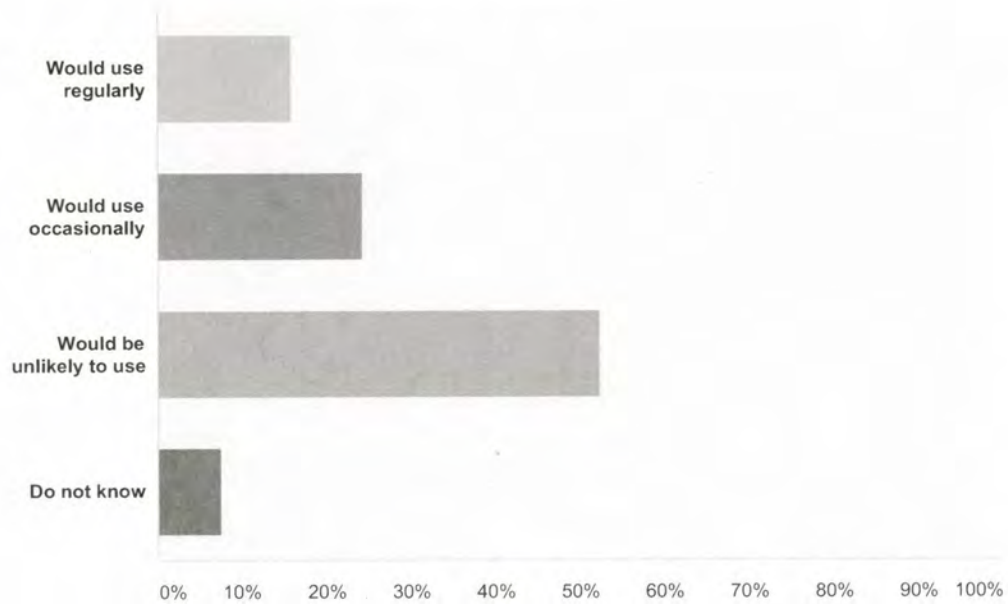


Answer Choices	Responses	
Would use regularly	26.40%	33
Would use occasionally	29.60%	37
Would be unlikely to use	32.00%	40
Do not know	12.00%	15
Total		125

Route 2X Questionnaire

Q6 If only mid-day direct service were provided to Portland on Route 2X, how likely would you be to use this service?

Answered: 120 Skipped: 11



Answer Choices	Responses	
Would use regularly	15.83%	19
Would use occasionally	24.17%	29
Would be unlikely to use	52.50%	63
Do not know	7.50%	9
Total		120

Route 2X Questionnaire

Q7 What issues or questions would you have about either of the Route 2X options being considered?

Answered: 79 Skipped: 52

#	Responses	Date
1	Late night from Portland to Tualatin	10/1/2014 1:41 PM
2	Trimet covers downtown Portland very well. Connections from Barbur transit center are very easy. If the fare were transferable that would help.	9/18/2014 8:51 AM
3	Increase in fares? What other stops would be available along route?	9/18/2014 8:48 AM
4	More runs to Salem	9/18/2014 8:48 AM
5	Cost to the passengers? How early and late would it run?	9/18/2014 8:42 AM
6	My opinion is SMART bus should operate on Saturdays and Sundays also i.e. weekends because Mon-Fri every day office. We can go out in weekends if bus is available because we don't have car.	9/18/2014 8:24 AM
7	Why is the Barbur stop being bypassed? I have a very convenient arrangement right now: drive 2 miles from where I live in SW Portland (Hillsdale) to BTC, park at the park and ride, then take SMART 2x to Wilsonville. Total commute time is about 40 minutes. Dropping Barbur means that if I want to catch the 2X, I either need to drive an extra 5 miles and 20+ minutes, in the wrong direction (and no park+ride at the downtown 2x stop), or find a TriMet bus to take me from near my home, again an extra 5 miles and 20+ minutes in the wrong direction (and extra bus fare on top of that). Then I have an extra 10 minutes or so from downtown to Wilsonville compared to BTC.	9/17/2014 3:42 PM
8	The more direct rout is best for me. Travel time is the most important	9/16/2014 2:46 PM
9	none	9/16/2014 1:57 PM
10	Will the normal 2x schedule still apply?? If Barbur is not services, cold those passengers overload the Tualatin P&R lot?	9/16/2014 1:56 PM
11	My issue is that I need the Barbur TC service in am and pm to get to and from work. I would pay a larger fare to keep it. I need it everyday.	9/15/2014 1:43 PM
12	I catch the 2x that meets up with the 76 at Tualatin P&R. How would this change impact the 2x's ability to service TriMet 76 running off peak hours	9/15/2014 1:39 PM
13	Use I205 up to Clackamas town center	9/15/2014 1:30 PM
14	Weekend service needs to be extended	9/15/2014 1:27 PM
15	What about a staggered approach? Every other 2x goes to Barbur, Everyone other 2x goes to Downtown/waterfront?	9/15/2014 1:25 PM
16	I would work good and it should be considered	9/15/2014 1:19 PM
17	Some issues with question 4. I am pretty much a rush hour commuter. Eliminating Barbur stop! IF this stop is eliminated, I have no good options for getting to 2x- they either involve an extra bus trip or lots of extra driving. from my house . Taking a bus to downtown is a 15-20 minute trip on the wrong direction, even before I've caught the 2x	9/15/2014 1:12 PM
18	Currently the first 96 of the morning into Wilsonville does not hook up with the 1st 2x into Wilsonville at commerce circle. If option 2 is selected, please fix that.	9/15/2014 1:06 PM
19	I would hope that these options run on the weekend. I live/work in Wilsonville but love to visit Portland on the weekends. I hate to drive downtown, so either of these options would be awesome if offered on the weekends. Even just Saturday is good.	9/15/2014 1:01 PM

Route 2X Questionnaire

20	Option 2 route 2x/trimet line 96 would not work for people that finish work early. people would have to wait a couple of hours for the bus 96. It should also be considered that if you miss the bus.. that is it. you are stuck. Because it only runs on peak hours.	9/15/2014 12:35 PM
21	I use 2x during rush hour to and from Barbur transit	9/15/2014 12:22 PM
22	Why do you need to change it? I used SMART to Barbur Transit am route	9/15/2014 12:13 PM
23	Why is Barbur TC service being removed? Why isn't there an option to continue service to Barbur TC?	9/15/2014 12:11 PM
24	Don't change it	9/15/2014 12:08 PM
25	Oregon city T/C this woul provide East Portland/Gresham connection to Max. Also an eastside option to Downtown Portland & the Airport Clackamas Max connection.	9/15/2014 12:05 PM
26	Why would 2x not be able to stop at Barbur transit center?	9/15/2014 11:57 AM
27	don't have any	9/15/2014 11:39 AM
28	Trimet buses need more large bike racks to accommodate combo bus bike commuters	9/15/2014 11:36 AM
29	If you lose Barber, you lose me as a rideer	9/15/2014 11:33 AM
30	I like the mid day option when 96 is not running	9/15/2014 11:29 AM
31	none	9/15/2014 11:09 AM
32	What about weekends? Some kind of weekend service would be helpful.	9/14/2014 9:41 AM
33	Is there more weekend service being considered?	9/13/2014 12:18 PM
34	I would love if there was a mid day 2x From Portland to Wilsonville (southbound).	9/13/2014 11:44 AM
35	I would be less likely to use it if it ended at the waterfront, and much more likely to use it came into downtown.	9/10/2014 1:14 PM
36	weekend service to Smart Central	9/8/2014 1:16 PM
37	I catch the bus only at Barbur TC since I'm a block away from that site. I use your bus because it still costs less to get to work in Wilsonville during the week than taking trimet and transferring	9/7/2014 2:35 PM
38	I find that it is convenient to use as long as it stops at Tualitin P&R, and at Barbur Transit Center. The original route of the 2X was beneficial and does not need changing for me.	9/6/2014 7:32 AM
39	N/A	9/5/2014 2:58 PM
40	would the cost change if integrated with 96	9/4/2014 9:52 AM
41	They would not be offered on weekends, when I would need to take the service.	9/3/2014 11:36 AM
42	With no mid-day service, it is not possible to use public transit for partial-day appointments, etc. For commuting to work, I need service to extend into later hours.	9/3/2014 11:35 AM
43	The proposed documents do not indicate is this would cover any weekend day(s). Please clarify.	9/3/2014 10:28 AM
44	none	9/3/2014 8:29 AM
45	would this be available on weekends?	9/3/2014 8:29 AM
46	We need options for weekends and holidays. A lot of business do not shut down for either of these days and it makes it very difficult to find options to get to Wilsonville during these times.	9/3/2014 7:55 AM
47	How much of the day would "all day" be considered? I would like to be able to take the bus in form downtown and would need a option that would run as early a 5:30am.	9/3/2014 7:51 AM
48	WOULD This service include; WEEKEND SERVICE!!!!!!	9/3/2014 7:38 AM
49	I like the Barbur Transit center stop its at a bus stop for Trimet AND is very close to PCC Sylvania , I moved my work and transpiration schedule so I can get dropped of there and take the 12/94 where I need to.	9/2/2014 9:02 PM
50	Them not happening	9/2/2014 7:11 PM
51	will service on the routes increase during non-peak hours as a result? Or does this affect only peak hours?	9/2/2014 6:21 PM
52	I still want to be able to make my connections later in the day.	9/2/2014 5:25 PM

Route 2X Questionnaire

53	Just as long as current schedules are held up I have no issue with what is added.	9/2/2014 5:12 PM
54	I'm simply happy that some real alternatives to easier transit to inner PDX are being looked at	9/2/2014 4:54 PM
55	I don't understand why if the ridership is up by 5% for 2X it would be necessary to make changes.	9/2/2014 3:48 PM
56	I've been hearing a lot of Tualatin residents and employees wanting something from downtown to Tualatin during the mid day and I could see the 2x Option 2 doing that very well. They'd get off at the Tual P&R and catch the 76 into downtown Tualatin or Meridian Park Hospital.	9/2/2014 1:16 PM
57	The 2X to downtown option provides the most connections to other transit routes, even if it does make it harder for people going to OHSU. The 2X-96 option will work but is less convenient, even if the schedules are better integrated.	9/2/2014 7:28 AM
58	There needs to be a better connection to get from the Trimet 96 stop to east of I-5 in the morning, if Option 2 is selected.	9/1/2014 7:02 PM
59	Can bikes be carried so remainder of commute can be via bike? Wi-fi would make it appealing so commute time can be maximized.	8/29/2014 10:55 PM
60	I live approx 2mi from Barbur Transit. I do ride my bike to Barbur Transit and have a bike locker I use to secure my bike. If the 2x no longer would stop @ Barbur Transit, I would likely commute to Tigard Transit and catch WES. I reviewed the schedules and determined it would add 15 minutes to my morning commute and almost 45 minutes to my end of day commute. At this time my commute is 50min each way. Each time you have to make a transfer it can add 5-10 minutes and if you miss the connection it can add 20 minutes. By riding my bike to catch the 2x I eliminate having to worry whether TriMet is on time or not. This allows my commute times to be more in my control.	8/27/2014 9:30 AM
61	A direct route to downtown is best. Connections between infrequent routes is problematic during high traffic times. I work at Xerox (east of I-5), so even a direct 96 route from Wilsonville station to downtown requires a connection for me. For me, extending the existing 2X route to downtown (south waterfront) would be the much preferred option.	8/27/2014 7:42 AM
62	How long between each trip? This has to be convenient.	8/27/2014 7:15 AM
63	Again, option 2 is a considerably lesser solution. If transferring with a bike (which one needs to supplement the insufficient transportation options, especially in the evening when frequency is considerably reduced or non-existent), one must hope and pray that there is a space for their bike on the connecting line. Otherwise, the same concerns of additional cost (paying for SMART and Trimet separately) and ride time still remain.	8/26/2014 2:28 PM
64	I have already submitted this form and answered the questions above, so will just submit comments/questions. Has there been consideration of reducing the number of trips to and from Barbur, but maintaining some service? I don't remember the survey, but was there a section to determine how many people live where the Barbur Center is significantly more accessible than Tualatin or downtown? I know that you can't please everyone, and that there is a market for people coming from downtown but, in effect, there are quite a few people being "stranded" by cutting the service from Barbur completely.	8/26/2014 2:12 PM
65	I think a \$3 fare is pretty reasonable; but please keep in mind the "total" fare. With service to downtown, many riders (like myself) would be enticed to come back to SMART or start riding SMART when there was no option previously. Many of those people (like myself) will "always" have a TriMet transfer, though. You really have to look at what happens "beyond" downtown. I live in SE Portland. Option 1: TriMet SE Portland to downtown - \$2.50 SMART 2X downtown to Mentor - \$3.00 \$5.50 total one-way fare (ouch!) ^^^ I would not to do this. I would either bike to downtown Portland or drive. However, consider that as much as dislike the 96, it not only includes a ride from downtown to Tualatin, but also 2 hours of TriMet transfer time. Then my trip looks like this: TriMet SE Portland to downtown - \$2.50 96 to Tualatin - FREE (included with the transfer) Tualatin to MGC - \$.50 \$3.00 total fare -- this is great! So the idea of working with the 96 (provided that SMART guarantees a smooth transfer at Tualatin) might be the better way to go -- simply because now you have a \$3 fare that "also" includes 2 hours of TriMet transfer time.	8/26/2014 2:09 PM
66	a third option that would take care of the access to downtown Portland by having the 2X go directly to Beaverton transit center	8/26/2014 1:59 PM
67	I think Route 2X should travel between Barbur Transit Center, Tualatin P&R, and the Wilsonville WES Station without all of the in-town stops which consume so much time. It makes the 2X not an option for me since I commute on Route 1X to Salem every day. If the 2X had a more direct route to the Wilsonville WES Station, then I would ride that bus every day, but since it takes almost an hour to get from Barbur TC to Wilsonville WES, I drive instead.	8/26/2014 11:20 AM

Route 2X Questionnaire

68	I favor running 2X to Tualatin P&R only and reducing the fare. (I don't ride farther than Tualatin.)	8/26/2014 7:40 AM
69	Sounds like you have already made up your mind. But, PLEASE do not drop Barbur transit. Try an extended route still using Barbur. More people get on and off at Barbur than at tualatin.	8/25/2014 7:34 AM
70	Eliminating Barbur Transit Center would force me over to the WES train or back to my car. The 96 goes nowhere near where I live in SW Portland, and from what I've seen of TriMet's 12, it certainly doesn't integrate with Smart today.	8/22/2014 11:10 AM
71	Middle of the day doesn't make any sense to me at all.. Earlier and maybe later, and a couple on sunday	8/22/2014 5:56 AM
72	When taking the 2X to work in the morning all the passengers get on at Barbur Transit Center. Very rarely does any passengers board or get off at Tualatin Park & Ride. In the evening going home only 1 or 2 passengers will get off at Tualatin Park & Ride.	8/21/2014 2:29 PM
73	When I take SMART to work every morning all the passengers are boarding at Barbur transit center. Very rarely does passengers board at Tualatin Park & Ride.	8/21/2014 2:23 PM
74	Why can't you get us out of town earlier?? And at least run a couple times on Sunday.. I reall	8/21/2014 5:57 AM
75	I use the 2x bus line 3 or 4 times a week to get to work. I ride back and forth often from barbur transit center to Tualatin park and ride. So if the barbur stop closes I won't be able to use the smart bus at all.	8/20/2014 8:36 AM
76	Will punch cards still be available? Will the 2X still serve Commerce so that we don't have to pay 2 fares all of the time?	8/19/2014 6:45 PM
77	I am concerned that there will no longer be a stop. at Barbur. This past week at Barbur there were sometimes only 2 people, though several times 9. Have you thought about continuing the stop at Barbur only during peak times, possibly only once an hour? I usually take the 8:27AM bus from Barbur, sometimes the 7:57, sometime the 8:57 or 9:27. If only half of these ran, I would adjust my schedule to take it. There are probably other commuters who would do the same. Likewise for the evening commute north. How about a poll to see if that would work?	8/19/2014 4:25 PM
78	Two stops to get downtown is just not convenient. Direct service would be ideal.	8/18/2014 10:23 PM
79	Connecting to PCC-Sylvania is critical!	8/12/2014 2:15 PM

Route 2X Questionnaire

Q8 Are there other options for extending service to Portland that should be considered?

Answered: 71 Skipped: 60

#	Responses	Date
1	Would be hugely helpful	10/1/2014 1:41 PM
2	No. You have your space focus on doing what you do best.	9/18/2014 8:51 AM
3	Is it possible to extend the hours of operation for line 96?	9/18/2014 8:48 AM
4	One rate to Salem and to Portland	9/18/2014 8:48 AM
5	The WES to run every day and fully hours not just for 4 hours in the morning and 4 hours afternoon	9/18/2014 8:46 AM
6	What about on Saturday or Sunday?	9/18/2014 8:42 AM
7	Its very good idea, people who does not have car can travel to Portland by bus. Because I use SMART daily 2 or 3 times more in a month more than 40 times I will use and travel on SMART. Very good friendly nature drivers I like SMART.	9/18/2014 8:24 AM
8	Extending to downtown is a perfectly fine idea. Just don't bypass the Barbur stop. Get off I-5 at BTC, like now, get back on at or near Terwilliger.	9/17/2014 3:42 PM
9	Connection with the systems of transportation are critical . Wait time between transfers	9/16/2014 2:46 PM
10	option 2 is good	9/16/2014 2:44 PM
11	how long would it be between bus pickups?	9/16/2014 2:43 PM
12	none at this time	9/16/2014 1:58 PM
13	none	9/16/2014 1:57 PM
14	Keep Barbur TC	9/16/2014 1:54 PM
15	Into downtown from Barbur . Don't skip Barbur.	9/15/2014 1:45 PM
16	Raise fare, keep Barbur, as it is a major stop going into Portland anyway, so expand and keep Barbur and raise fare.	9/15/2014 1:43 PM
17	Not sure about Portland, but the Beaverton expansions have been appreciated (8x)	9/15/2014 1:39 PM
18	Barber is a better alternative to I5	9/15/2014 1:34 PM
19	I am open to any option that continues to stop at the Barbur TC	9/15/2014 1:32 PM
20	Use I205 up to Clackamas town center	9/15/2014 1:30 PM
21	As I live in EAst Portland and commute to Wilsonville by public transit, I would like to see an express service up the 205 corridor at least to Clackamas TC, ideally to Gateway.	9/15/2014 1:25 PM
22	YLO: get the commute connected	9/15/2014 1:19 PM
23	Enough buses to meet the demand- it would be popular	9/15/2014 1:17 PM
24	That there would be enough buses seating to meet the demand	9/15/2014 1:16 PM
25	Run on Barbur Blvd between Barbur TC and Terwilliger. Keep the Barbur TC stop. Go on I5 between Terwilliger and downtown/south waterfront, as well as wouth of Barbur TC.	9/15/2014 1:12 PM
26	96 TriMet- all day and routed on east side of I5(past Mentor, OIT, etc.)	9/15/2014 1:06 PM
27	Maybe driving the SMART bus to a nearby max station. Whenever we go DT, we drive to Beaverton TC to take the max	9/15/2014 1:01 PM

Route 2X Questionnaire

28	none	9/15/2014 12:22 PM
29	why do you need to extend to Portland ? trimet is available from Tualatin and Barbur	9/15/2014 12:13 PM
30	Go to Portland via Barbur Blvd instead of I5, during rush hour it will be quicker and offer more service options	9/15/2014 12:11 PM
31	People use the WES to connect to Max line in Beaverton which takes them to Portland faster than a bus line	9/15/2014 12:08 PM
32	Should work on weekends. (sat & sun)	9/15/2014 11:53 AM
33	Possibly	9/15/2014 11:39 AM
34	not now	9/15/2014 11:37 AM
35	If current 2x was eliminated I would have to use the 96	9/15/2014 11:36 AM
36	Love It!	9/15/2014 11:29 AM
37	none	9/15/2014 11:09 AM
38	Need to have a later return time. 8pm as that last bus is too early. Maybe have hourly until 8pm and then one last bus at 10pm. There are events downtown that I like to attend but don't get out until well after 8.	9/14/2014 9:41 AM
39	Rail! There needs to be a better option than WES, which is indirect, off the I-5 corridor and requires most commuters to transfer to a bus or the MAX. Clearly, I-5 cannot handle the additional traffic that is added to it each day. As this region continues to grow, public transportation needs to offer an alternative to the I-5 corridor, as just one accident or weather incident turns I-5 into a parking lot. I would love to see SMART and Wilsonville be a leader in improving options for commuting on I-5. I grew up where rail from the suburbs to the city was the norm, and I think we can make that happen here too.	9/10/2014 1:14 PM
40	weekend service to Smart Central	9/8/2014 1:16 PM
41	Don't extend it	9/7/2014 2:35 PM
42	I would prefer that the updated route does not cross the Barbur Transit Center stop off the list.	9/6/2014 7:32 AM
43	N/A	9/5/2014 2:58 PM
44	direct to Lloyd center	9/4/2014 5:15 PM
45	Would be great if there was a 7:28 Wes from Wilsonville to Beaverton	9/4/2014 9:52 AM
46	Extend service on weekends? Even every 2-4 hours would make it possible to travel north and back home.	9/3/2014 11:36 AM
47	Mid-day WES Service	9/3/2014 11:35 AM
48	none	9/3/2014 8:29 AM
49	I feel this is the most beneficial/cost effective option	9/3/2014 8:29 AM
50	We need options for weekends and holidays. A lot of business do not shut down for either of these days and it makes it very difficult to find options to get to Wilsonville during these times.	9/3/2014 7:55 AM
51	I love the idea of running into downtown, also regular runs to Beaverton TC would be an excellent addition for a lot of people midday when and in the later hours when the WES is not running.	9/3/2014 7:51 AM
52	WEEKEND SERVICE!!!!!!	9/3/2014 7:38 AM
53	WES to start and end later, and maybe a weekend (limited) service but as the trains they Run WES isn't known to be moved. Or if you can I know it may be impossible but talk to trimet about extending the 94 (or possibly a new line) to the Wilsonville Transit center. If we can share stops with Salem(Chariots) why can't Trimet share stops with us?	9/2/2014 9:02 PM
54	More buses to connect Wilsonville to other parts of Portland metro area.	9/2/2014 7:11 PM
55	none that I know of, besides Trimet extending WES service hours	9/2/2014 6:21 PM
56	I know a lot of my coworkers would like later options for getting to Portland.	9/2/2014 5:25 PM
57	I'd love it if the WES's hours were increased.	9/2/2014 5:12 PM
58	Any line that hooks up directly with a MAX line expands Wilsonville area access to major PDX metro hubs - as well as them to us! Green line, Blue/Red line (both ends!), Orange line routes to those = fantastic	9/2/2014 4:54 PM

Route 2X Questionnaire

59	No, I travel to and from Wilsonville during Rush Hour times.	9/2/2014 3:48 PM
60	I would like to see the 2x continue to stop at Barbur Transit. If it doesn't make financial sense to do it every trip then run it until 9a and start up @ 3p to cover the main commute hrs to and from Wilsonville. This would likely accommodate most everyone I ride with who originate @ Barbur Transit This meets the goals of employers that contribute to the costs by giving their employees a reasonable and accommodating way to ride transit to and from work.	8/27/2014 9:30 AM
61	The Trimet 96 could come to the east side of I-5, pass by Xerox, FLIR, Mentor Graphics, Oregon Tech, etc..	8/27/2014 7:42 AM
62	Any straight shot to downtown Portland for all hours that Convergys Wilsonville contracts operate with a buffer before and after. Nothing more, nothing less. This would allow paying once to SMART for those who would no longer need Trimet once in downtown Portland.	8/26/2014 2:28 PM
63	No. but i definitely feel there should be later buses each night between wilsonville and salem! 637 last bus doesnt vut it- 730 should be last bus	8/26/2014 1:16 PM
64	I like Option 2 better than Option 1. Traffic gets backed up on I-5 every night coming back into Wilsonville, so the 2X on-time performance will plummet if Option 1 is chosen.	8/26/2014 11:20 AM
65	No.	8/26/2014 7:40 AM
66	Barbur is a VERY important destination. Many of us live near there and then work (and also shop and spend money) in Wilsonville. I understand extending for better access for medical care. But please don't drop Barbur.	8/25/2014 7:34 AM
67	Have Wes run another train 1/2 hr. Earlier... Need to have service start sooner... Max line does	8/22/2014 5:56 AM
68	People need to get downtown earlier	8/21/2014 5:57 AM
69	Saturdays and Sundays when the WES and 96 do not run at all	8/19/2014 6:45 PM
70	Commuter rail is utterly necessary. Taking WES to Beaverton and then the MAX downtown is far too circuitous.	8/18/2014 10:23 PM
71	Working with PCC for one of their bus lines to cross with the SMART bus schedule.	8/12/2014 2:15 PM

Route 2X Questionnaire

Q9 What other concerns of comments do you have about SMART's proposal for extending its service to Portland?

Answered: 77 Skipped: 54

#	Responses	Date
1	As people rely on SMART for transit they have fit it into the schedule of there lifes any disruption is a disruption to these lifes. Thank you for taking time to hear my input.	9/18/2014 8:51 AM
2	Riders who regularly use 2X to get to the Barbur transit center.	9/18/2014 8:48 AM
3	I said this elsewhere, but if Barbur is dropped, I will almost certainly become a car commuter instead of a 20-times-per-month SMART 2x user. My 2x commute would grow from about 40 minutes to 70-75 minutes each way, vs. 30 minutes by car, and that doesn't even consider the extra cost of TriMet bus fare or downtown area parking.	9/17/2014 3:42 PM
4	Keep Barbur stop. It doesn't make that much of a time difference to add/keep it.	9/16/2014 2:49 PM
5	none thanks	9/16/2014 2:44 PM
6	none that I can think of	9/16/2014 1:58 PM
7	No concerns. I think it would be a major convenience.	9/16/2014 1:57 PM
8	not stopping at Barbur. Why does it not say anywhere on this survey that BARBUR stop will be closed?	9/16/2014 1:54 PM
9	It should be there on Saturdays as well.	9/15/2014 1:46 PM
10	I would pay more for a monthly pass that got me from Barbur to Wilsonville and Barbur to Downtown. But if you skip Barbur I might as well only take TriMet.	9/15/2014 1:45 PM
11	That I would have to modify my daily routine majorly to get to work.	9/15/2014 1:43 PM
12	I appreciate the idea, and I am sure lots of people like having no fare in town, but wouldn't integration into TriMet be an easier solution for creating a better Portland to Wilsonville transit connection?	9/15/2014 1:39 PM
13	I'm worried that 2x won't go to Barbur TC and would skip over me. I would be stuck with TriMet.	9/15/2014 1:32 PM
14	All SMART is thinking about is westside. Please think of the eastside connecting with Green line	9/15/2014 1:30 PM
15	I wish you guys the best, your service is great and of these changes will make my life easier.	9/15/2014 1:25 PM
16	It would be considered and it'll work	9/15/2014 1:19 PM
17	If this route excludes the Barbur TC stop I wil most likely go from being a 20X per month SMART rider to being a car commuter. without the Barbur stops using 2x would become both much more time consuming and much more expensive.	9/15/2014 1:12 PM
18	I am happy to hear the possibilities of the 2x updates. More access to Portland is needed and either option seems helpful and successful.	9/15/2014 1:01 PM
19	TriMet is accessible at Tualatin and Barbur	9/15/2014 12:22 PM
20	The existing services is good. I would advise against it. Thank you	9/15/2014 12:18 PM
21	I am willing to pay more to continued service without a Barbur TC stop. I won't use the 2x at all.	9/15/2014 12:11 PM
22	You will screw up peoples ride to work a lot	9/15/2014 12:08 PM
23	Am very supportive of option 1 at transit mall. Would ride every weekday.	9/15/2014 12:06 PM
24	I live in Multnomah Village area, Current2x rute is perfect for my needs. I f 2x services would be extended to Portland, termination of Barbur transit center stop would be really unfortunate for me. Would it be possible to keep Barbur transit stop?	9/15/2014 11:57 AM
25	It will be good so that everyone can go in bus who don't have cars	9/15/2014 11:53 AM

Route 2X Questionnaire

26	I love the fair its convenient for me	9/15/2014 11:39 AM
27	I like the current 2X route and would rather pay a little more for it than see it eliminated during peak am/pm hours	9/15/2014 11:36 AM
28	Removing Barbur is completely wrong, I have been riding SMART to Barbur for 7 years. This causes a hardship	9/15/2014 11:33 AM
29	none	9/15/2014 11:09 AM
30	Please fill in times when the Wes isnt running- mid day and after 7pm- to and from portland	9/13/2014 11:44 AM
31	As a new resident to Wilsonville, I am completely supportive of any increased, efficient, public transportation options to downtown Portland. They key, I think, is to keep the trip downtown to under an hour (ideally, 45 minutes or so) to induce commuters to leave their cars at home. My husband commutes to Salem so any increase in frequency to the Salem line will also be utilized by this family! Visiting family members who like to sight-see in Portland, but don't drive, would be thrilled by direct bus service into the city.	9/10/2014 1:14 PM
32	weekend service to Smart Central	9/8/2014 1:16 PM
33	It's my only resource for getting to Wilsonville during the weekdays for work. Other alternatives cost much more.	9/7/2014 2:35 PM
34	N/A	9/5/2014 2:58 PM
35	try to keep costs down or if you do charge the 2.50 try to make the costs interchangeable between the two services	9/4/2014 5:15 PM
36	none	9/4/2014 9:52 AM
37	It certainly makes things more convenient, rather than having to pay two different bus tickets to just pay one.	9/3/2014 11:36 AM
38	Extending light rail service seems like a more efficient use of resources.	9/3/2014 11:35 AM
39	The cost will be larger for a line direct to Portland, This wouldn't be good because I would still have to transfer on a Trimet but and the cost for Trimet and SMART and seperate.	9/3/2014 8:50 AM
40	Good idea!	9/3/2014 8:29 AM
41	weekend hours	9/3/2014 8:29 AM
42	We need options for weekends and holidays. A lot of business do not shut down for either of these days and it makes it very difficult to find options to get to Wilsonville during these times.	9/3/2014 7:55 AM
43	Mostly the run times and cost. Personally I would like a very early morning option, one that could pickup in Portland and then drop off in Wilsonville to make a 6 or 7 am shift. Also that will run late/on weekends to allow greater flexibility in scheduling.	9/3/2014 7:51 AM
44	WEEKEND SERVICE!!!!!!	9/3/2014 7:38 AM
45	try and keep it on weekends also (Portland has a lot of festivals i.e Saturday Market, Rose Festivals) so getting there around 10AM and leaving around 6-7PM gives people time to hang around. Wilsonville doesn't have much of a night life either and I don't see it coming in anytime soon. And sometimes its safer to have the young adults take a bus to and from the "big" city for drinking rather than their cars. Thanks For listening	9/2/2014 9:02 PM
46	Run it all day, early morning to late evening.	9/2/2014 7:11 PM
47	Do it later at night for those who need the transit or be stuck in Wilsonville	9/2/2014 6:21 PM
48	I live in Wilsonville, and would like to see a viable option for getting to Portland for activities on the Weekend, especially Saturday.	9/2/2014 5:25 PM
49	I have none, just as long as current schedules are held up. I think it's great to increase Public Transportation capabilities.	9/2/2014 5:12 PM
50	I think this is a fantastic idea - having a later day/night even a one time trip option would be AMAZING timber games... blazer games... thunder games... concerts... conventions... all would open up to easy 1 shot public transit	9/2/2014 4:54 PM
51	This should be integrated with the WES. We know funding is a large piece of this, but with Stream/Convergys as a new employer, we have a large volume of people that would use the WES throughout the day - AND on the weekends!	9/2/2014 4:43 PM
52	Don't make changes to something that is not broken.	9/2/2014 3:48 PM

Route 2X Questionnaire

53	When I-5 backs up there should also be an option (safety valve, escape route) for the 2X to run down Barbur / Pacific Highway.	9/2/2014 1:16 PM
54	I have used public transportation between Wilsonville and downtown Portland for more than a decade. Of the following three possibilities I would rank them like this (best to worst): first, Option 1; second, Keep things how they are; lastly, Option 2. Making a connection with a bus that uses I-5 into downtown Portland during rush hour will not be reliable. That is why I don't use the Trimet 96 now. If it was a direct route from east of I-5 (i.e. Option 1), the uncertainty would be manageable.	9/1/2014 7:02 PM
55	Option 1 works perfectly for me and most people who commute from Portland	8/30/2014 11:12 AM
56	Worry about maintaining schedules, especially evening commutes. Traffic into and out of the downtown area always seems to be backed up and many times at a standstill on I5, both directions.	8/27/2014 9:30 AM
57	If Option 2 is selected, please consider a combined pass that can be used on both SMART and Trimet. Other systems (e.g. C-TRAN and Trimet) have worked that out.	8/27/2014 7:42 AM
58	Cost compared to Trimet monthly pass. Mid-day coverage is really needed. Thank you for addressing this issue.	8/27/2014 7:15 AM
59	would the 96 trimet route consider an increase in routes?	8/26/2014 3:10 PM
60	I appreciate that this survey exists as an acknowledgement that non-car transportation is difficult every day of the week, and especially so on the weekend. The cost should be a non-issue. If people cannot get to work, then they cannot earn that money and/or reduce costs for Convergys and its clients. Instead of site activities, give people raises. Else, help them get to and fro. Enable employees to stay with their 'employer of choice'.	8/26/2014 2:28 PM
61	I think of the 2X as being for commuters coming into WV. I don't think the connection at SOWA makes any sense. You'd be better off connecting with the bus mall - even if it is only to cross the bus mall at one spot (like the 96 does). I used to drive to Barbur from SE Portland & take the 2X every single day (for many years). Ultimately I decided the cost savings wasn't worth the extra 90 minutes that this added to my day (have to leave early to account for traffic, time to find a parking space at Barbur TC, etc). I'm excited to hear that SMART is considering having a good connection to Portland, though - I'll likely come back to SMART when that's the case.	8/26/2014 2:09 PM
62	this would impact my using 2X to tualatin park & ride to 76 to Beaverton transit center	8/26/2014 1:59 PM
63	cut service on 2x- rarely do i see people riding to barbur and extended salen service with a stop at the outlet mall as that area is underserved	8/26/2014 1:16 PM
64	Doesn't Option 1 compete with WES service, which is already very expensive per rider to operate (over \$10 per ride)? I think SMART and TriMet should use the WES Station in Tualatin as a hub for local service and build the ridership on WES rather than providing competing services that take away from WES ridership. Route 96 shouldn't go all the way to Wilsonville except during the mid-day when WES doesn't run. Putting more SMART connecting service in place to meet the WES trains whenever they arrive in Wilsonville is efficient and a better investment for the future.	8/26/2014 11:20 AM
65	Question 1 above is malformed. There is no checkbox for somebody who uses the line from 1 to 4 times per month.	8/26/2014 7:40 AM
66	I wish you had gotten feedback prior to making your decision clearly you have put a lot of thought into this already. But dropping Barbur could literally mean some people can no longer keep their jobs in Wilsonville. This has an economic impact to SMART sponsors because everyone I know that works in Wilsonville also shops in Wilsonville	8/25/2014 7:34 AM
67	While I-5 traffic has occasional backups, they are reasonably rare and Smart has several alternate routes. Once you pass Capital Hill going north on I-5 you will see a significant increase in the number of delays at all times of day except early mornings from my experience. One of the reasons I can use Smart is that it is reasonably reliable. TriMet because of its through routes more congested parts of town is not reliable enough for me to build a schedule around. I fear if the 2X goes downtown, you will suffer a similar fate. Hope you pick up enough east-side commuters to make up for the ones dropped on the west side.	8/22/2014 11:10 AM
68	I think it's high time.. But not like the two new lines.. Those are some strange times..	8/22/2014 5:56 AM
69	The only reason I started using SMART was because of the lack of consistency with Trimet. There were several times when the 96 bus line did not provide service because of lack of drivers.	8/21/2014 2:29 PM
70	This would add longer commute times for people who take the 2X to Wilsonville.	8/21/2014 2:23 PM

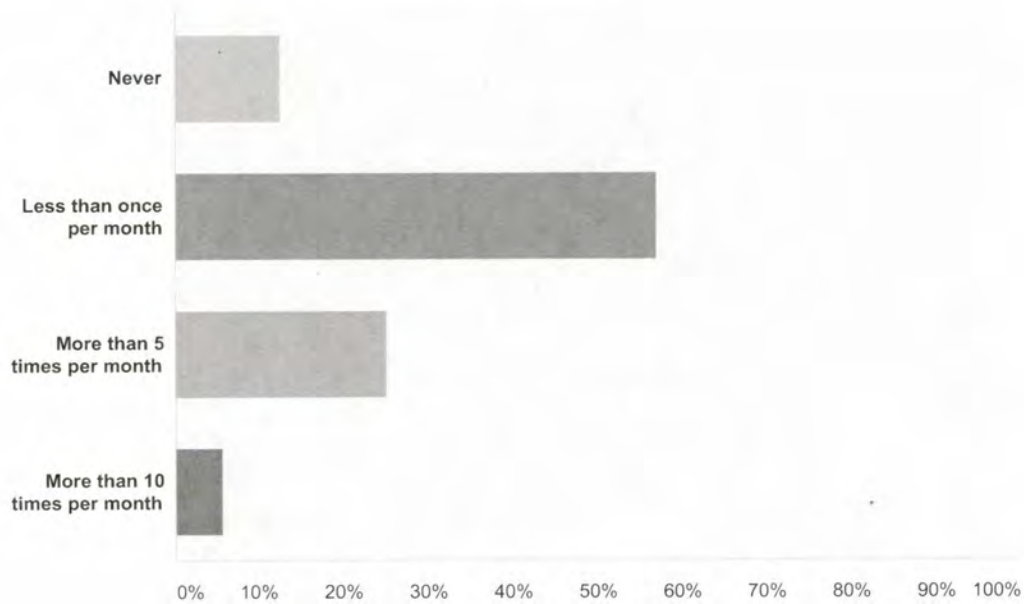
Route 2X Questionnaire

71	This is really a must... Our town is growing so must the transit.. To help with traffic... If you have one run earlier we could make the connection to 12 to get downtown, or at least catch 96 at Tualatin park-and-ride. As it is we miss the 96 by 5 min or this wouldn't be an issue for me... Maybe if the first bus didn't go through Xerox and and all that other stuff I could make it. considering moving because of this reason alone	8/21/2014 5:57 AM
72	It would be awesome if the 2X route went all the way downtown next to all the other max's and other bus lines!	8/20/2014 3:45 PM
73	Please don't forget the regular riders that already ride your system that you are proposing to cut out.	8/20/2014 8:36 AM
74	Please ensure the buses you use have bright reading lamps. I can read the paper on the 96; on the SMART short buses, not so much.	8/19/2014 6:45 PM
75	It's a great idea! Please do it with as much regularity as possible. Please also extend 1X service to Salem. Some years ago, the last morning bus left Wilsonville at 8:36 AM; now the last bus leaves at 8 AM. Please bring back a later 1X morning option.	8/18/2014 10:23 PM
76	I live in SW Portland and work at Xerox. Without using the 2X from Barbur, my daily commute would double in time and I would have to consider buying a car to use instead.	8/13/2014 9:56 AM
77	Making sure there's a way for Wilsonville students to get to PCC if they don't drive!	8/12/2014 2:15 PM

Out-of-Town Dial-a-Ride Questionnaire

Q1 How often do you use SMART's dial-a-ride service for medical trips outside of Wilsonville?

Answered: 72 Skipped: 4



Answer Choices	Responses	
Never	12.50%	9
Less than once per month	56.94%	41
More than 5 times per month	25.00%	18
More than 10 times per month	5.56%	4
Total		72

Out-of-Town Dial-a-Ride Questionnaire

Q2 What are your three most frequent locations when using SMART's dial-a-ride service for medical trips outside of Wilsonville?

Answered: 70 Skipped: 6

Answer Choices	Responses
1)	100.00% 70
2)	68.57% 48
3)	40.00% 28

#	1)	Date
1	Kaiser clinic in Tualatin	10/1/2014 1:55 PM
2	Tualatin Legacy Hospital	10/1/2014 1:53 PM
3	St Vincents/ Providence Medical Center	10/1/2014 1:51 PM
4	Lake Oswego - Physical Therapy	10/1/2014 1:48 PM
5	Dishman Center	10/1/2014 1:45 PM
6	Meridian Park Hospital	10/1/2014 1:44 PM
7	Legacy Medical group	9/18/2014 8:21 AM
8	Tigard	9/18/2014 8:17 AM
9	Legacy Meridian Park - Bridgeport	9/18/2014 8:16 AM
10	Dental clinic Lake Grove	9/18/2014 8:14 AM
11	Gabriel Park	9/18/2014 8:13 AM
12	Kaiser Permanente Beaverton	9/18/2014 8:10 AM
13	Lake Oswego	9/18/2014 7:47 AM
14	Legacy Meridian Tualatin	9/18/2014 7:45 AM
15	Medical Building on 65th near hospital #1 and #2	9/18/2014 7:43 AM
16	Portland VA Medical Center	9/18/2014 7:42 AM
17	St Vincent's Hospital	9/18/2014 7:40 AM
18	St Vincents	9/18/2014 7:38 AM
19	Eye healthy northwest - 1955 NW Northrup PDX	9/18/2014 7:37 AM
20	Legacy Meridian Park medical center	9/18/2014 7:36 AM
21	Meridian Park Medical offices	9/18/2014 7:25 AM
22	Kaiser Tualatin Med offices	9/18/2014 7:24 AM
23	Sherwood	9/17/2014 10:36 AM
24	Would use Transit to Med Ctr	9/17/2014 10:35 AM
25	Legacy Meridian Park Hospital Tualatin	9/17/2014 10:32 AM
26	Anticoagulation clinic near hospital	9/17/2014 10:30 AM

Out-of-Town Dial-a-Ride Questionnaire

27	Lake Oswego	9/17/2014 10:29 AM
28	Sunnybrook Clinic	9/17/2014 10:22 AM
29	Meridian Park Hospital	9/17/2014 10:20 AM
30	Kaiser Med Center in Tualatin	9/17/2014 10:19 AM
31	Providence Bridgeport	9/17/2014 10:17 AM
32	Tualatin Kaiser Clinic	9/17/2014 10:14 AM
33	Providence Medical Center	9/17/2014 10:13 AM
34	Pulmonary clinic- lovejoy street	9/17/2014 10:10 AM
35	Legacy Meridian Park Hospital	9/16/2014 2:55 PM
36	Legacy Meridian Park Medical Center	9/16/2014 2:52 PM
37	VETS clinic WEST Linn	9/11/2014 2:08 PM
38	St. Vinvents- MD & Mammograms	9/11/2014 2:07 PM
39	Dentist- Portland 123rd st	9/11/2014 2:03 PM
40	Portland	9/11/2014 2:00 PM
41	St. Vinvents	9/11/2014 1:53 PM
42	Providence st. Vinvents Hospital	9/11/2014 1:51 PM
43	OHSU Casey eye institute	9/11/2014 1:49 PM
44	Kaiser Sunnyside	9/11/2014 1:46 PM
45	St. Vincent, soon to be Laske Oswego	9/11/2014 1:35 PM
46	Kaiser Sunnyside	9/11/2014 1:34 PM
47	Kaiser Tualatin Clinic	9/11/2014 12:29 PM
48	Meridian Park complex	9/11/2014 12:27 PM
49	Kaiser Tualatin	9/11/2014 12:25 PM
50	Hospital of Blood test	9/11/2014 12:19 PM
51	VA Portland	9/11/2014 12:18 PM
52	Legacy Meridian park center, Tualatin	9/11/2014 12:16 PM
53	St. Vinvents Hosital East Pavilion	9/11/2014 11:59 AM
54	Meridian Park Hospital	9/11/2014 11:56 AM
55	Meridian Park Medical	9/11/2014 11:54 AM
56	Kaiser Medical Office Tualatin	9/11/2014 11:52 AM
57	Meridian Park Hospital	9/11/2014 11:50 AM
58	Casey Eye Institute	9/11/2014 11:49 AM
59	Eye Clinic- sw 65th Ave Tualatin	9/11/2014 11:48 AM
60	Legacy Meridian	9/11/2014 11:43 AM
61	St. Vinvents East Pavilion	9/9/2014 2:59 PM
62	Sherwood Providence & Providence Bridgeport	9/9/2014 2:57 PM
63	Sunnyside - Kaiser facilities	9/9/2014 2:55 PM
64	Fresenic Medical Care, Shollserry Dialysis	9/9/2014 2:53 PM

Out-of-Town Dial-a-Ride Questionnaire

65	Meridan Park HOSpital, & surrounding offices	9/9/2014 2:48 PM
66	VA Hospital	9/9/2014 2:43 PM
67	Kaiser Sunny Side Dr. Barrett	9/9/2014 2:41 PM
68	Meridian Medical Center	9/9/2014 2:40 PM
69	OHSU - WATERFRONT / HILL	9/9/2014 2:36 PM
70	Meridian Hospital	8/12/2014 2:22 PM
#	2)	Date
1	Kaiser eye clinic in Clackamas	10/1/2014 1:55 PM
2	Tualatin medical offices	10/1/2014 1:53 PM
3	OHSU Bond Street	10/1/2014 1:51 PM
4	Lake Oswego - Dentist	10/1/2014 1:48 PM
5	Coq clinic	9/18/2014 8:21 AM
6	Tualatin	9/18/2014 8:17 AM
7	Legacy Meridian Hospital	9/18/2014 8:16 AM
8	OHSU on the Hill and Waterfront	9/18/2014 8:13 AM
9	Tualatin	9/18/2014 7:47 AM
10	Lake Oswego	9/18/2014 7:45 AM
11	OHSU	9/18/2014 7:42 AM
12	Lake Oswego	9/18/2014 7:40 AM
13	Meridian Park	9/18/2014 7:38 AM
14	Tualatin dialysis	9/18/2014 7:36 AM
15	Kaiser sunnyside hospital	9/18/2014 7:24 AM
16	Beaverton- St. Vincents	9/17/2014 10:36 AM
17	Would use for PDX	9/17/2014 10:35 AM
18	Tualatin	9/17/2014 10:29 AM
19	Tigard Dental Clinics	9/17/2014 10:22 AM
20	Tualatin	9/17/2014 10:20 AM
21	Meridian Dr.sProvidence-St Vincent HOSpital	9/17/2014 10:17 AM
22	Tigard Kaiser Dental office	9/17/2014 10:14 AM
23	Providence Hospital	9/17/2014 10:13 AM
24	Meridian Park Hospital	9/17/2014 10:10 AM
25	St. Vincent Medical Plaza	9/16/2014 2:55 PM
26	Main Bets Hospital	9/11/2014 2:08 PM
27	Beaverton Dentist & Dermatoalogist	9/11/2014 2:07 PM
28	Doctor- Sunnyside Kaiser	9/11/2014 2:03 PM
29	Bridgeport	9/11/2014 2:00 PM
30	Down Portland Dr. Offices	9/11/2014 1:53 PM
31	PT Clinic WEST	9/11/2014 1:51 PM

Out-of-Town Dial-a-Ride Questionnaire

32	West Liam Medical clinic	9/11/2014 1:49 PM
33	SunnyBrook Medical Kaiser Sunnyside	9/11/2014 1:46 PM
34	Kaiser Tigard	9/11/2014 1:34 PM
35	Kaiser Interstate Clinic	9/11/2014 12:29 PM
36	Clinic for podiatrist	9/11/2014 12:19 PM
37	OHSU- Riverfront	9/11/2014 12:18 PM
38	Legacy clinic 65th st.	9/11/2014 11:59 AM
39	Legacy Dr. visits	9/11/2014 11:54 AM
40	Tualatin Dialysis	9/11/2014 11:48 AM
41	Dentist	9/11/2014 11:43 AM
42	Retina Northwest	9/9/2014 2:59 PM
43	OHSU	9/9/2014 2:57 PM
44	Tualatin - Clinic	9/9/2014 2:55 PM
45	OHSU	9/9/2014 2:48 PM
46	Kaiser Sunny Side Dr. Welburn	9/9/2014 2:41 PM
47	VA in Portland	9/9/2014 2:40 PM
48	Kaiser Sunnyside	8/12/2014 2:22 PM
#	3)	Date
1	Lake Grove medical office	10/1/2014 1:53 PM
2	Legacy Meridian	10/1/2014 1:51 PM
3	Tualatin/Legacy	10/1/2014 1:48 PM
4	SW Barnes Rd Portland 97225	9/18/2014 8:16 AM
5	Beaverton Area	9/18/2014 8:13 AM
6	West Linn VA Clinic	9/18/2014 7:42 AM
7	Tualatin	9/18/2014 7:40 AM
8	Kaiser eye clinic in Clackamas	9/17/2014 10:22 AM
9	Dental SE Powell- Portland	9/17/2014 10:17 AM
10	Sunnyside Eye clinic and Sunnybrook clinics	9/17/2014 10:14 AM
11	Providence Demotolical clinic	9/17/2014 10:13 AM
12	Mercantile Plaze- Lake Oswego	9/16/2014 2:55 PM
13	OHSU	9/11/2014 2:08 PM
14	Providence- yearly	9/11/2014 2:07 PM
15	NewBurg	9/11/2014 2:00 PM
16	Loren Rice, Dentist	9/11/2014 1:51 PM
17	65th Medical clinic	9/11/2014 1:49 PM
18	Kaiser Dental Office in Tigard	9/11/2014 1:46 PM
19	Kaiser Sherwood	9/11/2014 1:34 PM
20	Kaiser Sunnyside Clinic	9/11/2014 12:29 PM

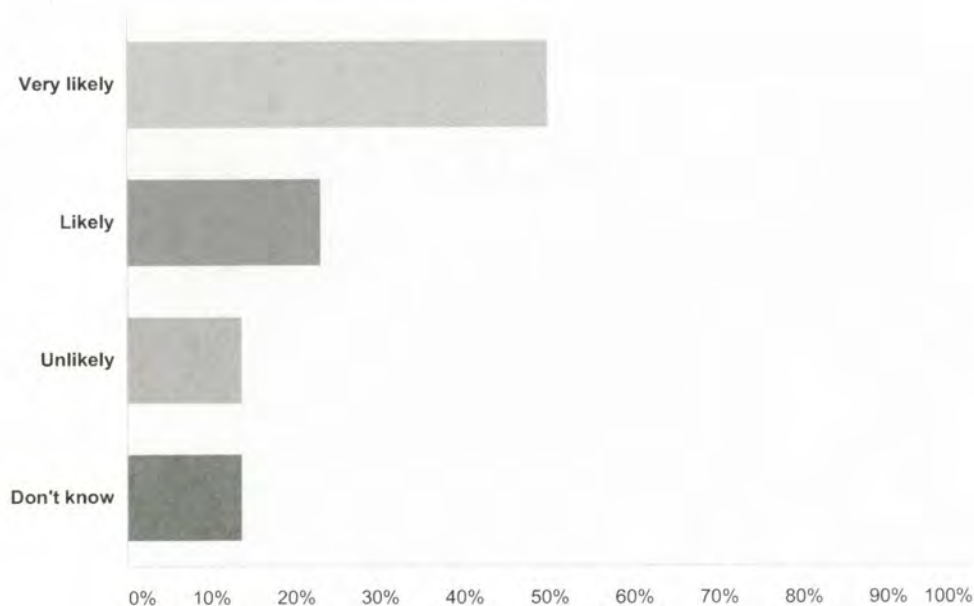
Out-of-Town Dial-a-Ride Questionnaire

21	Eye clinic for vision	9/11/2014 12:19 PM
22	OHSU on hill near VA	9/11/2014 12:18 PM
23	Retina Northwest new location- Mercantile Center Lake Oswego	9/9/2014 2:59 PM
24	Advantage Medical on Hall Blvd.	9/9/2014 2:57 PM
25	Tualatin - Dentist	9/9/2014 2:55 PM
26	Lake Oswego Mercantile Village	9/9/2014 2:48 PM
27	Lake Oswego Medical	9/9/2014 2:40 PM
28	Clackamas County Health Dept.	8/12/2014 2:22 PM

Out-of-Town Dial-a-Ride Questionnaire

Q3 How likely would you be to use a shuttle bus to access out-of-town medical services?

Answered: 74 Skipped: 2



Answer Choices	Responses	
Very likely	50.00%	37
Likely	22.97%	17
Unlikely	13.51%	10
Don't know	13.51%	10
Total		74

#	If unlikely, why?	Date
1	Very unlikely	9/18/2014 8:10 AM
2	Could not get there [to shuttle]	9/18/2014 7:45 AM
3	Cost and Time	9/18/2014 7:36 AM
4	Locations are in town	9/18/2014 7:25 AM
5	I don't understand how this shuttle work. How do we get farther than Tualatin?	9/17/2014 10:17 AM
6	My decision is a toss up, I just don't know	9/11/2014 11:56 AM
7	my husband drives me to appointments	9/11/2014 11:50 AM
8	I don't have address that you will pickup at, so you tell me.	9/10/2014 4:23 PM
9	Don't know in advance when appointments are	9/9/2014 2:59 PM
10	my destinations are not on the list	9/9/2014 2:57 PM

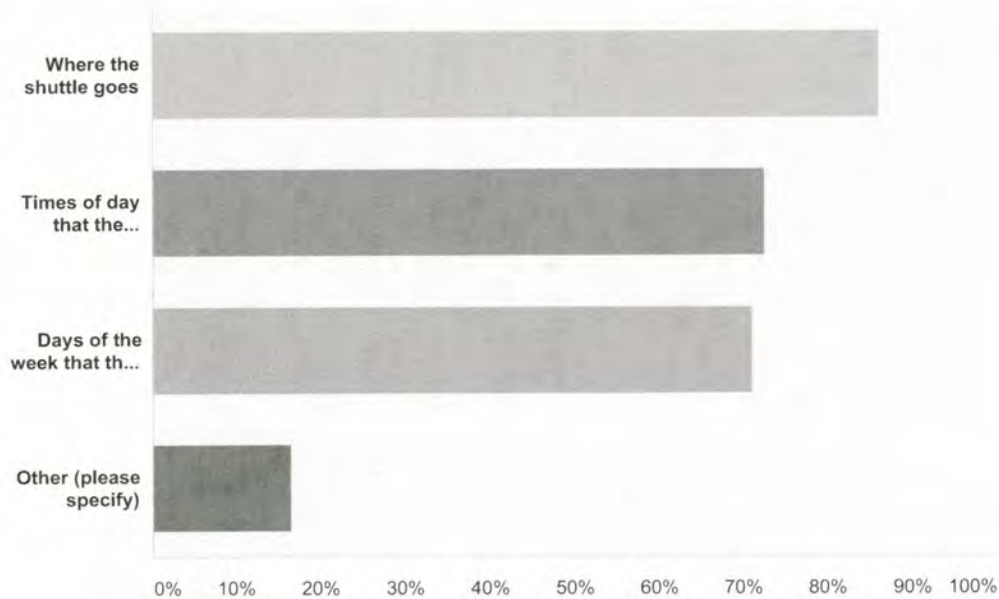
Out-of-Town Dial-a-Ride Questionnaire

11	I have my own transportation	8/12/2014 2:22 PM
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Out-of-Town Dial-a-Ride Questionnaire

Q4 What factors would most affect your use of a shuttle for access to out-of-town medical services?

Answered: 73 Skipped: 3



Answer Choices	Responses
Where the shuttle goes	86.30% 63
Times of day that the shuttle runs	72.60% 53
Days of the week that the shuttle runs	71.23% 52
Other (please specify)	16.44% 12
Total Respondents: 73	

#	Other (please specify)	Date
1	Excellence of schedules and drivers	10/1/2014 1:51 PM
2	To be able to get to Gabriel Park Area	9/18/2014 8:13 AM
3	No alternative	9/18/2014 8:10 AM
4	I live alone and on senior budget yet cost me \$65 round trip I can't afford, cost too much, I like SMART Transit (it costs less)	9/18/2014 7:36 AM
5	I don't drive so I use and need the dial-a-ride	9/17/2014 10:36 AM
6	Does it go to the places I need to go?	9/17/2014 10:17 AM
7	Llive is difficult when you are a blind old stick Changig vehicles would be too much!!	9/11/2014 2:07 PM
8	Availability all day everyday	9/11/2014 11:59 AM
9	never use	9/11/2014 11:50 AM
10	If shuttle goes to Mercantile Center in Lake Oswego	9/9/2014 2:59 PM

Out-of-Town Dial-a-Ride Questionnaire

11	My Physical condition	9/9/2014 2:55 PM
12	Roy Acker is disable- hard for him to transfer	9/9/2014 2:43 PM

Out-of-Town Dial-a-Ride Questionnaire

Q5 What's the single most important factor that would influence your use of a shuttle bus to access out-of-town medical services?

Answered: 62 Skipped: 14

#	Responses	Date
1	Because I can't manage getting my husband to appointments any other way	10/1/2014 1:55 PM
2	Would use out of town service only if it is a bus serviced destination	10/1/2014 1:53 PM
3	I would have to move to a less pleasant facility	10/1/2014 1:51 PM
4	Cost and timely arrival and return	10/1/2014 1:48 PM
5	Limited driving	10/1/2014 1:44 PM
6	I am not driving anymore and this is the way I now get to doctor appointments	9/18/2014 8:21 AM
7	If no other means to get medical transit	9/18/2014 8:17 AM
8	We don't have a car	9/18/2014 8:16 AM
9	dental needs	9/18/2014 8:14 AM
10	GETting to Dr appointment in Gabriel Park Area	9/18/2014 8:13 AM
11	My decision is based on when I get an appointment at the clinics	9/18/2014 8:10 AM
12	None	9/18/2014 7:45 AM
13	Time availability	9/18/2014 7:43 AM
14	Not too long or difficult ride	9/18/2014 7:42 AM
15	The schedule for planning appointments	9/18/2014 7:40 AM
16	Cost	9/18/2014 7:36 AM
17	Scheduling	9/18/2014 7:25 AM
18	Route	9/18/2014 7:24 AM
19	Frequent Pick-up don't want to wait for hours	9/17/2014 10:35 AM
20	100% sure of transportation	9/17/2014 10:32 AM
21	Schedule	9/17/2014 10:29 AM
22	Where it will go	9/17/2014 10:22 AM
23	That is stops at Meridian Park Hospital	9/17/2014 10:21 AM
24	Convenience and Time availability	9/17/2014 10:19 AM
25	That it will pick me up at get me there on time.	9/17/2014 10:17 AM
26	Being able to make medical appts.	9/17/2014 10:15 AM
27	convenience and assistance	9/17/2014 10:13 AM
28	Must be EARLY AM 8 or 830	9/17/2014 10:10 AM
29	availability to make appointments in those limits	9/16/2014 2:55 PM
30	unable to driver myself	9/16/2014 2:52 PM

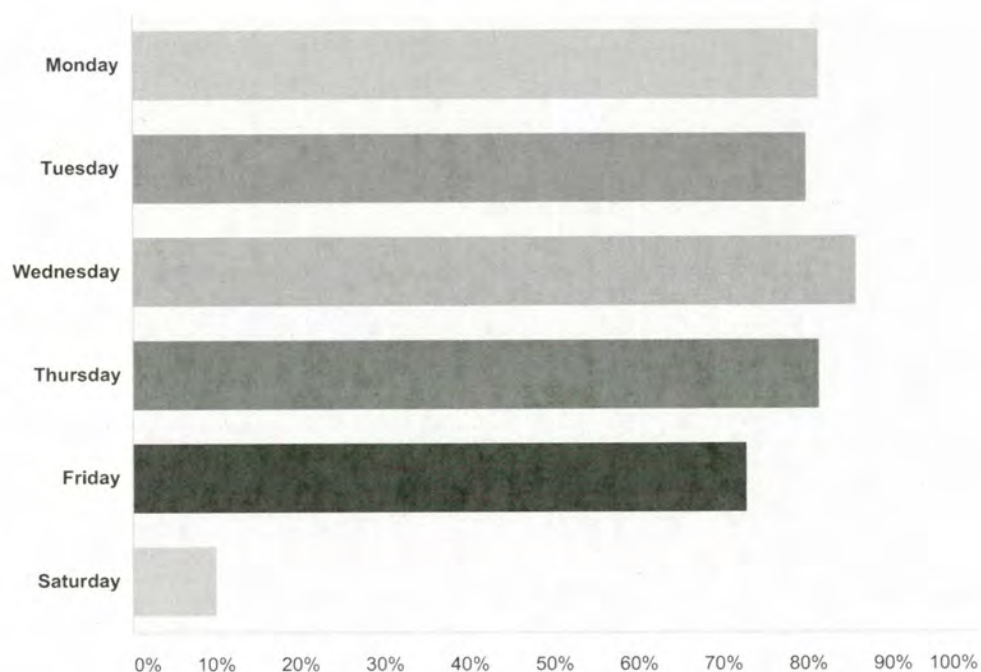
Out-of-Town Dial-a-Ride Questionnaire

31	Getting there on time	9/11/2014 2:08 PM
32	Too difficult time consuming frustrating	9/11/2014 2:07 PM
33	Where it goes	9/11/2014 2:03 PM
34	Some are keeping appointments and not having to cancel appt.	9/11/2014 2:00 PM
35	I can not drive the distance to the Dr.s office	9/11/2014 1:53 PM
36	Time of Day	9/11/2014 1:51 PM
37	The bus is the only way to get to a medical facility	9/11/2014 1:49 PM
38	when eyes are dilated in Clackamas eye center	9/11/2014 1:46 PM
39	Macular-Deg in eyes	9/11/2014 1:35 PM
40	Necessary	9/11/2014 1:34 PM
41	Where it goes then day/week then time of day	9/11/2014 12:25 PM
42	times	9/11/2014 12:19 PM
43	Frequency of trips	9/11/2014 12:18 PM
44	availability of transportation on short notice	9/11/2014 12:16 PM
45	need	9/11/2014 11:59 AM
46	Unable to drive myself	9/11/2014 11:56 AM
47	Time of Appointment- availability	9/11/2014 11:54 AM
48	Have enough available for Dr. appointments	9/11/2014 11:52 AM
49	Essential Service, reliable	9/11/2014 11:49 AM
50	I have no car	9/11/2014 11:48 AM
51	To have the shuttle include Canby	9/11/2014 11:43 AM
52	pickup at both ends	9/10/2014 4:23 PM
53	All of the above	9/9/2014 2:59 PM
54	Days my Dr. is working	9/9/2014 2:57 PM
55	Where the shuttle goes	9/9/2014 2:55 PM
56	Illness to my husband	9/9/2014 2:53 PM
57	Access to and from my home	9/9/2014 2:48 PM
58	Not any	9/9/2014 2:43 PM
59	An early enough appt. so that I can get home	9/9/2014 2:41 PM
60	Availability including the scheduled routes	9/9/2014 2:40 PM
61	Frequency, wait time for the bus/shuttle. Late afternoon, evening run	9/5/2014 10:44 PM
62	Only if I had no other transportation	8/12/2014 2:22 PM

Out-of-Town Dial-a-Ride Questionnaire

Q6 Assuming that SMART has the ability to run the shuttle 5 days per week, what are the 5 most important days? (please check up to 5)

Answered: 70 Skipped: 6

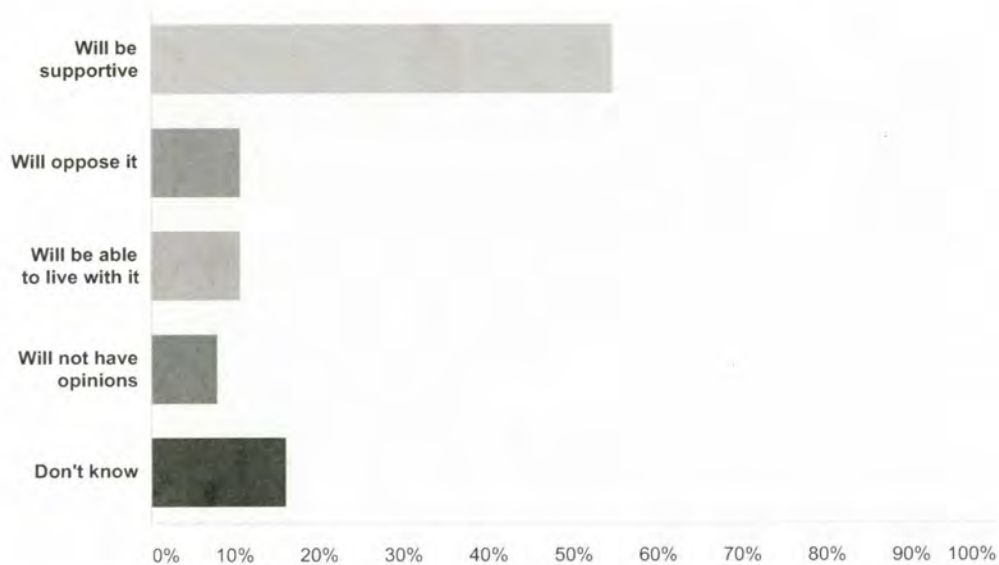


Answer Choices	Responses	
Monday	81.43%	57
Tuesday	80.00%	56
Wednesday	85.71%	60
Thursday	81.43%	57
Friday	72.86%	51
Saturday	10.00%	7
Total Respondents: 70		

Out-of-Town Dial-a-Ride Questionnaire

Q7 What is your sense about how other seniors and persons with disabilities may feel about the proposed shuttle bus to access out-of-town medical services?

Answered: 75 Skipped: 1



Answer Choices	Responses	
Will be supportive	54.67%	41
Will oppose it	10.67%	8
Will be able to live with it	10.67%	8
Will not have opinions	8.00%	6
Don't know	16.00%	12
Total		75

Out-of-Town Dial-a-Ride Questionnaire

Q8 What other concerns do you have about SMART's proposal for continuing to provide access to out-of-town medical services?

Answered: 55 Skipped: 21

#	Responses	Date
1	No concerns - I have nothing but praise for the services provided by Smart Transit.	10/1/2014 1:53 PM
2	I cannot thank the City and WCC enough. These rides are life and death for me. A thousand thanks!	10/1/2014 1:51 PM
3	Just that it continues - long waits upon arrival and returns - picking up 3 people or more = too long to return ride	10/1/2014 1:48 PM
4	When a husband is in VA Hospital that the wife could ride SMART and be able to visit her husband	10/1/2014 1:44 PM
5	I will want them to continue	9/18/2014 8:21 AM
6	I just think its great that SMART can provide for seniors and disabled people these services.	9/18/2014 8:17 AM
7	None - you're doing a great job. WE are very grateful to have SMART. The drivers are all especially pleasant. A+.	9/18/2014 8:16 AM
8	It is very important to seniors that don't have transportation to have this service	9/18/2014 8:14 AM
9	Not being able to get to my doctor who is in the Gabriel Park area and TriMet does not go there at any reasonable hours. I think it would be better to combine the shuttle with the current dial-a-ride. Using the shuttle for the more frequent runs and the dial a ride for the less frequent ones like to places away from the freeway (Gabriel Park Area)	9/18/2014 8:13 AM
10	We see another hit on our independence and will oppose it. We don't navigate as well as when we were younger. Walkers, canes and wheelchairs are realities we accept only because we have no choice. Now again, we face a loss to our well being. I understand this is a financial decision for SMART. For single seniors who are widowed or divorced, on a fixed income, no children or family in state or town, with increasing health problems it is a blow. We would like to be as independent as possible and having to manage our medical appointments with shuttle schedules is an additional stress. It has been very helpful to call and arrange for the DIAL A RIDE SERVICE. One of my grandmothers told me that we don't understand the problems of older people until we ourselves get old. I did not anticipate my present life when I was younger with a spouse and children, life plays unpleasant tricks on us now again we are being asked to adapt, make changes.	9/18/2014 8:10 AM
11	I haven't used this very often but it was comforting to know it was there if I needed it. I no doubt will have to depend on my children more one reason I moved to Wilsonville was because of the bus service.	9/18/2014 7:47 AM
12	Need help from home to doctors could NOT get to a shuttle	9/18/2014 7:45 AM
13	We need transportation above all	9/18/2014 7:43 AM
14	Please include Portland VA and West Linn VA in your plans. Using TriMet is too difficult and that's why I live in Wilsonville! Thanks! :)	9/18/2014 7:42 AM
15	Please also continue dial-a-ride. Would require shuttle pick up in Charbonneau.	9/18/2014 7:40 AM
16	How much will it cost me? And what time of day for the bus to run? I can't afford an arm.	9/18/2014 7:36 AM
17	Just very satisfied with quality of service to date	9/18/2014 7:25 AM
18	Am still looking for a dial-a-ride to Newberg Hospital	9/17/2014 10:36 AM
19	Cost to the public. (Wilsonville)	9/17/2014 10:32 AM
20	Don't know enough to comment	9/17/2014 10:29 AM
21	none	9/17/2014 10:21 AM
22	Concerned about the time it would take to be picked up , dropped off and returned. I wouldn't want to spend a whole day in transport for a 30 min doc. appt.	9/17/2014 10:19 AM

Out-of-Town Dial-a-Ride Questionnaire

23	I have NO other way to get to these medical appts. I have been so grateful you provide this service.	9/17/2014 10:17 AM
24	I would love to have transportation to CANBY	9/17/2014 10:15 AM
25	none	9/17/2014 10:14 AM
26	Being legally blind. I appreciate the service beyond words! Sincere thanks. A fare raise would be acceptable	9/17/2014 10:13 AM
27	I love the way it is now	9/17/2014 10:10 AM
28	It is so important for seniors and disabled people to be able to get to a doctor when He or she is able to see them. The present Dial-a-ride is such an exceptional service provided by a city! Please, do everything possible to keep this benefit.	9/16/2014 2:55 PM
29	My only concern is that you may for whatever reason stop the service. It is necessary and appreciated by al who use it. You may even increase the fare.	9/16/2014 2:52 PM
30	NONE> SMART has always provided great service	9/11/2014 2:08 PM
31	I am very worried about your proposal your service has been wonderful. We may have to move back to Beaverton. most doctors take no new medicare patients in this area. Maybe you should raise your rates a few dollars.	9/11/2014 2:07 PM
32	I don't have except if there is a need due to financial constraints that the service can't be able to go to certain places	9/11/2014 2:03 PM
33	Thank you all for doing this	9/11/2014 2:00 PM
34	Paul is going on 87 not able to drive would be LOST without the SMART bus!!!	9/11/2014 1:53 PM
35	Early AM Services to Reach Hospital for 7am Surgery	9/11/2014 1:51 PM
36	The bus is a life saver... especially a bus to OHSU	9/11/2014 1:49 PM
37	It is necessary to have someone drive when my eyes are dilated. Sunnyside is very far for e to drive from Wilsonville also. I am 92 years old.	9/11/2014 1:46 PM
38	*****	9/11/2014 1:34 PM
39	Bus may not be close enough to pick up and delivery services	9/11/2014 12:29 PM
40	none	9/11/2014 12:27 PM
41	The SMART bus system has been a wonderful life saving system for me. Imagine having this low cost rides to meet my distance medial needs!!! THANKS	9/11/2014 12:25 PM
42	Cost is minimal	9/11/2014 12:19 PM
43	none	9/11/2014 12:18 PM
44	The service was very important to me when I was undergoing treatment & unable to drive, 2.5 years ago. It could be run with a smaller less expensive to run vehicle	9/11/2014 12:16 PM
45	Will support if service continues as is	9/11/2014 11:59 AM
46	My concern is that too many times its the wrong time of day, your shuttle is full, etc.	9/11/2014 11:56 AM
47	Missing the return trip. Getting early appt. so no to miss the return home	9/11/2014 11:54 AM
48	see letter	9/11/2014 11:48 AM
49	Continue the excellent service, thank you	9/11/2014 11:43 AM
50	Your map does not include (sunnyside etc), some of my locations	9/9/2014 2:55 PM
51	I count on it being available when I need it.	9/9/2014 2:41 PM
52	Must go to VA in Portland. Will this service be available for Vererans as was dial -a-ride. Would like SMART to stop closer to Costco where I get my hearing aides.	9/9/2014 2:40 PM

Out-of-Town Dial-a-Ride Questionnaire

53	I am impressed. Need to let people know and the times of operations. Some appointments are at 4 pm. Are there scheduled returns for 5, 5:30, 6, 6:30 pm. The route needs to move to swing closer to the Assisted living facility so you do not need to have a separate bus run from there to a pick-up spot. There is a shelter already in that area. Next to the Honda dealership.	9/5/2014 10:44 PM
54	I really feel you need a bus out earlier... Like 4:30 am... There's no way to get downtown before 6:00 am	8/21/2014 5:38 AM
55	The Wilsonville businesses that support SMART's budget will probably disagree that it should not be subsidizing the needs of people for out-of-town medical services. These services should be run through the county health department or other service agency that subsidizes the medical needs of those on disability, NOT Wilsonville business owners.	8/12/2014 2:22 PM



City of Wilsonville – South Metro Area Regional Transit

TRANSIT INTEGRATION PROJECT

Needs Assessment

September 2013 – DRAFT #2



IN ASSOCIATION WITH:
COGAN OWENS COGAN



Table of Contents

	Page
1 Introduction.....	1-1
Study Overview	1-1
Goals.....	1-1
Objectives	1-1
Public Involvement.....	1-3
2 Planning Context	2-1
3 Existing Services	3-1
SMART System Overview.....	3-1
4 Community Input.....	4-1
Fixed-Route Service Surveys (Route 2X and Line 96)	4-1
Community Online Survey	4-24
Stakeholder Inputs.....	4-34
Summary of Stakeholder and Community Input	4-39
5 Market Assessment.....	5-1
Demographic Analysis	5-1
SMART Route 2X and TriMet Line 96 Origin Destination Analysis	5-5
Medical Trip Analysis.....	5-8
Work Trip Analysis.....	5-10
Travel Demand Analysis Overview	5-17
Market and Needs Assessment Summary	5-29
6 Paratransit and Fixed-route Transit Integration Strategies	6-1

Appendices

Appendix A	Route 2X Onboard Survey Open-Ended Responses and Survey Instrument
Appendix B	TriMet Line 96 Survey Open-Ended Responses
Appendix C	Community (Online) Survey Open-Ended Responses
Appendix D	Compilation of Stakeholder Interviews

Table of Figures

	Page
Figure 1-1 Study Area Map	1-2
Figure 3-1 Existing Local Transit Service Map.....	3-2
Figure 3-2 Existing Regional Transit Service Map	3-3
Figure 3-3 SMART Bus Routes.....	3-4
Figure 3-4 Fixed-Route Fares & Passes	3-7
Figure 3-5 Dial-A-Ride Fares and Passes.....	3-7
Figure 3-6 SMART Ridership by Service Type and/or Route, FY 2012-13	3-8
Figure 3-7 Fixed-Route Ridership Trends, Route 2X and Overall, 2009-2013	3-9
Figure 3-8 Fixed-Route Ridership Trends, Route 2X and Overall, 2009-2013	3-9
Figure 3-9 Dial-A-Ride Ridership Trends, 2009-2013	3-10
Figure 3-10 Dial-A-Ride Ridership, 2009-2013	3-10

3. How likely would you be to use Direct All-Day Route 2X service to Portland (Option 1) if provided?
- ☐ Would use regularly ☐ Would use occasionally ☐ Would be unlikely to use
- ☐ Do not know
4. If Direct All-Day Service (Option 1) cannot be provided for cost or logistical reasons, how well would Integrated Route 2X/Line 96 Service (Option 2) work for you?
- ☐ Well ☐ Fairly well ☐ Possibly ☐ Not at all
- Why? _____
5. How likely would you be to use the integrated Route 2X/TriMet Line 96 service (Option 2) if provided at peak times?
- ☐ Would use regularly ☐ Would use occasionally ☐ Would be unlikely to use
- ☐ Do not know
6. If only mid-day direct service were provided to Portland on Route 2X, how likely would you be to use this service?
- ☐ Would use regularly ☐ Would use occasionally ☐ Would be unlikely to use
- ☐ Do not know
7. What issues or questions would you have about either of the Route 2X options being considered?
- _____
- _____
- _____
8. Are there other options for extending service to Portland that should be considered?
- _____
- _____
- _____
9. What other concerns or comments do you have about SMART's proposal for extending its service to Portland?
- _____
- _____
- _____

**Please return by September 15, 2014 to SMART, City Hall
or the Wilsonville Community Center.**

Thank you for your input!

SMART'S TRANSIT INTEGRATION PROJECT
Improving the Efficiency of Services in the I-5 Corridor

ROUTE 2X SERVICE OPTIONS

July 2014

What is the Transit Integration Project?

Within the Wilsonville to Portland I-5 corridor, SMART is assessing different ways to provide its customers with the best possible services given the resources available. The I-5 Corridor Transit Integration Project is proposing:

- Extension of SMART's 2X service further north to a location closer to downtown Portland or terminating it closer to Wilsonville but with improved connections to TriMet services; and
- A new out-of-town medical shuttle for seniors and persons with disabilities.

Today, SMART uses about 1/3 of its operating budget annually to provide "out-of-district" services. This includes services for commuters to and from Portland and direct door-to-door services for seniors and persons with disabilities (limited to medical trips only outside Wilsonville).

Wilsonville's population is both growing rapidly and aging. SMART needs to ensure that its available transit services are responsive to these changes. It also needs to know that the existing system is efficient, effective, and adaptable to change. The Transit Integration Project is proposing strategies to improve efficiencies and respond to future transit needs.

Why is SMART proposing changes in Route 2X service?

Despite a decline in overall ridership last year, fixed-route ridership has been steadily increasing, with Route 2X ridership increasing by 5% in the past year. Route 2X currently provides local service in Wilsonville (about 30% of trips originate and terminate within the City) and out-of-town service to Tualatin Park & Ride and Barbur Transit Center. Current Route 2X "productivity" is about half of the average for SMART fixed-route service overall (5.0 riders per hour of service versus 9.8 riders per hour). Frequency of service, level of fares relative to TriMet, and location/timing of transit connections are the primary limiting factors in use of SMART Route 2X.

Surveys show that the Wilsonville-Portland I-5 corridor has the highest demand for service among current riders. However, costs for these services continue to rise while the funds available for transit are declining. Future travel markets are expected to be geographically similar to today, with increasing trips as Wilsonville and the region grow. Downtown Portland, including the OHSU/Marquam Hill area, is expected to remain a strong market for both work and non-work travel.

What options have been evaluated?

A variety of strategies have been evaluated for modifying and/or enhancing 2X service to improve the efficiency of the service for Wilsonville employers, employees and residents, enabling resources to be used to provide more frequent service and closer access to popular destinations. Some of the strategies evaluated include:

- Provide direct (no transfers) service to downtown Portland or the South Waterfront area.
- Connect with TriMet services closer to Wilsonville to improve connections to existing transit services in Wilsonville, Tigard and/or Tualatin.
- Upgrade TriMet's Line 96 to provide all-day service to downtown Portland.

Route 2X Service Extension Options

Option 1: Direct Route 2X

Route 2X operates direct service all-day to (A) Downtown Portland or (B) South Waterfront with no transfer required. Does not serve Barbur Transit Center

Option 2: Route 2X/TriMet Line 96

AM/PM Peak: Route 2X provides a connection to TriMet Line 96 at Tualatin Park & Ride. Line 96 provides service to Downtown Portland. (5:30-9:30am / 3:00-8:00pm)
Midday: Route 2X provides service into Portland when Line 96 doesn't operate. Does not serve Barbur Transit Center

1A - Downtown Portland:



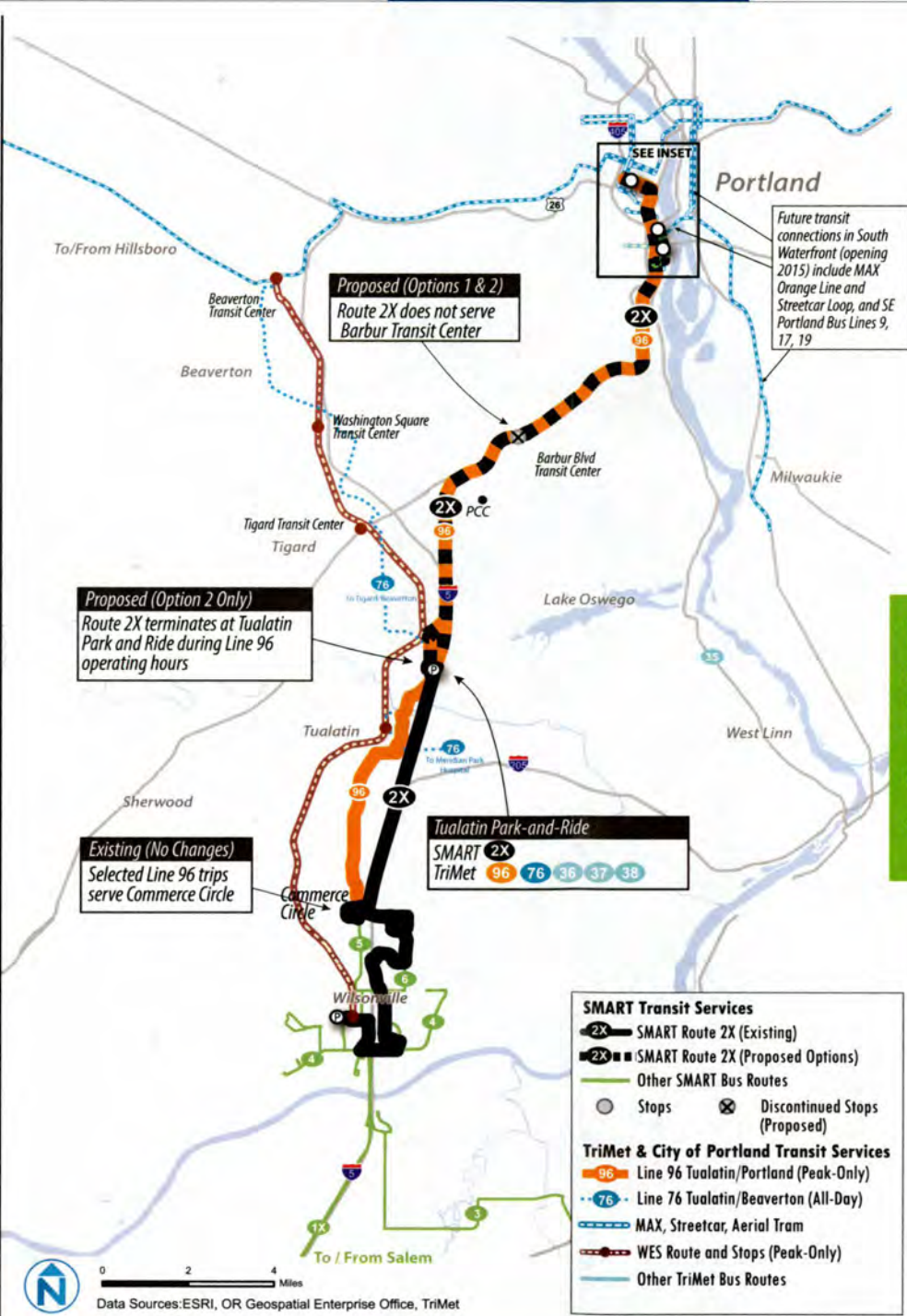
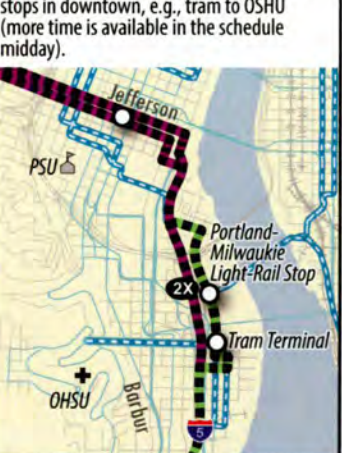
1B - South Waterfront:



AM/PM Peak: Route 2X connects



Midday: Route 2X provides service into



What is being proposed?

Two potential options for improving 2X service, including extending this service to Portland, are being considered. Both options would continue to serve the Tualatin Park & Ride but bypass the Barbur Transit Center. The goal of both is to better serve commuters between Wilsonville and Portland, improve connections to TriMet services, and provide additional opportunities for accessing out-of-town medical services.

■ **Option 1: Direct All-Day Service to Portland.** In this option, SMART would extend its current Route 2X service from the Barbur Transit Center to either downtown Portland or the South Waterfront area. With an extension to downtown Portland, Route 2X could terminate close to PSU near the Transit Mall (access to TriMet buses, MAX light rail, and Streetcar). Alternatively, the extended route could terminate in the South Waterfront, providing access to the aerial tram (to OHSU), existing Streetcar and future Streetcar Loop (to OMSI and Lloyd Center), future MAX Orange Line light rail, and TriMet buses. This option would

eliminate the need to transfer between SMART and TriMet routes in order to access Portland. Combined with bypassing the Barbur Transit Center, this service would be expected to reduce the commute time between Wilsonville and Portland.

■ **Option 2: Integrated Route 2X/TriMet Line 96 Service.** In this option, SMART would work with TriMet to improve Line 96 connections to Wilsonville by extending the current Line 96 service from the north end of town to SMART Central. Additionally, SMART would expand mid-day access to Portland by offering direct Route 2X service to either downtown or the South Waterfront when Line 96 is not operating. The goal of this option would be to avoid service duplication and save resources that SMART can use to enhance other services.

During AM/PM Peak Hours, Route 2X would terminate at Tualatin Park & Ride when TriMet's Line 96 operates (about 5:30-9:30 AM and 3-8 PM). Line 96 would serve downtown Portland, with connections to TriMet buses, MAX light rail, and Streetcar.

During the Mid-Day, Route 2X would be extended to downtown Portland (about 9:30 AM – 3 PM). It would follow a similar route to Line 96. This service would be expected to be especially helpful to swing shift workers when Line 96 is not operating.

The total one-way fare to Portland would be \$3 for either option. In Option 1, SMART would receive the fare. In Option 2, the Route 2X fare would be reduced to 50 cents. With a TriMet fare of \$2.50, the total fare would be \$3.

What's next for the project and how can I obtain more information?

Before finalizing project recommendations, SMART is seeking public input through a variety of means, including stakeholder interviews, group presentations, intercept surveys, mobile displays, and an online questionnaire.

Please visit SMART's website at www.ridesmart.com and the link to the Transit Integration Project.

Or you may contact: Jen Massa Smith, SMART Program Manager
503-682-4523, massa@ridesmart.com

Questionnaire

1. How often do you use SMART's 2X service? (Please check one.)
☐ Never ☐ Less than once per month ☐ More than 5 times per month
☐ More than 10 times per month
2. Which destination in the Portland area – Downtown or South Waterfront – do you feel would be more important to serve with an extension of the 2X route?
☐ Downtown ☐ South Waterfront
Why? _____

3. Que tan probable seria que usted use la ruta directa servicio 2x a Portland (Opción 1) si se proporciona?
- ☐ Usaría regularmente ☐ Usaría ocasionalmente ☐ Seria improbable que la use
- ☐ No se
4. Si el servicio directo todo el día (Opción 1) no se puede proporcionar por razones lógicas o costos, integraría el servicio de Ruta 2x/Línea 96 (Opción 2) trabajaría para usted?
- ☐ Bastante bien ☐ Bien ☐ Posiblemente ☐ De ningún modo
- Porque? _____
5. Que tan probable estaría usted a utilizar la ruta integrada Ruta 2x/ Servicio de Línea 96 TriMet (Opcion2) si proporcionada a la hora de pico?
- ☐ Usaría regularmente ☐ Usaría ocasionalmente ☐ Seria improbable que la utilice
- ☐ No se
6. Si solo servicio directos de medio día fueran proporcionados a Portland en la Ruta 2x, que tan probable usaría este servicio?
- ☐ Usaría regularmente ☐ Usaría ocasionalmente ☐ Seria improbable que la utilice
- ☐ No se
7. Que temas o preguntas tendría sobre cualquier opciones de la Ruta 2x siendo consideradas?
- _____
- _____
- _____
8. Hay otras opciones para extender los servicios de Portland que deberían ser considerados?
- _____
- _____
- _____
9. Que otras preocupaciones o comentarios tiene sobre la propuesta de SMART para extender sus servicios a Portland?
- _____
- _____
- _____

Por favor devuelva para Septiembre 15, 2014 a SMART, City Hall o Wilsonville Community Center.

Gracias!

PROYECTO DEL INTEGRACIÓN DE TRÁNSITO

OPCIONES DEL SERVICIO 2X

Julio 2014

Cual es el proyecto de integración de transito?

Dentro de el corredor de Wilsonville a Portland I-5. SMART esta evaluando diferentes maneras de proveer a sus clientes con los mejores servicios posibles dando los mejores recursos disponibles. El proyecto de integración de transito de corredor I-5 esta proponiendo:

- Extensión de servicio de SMART 2x mas al norte a una locación mas cercana al centro de Portland o terminar mas cerca de Wilsonville pero con una mejor conexión al los servicios del TriMet; y
- Un transporte medico nuevo fuera de la ciudad para las personas mayores y las personas con discapacidad.

Hoy, SMART usa cerca de 1/3 de su presupuesto operativo anual para proporcionar servicios "fuera del distrito". Esto incluye los servicios para los viajeros hacia y desde Portland y servicios directos de puerta a puerta para personas mayores y personas con discapacidad (limitado a los viajes médicos fuera de Wilsonville).

La poblacion de Wilsonville esta creciendo rápidamente y envejeciendo. SMART debe asegurarse de que sus servicios de transporte disponibles sean sensibles a estos cambios. También hay que saber que el sistema actual es eficiente, eficaz, y adaptable al cambio. El proyecto de integración de transito esta proponiendo estrategias para mejorar eficiencias y responder a las nuevas necesidades de transito.

Porque SMART esta proponiendo cambios en la ruta de servicio 2x?

A pesar de un descanso global del ano pasado de pasajeros de ruta fija ha ido en constante aumento con la ruta 2x numero de usuarios cada vez mayor de 5% en el ultimo ano.

Actualmente Ruta 2x ofrece servicios locales en Wilsonville (cerca de 30% de los viajes se originan y terminan dentro de la ciudad) y servicios fuera de la ciudad a Tualatin Park y Ride y Barbur Transit Center. Actualmente la productividad de la Ruta 2x es aproximadamente la mitad de la media de los servicios generales de la ruta fija (5.0 viajeros por hora de servicio versus 9.8 viajeros por hora). Los principales factores limitantes en el uso de SMART Ruta 2x son la frecuencia de servicio y las tarifas de nivel en relación con TriMet y lugar/tiempo de conexiones de transito.

Las encuestas muestran que el corredor de Wilsonville-Portland I-5 tiene la mayor demanda de servicios entre los viajeros actuales. Sin embargo, los costos por estos servicios siguen subiendo mientras que los fondos disponibles para tránsitos están disminuyendo. Se espera que los nuevos mercados de viajes van a ser geográficamente similar a la de hoy, con el aumento de viajes como Wilsonville y la región por crecer. El Centro de Portland, incluyendo la área de OHSU/Marquam Hill, se espera que se mantenga un Mercado fuerte para el trabajo y los viajes no de trabajo.

Cuales opciones han sido evaluadas?

Una variedad de estrategias han sido evaluadas para modificar y/o mejorar los servicios de 2x para mejorar la eficiencia de su servicio para los empleadores, empleados, y residentes de Wilsonville permitiendo que los recursos que se utilizan proporcionen servicios mas frecuente y acceso mas cercano a los destinos mas populares. Algunas de las estrategias evaluadas incluyen:

- Proporcionar servicio directo (no transferencias) al Centro de Portland o al South Waterfront Area.
- Coneccion con los servicios de TriMet mas cercas a Wilsonville para mejorar las conexiones a los servicios de transito que existen en Wilsonville, Tigard y/o Tualatin.
- Actualizar la Linea 96 de TriMet para proporcionar servicio todo el día al Centro de Portland.

Route 2X Service Extension Options

Option 1: Direct Route 2X

Route 2X operates direct service all-day to (A) Downtown Portland or (B) South Waterfront with no transfer required. Does not serve Barbur Transit Center

Option 2: Route 2X/TriMet Line 96

AM/PM Peak: Route 2X provides a connection to TriMet Line 96 at Tualatin Park & Ride. Line 96 provides service to Downtown Portland. (5:30-9:30am / 3:00-8:00pm)
Midday: Route 2X provides service into Portland when Line 96 doesn't operate. Does not serve Barbur Transit Center

1A - Downtown Portland: MAX Streetcar, bus connections on Transit Mall



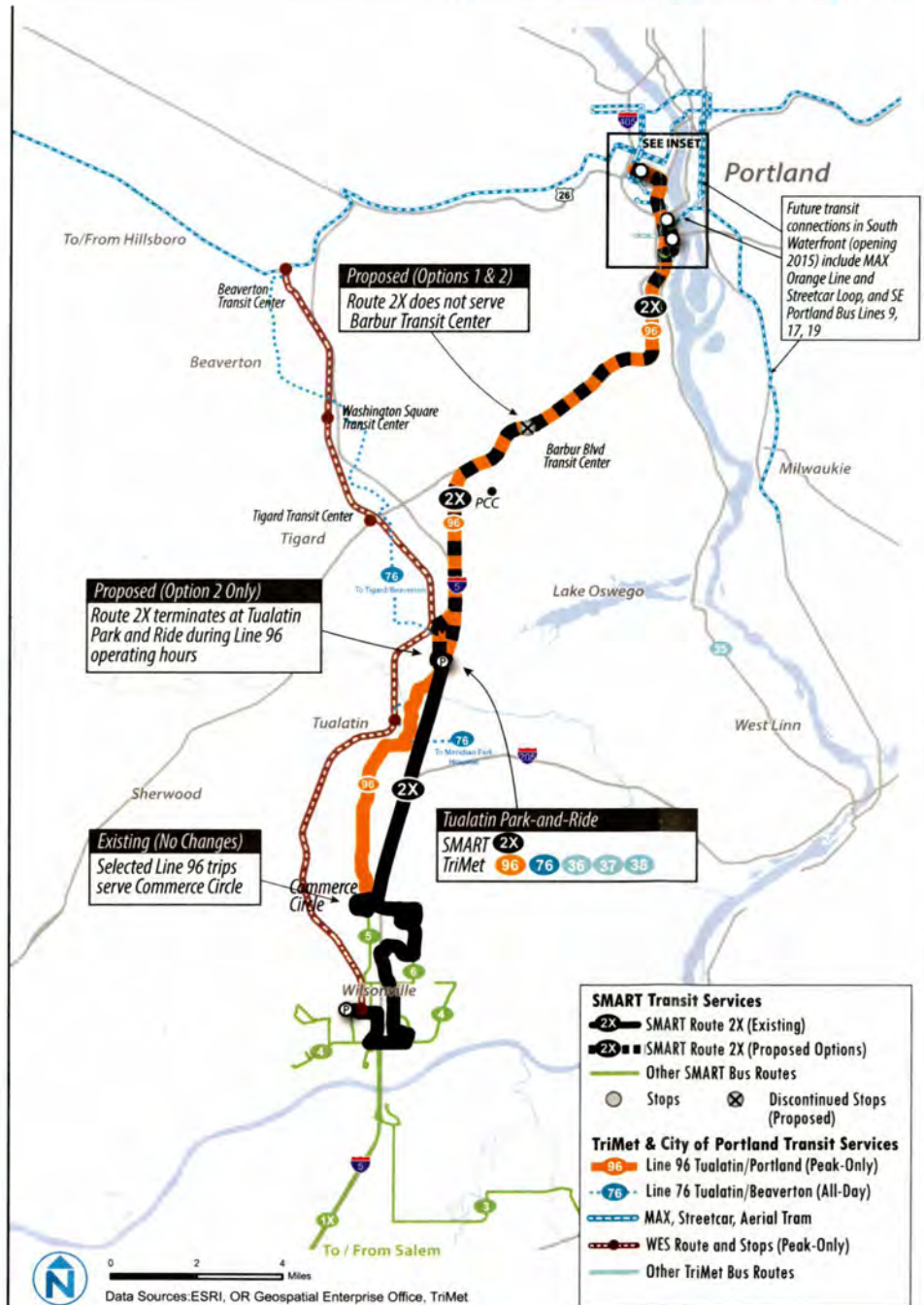
AM/PM Peak: Route 2X connects to Line 96 in Tualatin. Line 96 serves stops in Downtown Portland.



1B - South Waterfront: Tram, MAX, Streetcar, TriMet Routes 9, 17, 19, and 35



Midday: Route 2X provides service into Portland. Route 2X could also make other stops in downtown, e.g., tram to OSHU (more time is available in the schedule midday).



Que es los que se propone?

Dos posibles opciones para mejorar el servicio 2x han sido consideradas, incluyendo extendiendo este servicio a Portland. Ambas opciones incluyen continuar sirviendo a Tualatin Park y Ride pero derivar el Barbur Transit Center. El objetivo de ambos es para servir mejor a los pasajeros entre Wilsonville y Portland, mejorar las conexiones de servicios de TriMet , y proporcionar oportunidades adicionales para ascender fuera de la ciudad los servicios médicos.

■ **Opción 1: Dirigir todos los servicios de un día a Portland.** En esta opcion, SMART extendería los servicios de la ruta actual 2x de Barbur Transit Center a cualquiera de el Centro de Portland o al área de South of the Waterfront. Con una extensión de el Centro de Portland, Ruta 2x podría terminar cerca de PSU cerca de Transit Mall (con acceso de buses a TriMet, Tren Ligero MAX, y tranvía). Alternativamente, la ruta ampliada podría terminar en South Waterfront, proporcionando acceso al teleférico (a OHSU), tranvía existente y además bucle tranvía (a OMSI y Lloyd Center), MAX tren ligero línea naranja futura, y buses TriMet. Esta opción eliminaría la necesidad de transferencia entre SMART y la rutas TriMet con el fin de acceso a Portland. Combinado con pasar por el Barbur Transit Center, este servicio seria para reducir el tiempo de viaje entre Wilsonville y Portland.

■ **Opción 2: Ruta Integrada 2x/TriMet Servicio Línea 96.** En esta opción, SMART trabajaría con TriMet para mejorar las conexiones con la línea 96 a Wilsonville mediante la extensión de los servicios de la corriente Línea 96 de extremo norte de la ciudad a SMART Central. Adicionalmente, SMART ampliaría el acceso a medio día a Portland ofreciendo servicio Ruta 2x directo ya sea al centro o South Waterfront cuando la line 96 no este funcionando. El objetivo de esta opción seria evitar servicios duplicando y ahorrar recursos que SMART puede usar para mejorar otros servicios.

Durante las horas de pico AM/PM, Ruta 2x terminaría en Tualatin Park y Ride cuando Línea 96 TriMet funciona (acerca 5:30 AM – 9:30 AM and 3-8 PM). Línea 96 serviría al Centro de Portland con conexiones a los buses TriMet, Tren Ligero MAX, y tranvía.

Durante medio día, Ruta 2x seria extendida al Centro de Portland (acerca 9:30 AM- 3 PM. Seguiría una ruta similar a la Línea 96. Este servicio se espera que sea especialmente útil para hacer pivotar los trabajadores por turnos cuando Línea 96 no esta funcionando.

El precio total unidireccional a Portland seria \$3 para cualquiera opción. En la opción 1, SMART recibiría la tarifa. En la opción 2, la Ruta 2x la tarifa seria reducida de 50 centavos. Con una tarifa de TriMet de \$2.50, el total de la tarifa seria \$3.

Que sigue para el proyecto y como puedo obtener mas información?

Antes de finalizar las recomendaciones del proyecto, SMART esta buscando la opción publica a través de una variedad de medios incluyendo entrevistas con los interesados, las presentaciones de grupo, encuestas de intercepción, pantallas móviles, y un cuestionario en línea.

Por favor visite el sitio web de SMART en www.ridesmart.com y el circulo con el proyecto de integración de transito.

O puede comunicarse con: Jen Massa Smith, Directora de Programa SMART
503-682-4523, massa@ridesmart.com

Cuestionario

- Con que frecuencia utiliza el servicio 2x de SMART? (Por favor seleccione uno.)
☐ Nunca ☐ Menos de una vez al mes ☐ Mas de 5 veces al mes
☐ Mas de 10 veces al mes
- Que destino a la area de Portland- Centro de Portland o South Waterfront siente seria mas importante para server la extensión de ruta 2x?
☐ Centro ☐ South Waterfront
Porque? _____

3. How likely would you be to use a shuttle bus to access out-of-town medical services?

☐ Very likely ☐ Likely ☐ Unlikely ☐ Don't Know

If unlikely, why? _____

4. What factors would most affect your use of a shuttle for access to out-of-town medical services? (Check all that apply.)

☐ Where the shuttle goes

☐ Times of day that the shuttle runs

☐ Days of the week that the shuttle runs

☐ Other (Please specify.) _____

5. What's the single most important factor that would influence your use of a shuttle bus to access out-of-town medical services?

6. Assuming that SMART has the ability to run the shuttle 5 days per week, what are the 5 most important days? (Please check up to 5.)

☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday ☐ Saturday

7. What is your sense about how other seniors and persons with disabilities may feel about the proposed shuttle bus to access out-of-town medical services?

☐ Will be supportive ☐ Will oppose it ☐ Will be able to live with it

☐ Will not have opinions ☐ Don't know

8. What other concerns do you have about SMART's proposal for continuing to provide access to out-of-town medical services?

**Please return by September 15, 2014 to SMART, City Hall
or the Wilsonville Community Center.**

Thank you for your input!



SMART'S TRANSIT INTEGRATION PROJECT

Improving the Efficiency of Services in the I-5 Corridor

OUT-OF-TOWN MEDICAL SHUTTLE

July 2014

What is the Transit integration Project and what is proposed?

Within the Wilsonville to Portland I-5 corridor, SMART is assessing possible ways to provide its customers with the best possible services given the resources available. The I-5 Corridor Transit Integration Project is proposing:

- A new out-of-town medical shuttle for seniors and persons with disabilities; and
- Extension of SMART's 2X service further north to a location closer to downtown Portland or terminating it closer to Wilsonville but with improved connections to TriMet services.

Today, SMART uses about 1/3 of its operating budget annually to provide "out-of-district" services. This includes services for commuters to and from Portland and direct door-to-door services for seniors and persons with disabilities (limited to medical trips only outside Wilsonville).

Why is SMART proposing a new out-of-town medical shuttle?

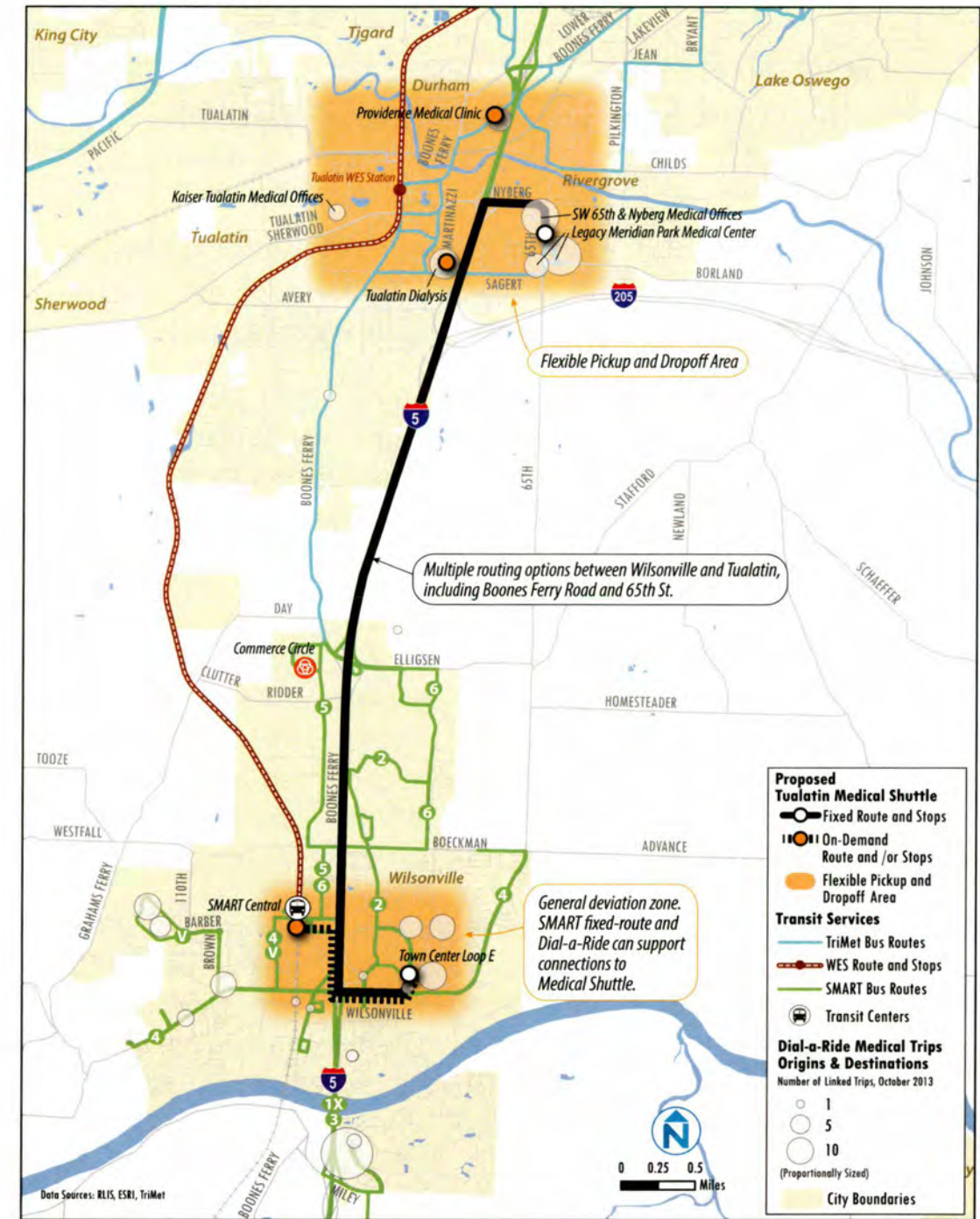
In 2012, SMART provided over 15,000 demand responsive (dial-a-ride) trips. Of these, the largest share (55%) were trips by persons with disabilities. Over a quarter of all trips were out-of-town medical rides. In terms of operating costs, a fixed-route trip costs SMART an average of \$7 per rider. A non-medical dial-a-ride trip costs SMART nearly \$39; a medical dial-a-ride trip costs approximately \$45 per trip.

SMART receives grant funding to operate one van outside of Wilsonville for medical trips. Grant restrictions limit these trips to medical destinations. While demand for medical trips outside of Wilsonville is growing, the number of trips provided has remained constant, indicating that many trip needs are going unmet. Almost half of out-of-town medical service trips are to destinations clustered in the Tualatin area, with another 20% within 5 miles of Tualatin.



As Wilsonville's population ages, the demand for medical trips is expected to increase, while the resources available for providing medical trips may remain fixed. The combination of limited funding, increasing costs and increasing demand requires SMART to prioritize access to door-to-door, on-demand services for persons with disabilities and to deny some trip requests for the general public and for medical trips outside of the city. SMART would like to maintain its out-of-district services and this project focuses on how efficiencies can be created by integrating fixed-route and demand-responsive services. While the service may function differently, the goal is to provide more options.

Medical Shuttle Route



How would the medical shuttle work?

A new **medical shuttle service** is proposed to replace the current dial-a-ride service for medical trips outside of Wilsonville. The shuttle would make scheduled stops at a couple of locations in Wilsonville and at popular medical facilities in the Tualatin area that make up the majority of current out-of-town medical service destinations. It is anticipated that the shuttle would operate 5 days per week, with the specific days to be determined. SMART local buses or in-city dial-a-ride would remain available to provide connections to in-town destinations. Additionally, time would be built into the schedule to allow for a limited number of stops at medical facilities not on the schedule or to home locations in Wilsonville. No changes in eligibility or cost for out-of-town medical service are proposed.

What's next for the project and how can I obtain more information?

Before finalizing project recommendations, SMART is seeking public input through a variety of means, including stakeholder interviews, group presentations, intercept surveys, mobile displays, and an on-line questionnaire.

Please visit SMART's website at www.ridesmart.com and the link to the Transit Integration Project.

Or you may contact: **Jen Massa Smith**
SMART Program Manager
503-682-4523
massa@ridesmart.com

Questionnaire

- How often do you use SMART's dial-a-ride service for medical trips outside of Wilsonville? (Please check one.)
☐ Never ☐ Less than once per month ☐ More than 5 times per month
☐ More than 10 times per month
- What are your three most frequent locations when using SMART's dial-a-ride service for medical trips outside of Wilsonville?
1. _____
2. _____
3. _____

Figure 3-11	System Productivity Measures FY2011-12 and 2007	3-11
Figure 3-12	SMART Operating Costs, FY 2011-12	3-12
Figure 3-13	SMART Operating Costs, FY 2011-12	3-12
Figure 3-14	Major Transfer Locations to/from SMART Routes	3-13
Figure 3-15	Typical Vehicle Types and Capacities on Route 2X	3-13
Figure 3-16	Public Transit Travel Options between Wilsonville SMART Central and Downtown Portland	3-15
Figure 4-1	Summary of On-board and Online Survey Findings	4-2
Figure 4-2	What is the purpose of your trip?	4-3
Figure 4-3	Travel between Wilsonville and Other Cities(.....	4-4
Figure 4-4	Breakdown of Portland Origins/Destinations	4-4
Figure 4-5	How did you get to the bus?	4-5
Figure 4-6	How will you get from the bus to your final destination?	4-5
Figure 4-7	Transit Routes Transferred To/From	4-6
Figure 4-8	How often do you ride SMART Route 2X?	4-6
Figure 4-9	Trip purpose by frequency of ridership	4-7
Figure 4-10	Trip Purpose by Income Category	4-7
Figure 4-11	Trip Purpose by Age Group	4-8
Figure 4-12	How long have you been riding SMART Route 2X?	4-8
Figure 4-13	How did you pay your fare for this bus?	4-9
Figure 4-14	Frequency of ridership by fare payment type	4-10
Figure 4-15	If SMART Route 2X was not available, how would you have made this trip?	4-10
Figure 4-16	Use of TriMet Line 96 by SMART Usage Frequency	4-11
Figure 4-17	Other Locations Route 2X Should Serve	4-12
Figure 4-18	What improvements would help you choose to ride Route 2X more often?	4-12
Figure 4-19	Route 2X Improvement by Income Category	4-13
Figure 4-20	Route 2X Improvement by Age Group	4-14
Figure 4-21	Summary of Open-Ended Comments	4-14
Figure 4-22	What is your age?	4-15
Figure 4-23	What is your total household income (before taxes)?	4-16
Figure 4-24	What is your employment or student status?	4-16
Figure 4-25	What is the purpose of your trip?	4-17
Figure 4-26	Origins and destinations of eligible Line 96 passengers	4-18
Figure 4-27	How did you get to or go from the bus?	4-18
Figure 4-28	Transfer routes to/from Line 96	4-19
Figure 4-29	Means of fare payment on Line 96	4-19
Figure 4-30	Frequency of transit ridership	4-20
Figure 4-31	Trip purpose by the frequency of ridership	4-21
Figure 4-32	How long respondents have been riding transit	4-21
Figure 4-33	Top 3 and most important improvements that would help respondents ride transit more	4-23
Figure 4-34	Age of survey respondents	4-23
Figure 4-35	Household incomes of respondents	4-24
Figure 4-36	In the past year, how often have you used SMART transit scheduled (fixed route) and/or Dial-A-Ride (door-to-door) services?	4-25

Transit Integration Project | Needs Assessment - DRAFT
City of Wilsonville – South Metro Area Regional Transit

Figure 4-37	How important are the following factors in your decision to use SMART?.....	4-25
Figure 4-38	If you indicated that you never or rarely ride SMART, please indicate which factors impact your decision to not ride at this time?.....	4-26
Figure 4-39	What SMART services do you most frequently use?.....	4-27
Figure 4-40	How often do you ride SMART's Route 2X?	4-27
Figure 4-41	What improvements would make you more likely to use Route 2X or use it more often?	4-28
Figure 4-42	How do each of the following factors influence your decision to use Dial – A – Ride instead of the fixed route bus?	4-29
Figure 4-43	What type of destination(s) are the options you provided?	4-29
Figure 4-44	Would you support additional local funding for SMART services to provide the improvements or service to additional destinations that you identified?	4-30
Figure 4-45	In the past year, how often have you used TriMet WES, buses, or MAX?	4-31
Figure 4-46	Respondent Home Zip Codes	4-31
Figure 4-47	What is your age?.....	4-32
Figure 4-48	Do you have a disability which prevents you from using fixed route services?	4-32
Figure 4-49	If yes, type of disability?	4-33
Figure 4-50	What is your income range?	4-33
Figure 4-51	Stakeholder List.....	4-35
Figure 5-1	Demographics, 2010	5-2
Figure 5-2	Population Density, 2010.....	5-3
Figure 5-3	Senior Population Density, 2010	5-4
Figure 5-4	Route 2X Rider Origin-Destination Locations – Local	5-6
Figure 5-5	Route 2X Rider Origin-Destination Locations – Regional	5-7
Figure 5-6	Medical Trip Rider Origin-Destination Locations.....	5-9
Figure 5-7	Top Employers by FTE Employees	5-10
Figure 5-8	Work Locations of Wilsonville Residents (1% or more of workers)	5-11
Figure 5-9	Local Work Locations for Wilsonville Workers	5-12
Figure 5-10	Regional Work Locations for Wilsonville Residents.....	5-13
Figure 5-11	Home Locations of Wilsonville Workers (100 or more workers).....	5-14
Figure 5-12	Local Home Locations for Wilsonville Workers	5-15
Figure 5-13	Regional Home Locations for Wilsonville Workers.....	5-16
Figure 5-14	Home-Based Work Trips, 2035: All Trips, Transit Trips, and Transit Share of All Trips.....	5-20
Figure 5-15	Change in Home-Based Work Trips, 2010-2035: All Trips and Transit Trips.....	5-21
Figure 5-16	Projected Density of Home-based Work Person Trips, 2035	5-22
Figure 5-17	Projected Density of Change in Home-based Work Person Trips, 2010-2035.....	5-23
Figure 5-18	Projected Density of Home-based Work Transit Trips, 2035	5-24
Figure 5-19	Non-Work Trips, 2035: All Trips, Transit Trips, and Transit Share of All Trips.....	5-26
Figure 5-20	Change in Non-Work Trips, 2010-2035: All Trips and Transit Trips.....	5-27
Figure 5-21	Projected Density of Change in Non-Work Person Trips, 2010-2035.....	5-28
Figure 6-1	Benefits and Disadvantages of Paratransit and Fixed-Route Integration.....	6-4

1 INTRODUCTION

STUDY OVERVIEW

Wilsonville's population is rapidly growing. Demographics are changing as the population grows older. People are on the move throughout the city and the region. With these transformations, is the available transit service responsive to changing needs? Is the existing system efficient, effective, and adaptable to change? The purpose of the Transit Integration Project is to analyze the existing system to answer the above questions. The study focuses on two Wilsonville-South Metro Area Regional Transit (SMART) services – Route 2X which circulates Wilsonville then travels I-5 to Barbur Transit center, and the Portland Area Medical Program which provides door-to-door service to medical appointments in the Portland area for Wilsonville residents age 60 and older and for persons with disabilities.

Figure 1-1 illustrates SMART Route 2x and other regional and local transit services.

GOALS

To answer these questions, SMART has developed project goals and objectives. In refining these goals and objectives, the project team focused on the current and future needs of the Wilsonville population. The goals of the Project are to:

- Explore options to directly connect Wilsonville to downtown Portland
- Develop strategies to integrate fixed-route and Dial-a-Ride (DAR) service along the I-5 corridor
- Assure financial sustainability on corridor services

OBJECTIVES

Project objectives assure a full analysis and development of economically sustainable recommendations that increase transit service quality for Wilsonville. These include:

- Assess transit market(s) in the I-5 corridor north of Wilsonville
- Identify options for meeting special needs transportation in corridor
- Identify options to control demand for dial-a-ride service and shift riders to fixed-route where appropriate
- Develop financially stable, preferred set of service and support options

PUBLIC INVOLVEMENT

A robust public involvement process is an integral part of the project. The project team has established a series of public involvement steps that include outreach through a variety of media, including SMART's website, informational flyers, interviews, surveys and presentations. Rider and community surveys were conducted during the spring of 2013 to gather inputs from vested populations and the general public. On-board surveys of SMART Route 2X passengers and an online survey of TriMet Line 96 riders were conducted to reach current fixed-route passengers. A virtual (online) Open House and other public outreach events will occur later this summer/September to present the findings of the Needs Assessment to the public and gather input. During the next phase of the project, the project team will develop strategies to meet the study goals and objectives. The project team will meet with stakeholders to obtain feedback on potential strategies and an Open House event will be scheduled in Fall/Winter 2013 to obtain community feedback on the recommended strategies.

Additional information on the project's public involvement program is provided in a separate report, Public Involvement Activities and Input.

2 PLANNING CONTEXT

When the City of Wilsonville successfully petitioned to withdraw from the TriMet service district in 1988 and formed an independent, city-owned transit system, TriMet service to Wilsonville consisted of a single peak-hour route.¹ In 1991, Wilsonville Area Rapid Transit (WART) began operating free, door-to-door service in the city. In 1993, the system was rebranded as SMART (South Metro Area Rapid Transit) and it started fixed-route service to major employer sites from Oregon City, Tualatin, and Barbur Transit Center. The City also contracted with TriMet to extend Line 96 to Wilsonville.

SMART services have since evolved to include local and regional services operated in-house, supported by local businesses (through a 0.30% payroll tax) and grant funds. In 2007, SMART changed its name to South Metro Area Regional Transit and the City developed a Transit Master Plan (TMP), summarized below, which responded to the planned introduction of TriMet's Westside Express Service (WES) commuter rail between Wilsonville and Beaverton Transit Center. When WES service launched in 2009, SMART restructured service with all routes transferring at the SMART Central transit center at Wilsonville Station.

Wilsonville Transit Master Plan (2008)

This section summarizes key portions of the Wilsonville TMP that are most directly relevant to this study.

Transit Goals

The TMP incorporates two primary goals for transit from Chapters 6 and 8 of the City's Transportation System Plan (TSP):

- **Goal 1.** To promote an effective transit system that is a viable alternative to the single occupant vehicle; responds to the mobility needs of residents, employers, and employees; permits easy shifts from one mode to another; offers choice and convenience; and connects to other regional transportation systems.
- **Goal 2.** To develop and implement Transportation Demand Management strategies in order to create greater choice and mobility; reduce automobile trips; make more efficient use of the roadway system; and minimize air pollution.

Implementation Phases

The TMP defined three phases of early implementation:

¹ <http://www.ridesmart.com/Index.aspx?page=72>; Wilsonville Transit Master Plan, 2008, p. 69.

- **Phase 1 – WES.** The first phase of the TMP responded to implementation of TriMet's WES commuter rail between Wilsonville and Beaverton Transit Center. The key improvements were to coordinate route schedules with WES trains; add a route serving the eastside employment areas and Boeckman Road; and provide additional Route 1X trips to Salem.
- **Phase 2 – Downtown Portland Extension.** The second phase proposed extending what is now known as Route 2X to downtown Portland, to provide direct connections to TriMet MAX, Portland Streetcar, and additional TriMet bus lines. This proposal, which is a central consideration for this study, is summarized in further detail below.
- **Phase 3 – Expansion to New Development.** The third phase proposed extending SMART service to the Villebois area, i.e., an expanded version of the current Route V (Villebois shuttle) that provides two morning and two evening round trips along a portion of the route included in the TMP.

The TMP also included additional proposed route additions, modifications, and extensions, with various implementation timelines.

Proposed Route 2X Extension to Portland

The TMP proposed extending Route 2x (previously Route 201) beyond Barbur Transit Center along Barbur Boulevard, serving stops at SW Bertha / SW Terwilliger Boulevards and SW Harrison Street / SW 12th Avenue (PSU) with a turnaround in the vicinity of SW 10th / SW Yamhill Avenues in downtown Portland. The one-way travel time was estimated to be about 45 minutes, competitive with a driving time of about 30 minutes. Departures from Portland were anticipated to range from 5:00 a.m. to 7:41 p.m. When demand exceeded 30-minute headways, every other run was envisioned to operate as an express route to SMART Central, with no local stops in the eastern part of Wilsonville.

Transit Master Plan References

- Recommended Bus Routes and Service: Chapter 2
- Existing Conditions and Route Maps (2008): Chapter 5

3 EXISTING SERVICES

This section provides an overview of SMART services, as well as operating statistics and trends. This analysis of existing conditions, along with the assessment of community needs and transit market conditions, forms the basis for developing service improvement strategies.

SMART SYSTEM OVERVIEW

Fixed-route System

SMART currently operates four local and three intercity fixed-routes that provide connections throughout the region. SMART serves an 80 square mile service area, but regional connections extend out of the core service area. As shown in Figure 3-1, all SMART routes radiate out from SMART Central at Wilsonville Station. The transit center was opened in 2009 and serves SMART buses, TriMet Westside Express Service (WES) trains, and Salem-Keizer Transit (SKT) Cherriots buses. SMART Central includes a 400-car park-and-ride lot. SMART's seven fixed-routes are described below.

The SMART system operates only on weekdays, except routes 2X and 4 which also run on Saturdays, offering shortened trips. Hours of operation vary by route. Service generally starts between 5:00 a.m. and 6:30 a.m. and ends between 5:45 p.m. and 8:00 p.m.

Local Service

SMART's four local routes are illustrated in Figure 3-1 and described in more detail in Figure 3-3.

- Route 4 – Wilsonville Road East/West.
- Route 5 – 95th Avenue. Serves a common stop with TriMet Line 96 at Commerce Circle, but there is not a timed transfer.
- Route 6 – Canyon Creek.
- Route V – Villebois.

Intercity Service

SMART's three regional routes are illustrated in Figure 3-1 (local terminations) and Figure 3-2 (regional coverage) and described in more detail in Figure 3-3.

- Route 1X – Salem. Connects to Salem-Keizer Transit (SKT) services in Salem.²
- Route 2X – Barbur. Connects to TriMet services at SMART Central, Tualatin Park & Ride, and Barbur Transit Center. Timed transfers are available between Route 2X and WES at

² SKT and SMART co-operate the Route 1X service between Wilsonville and Salem, departing from SMART Central.

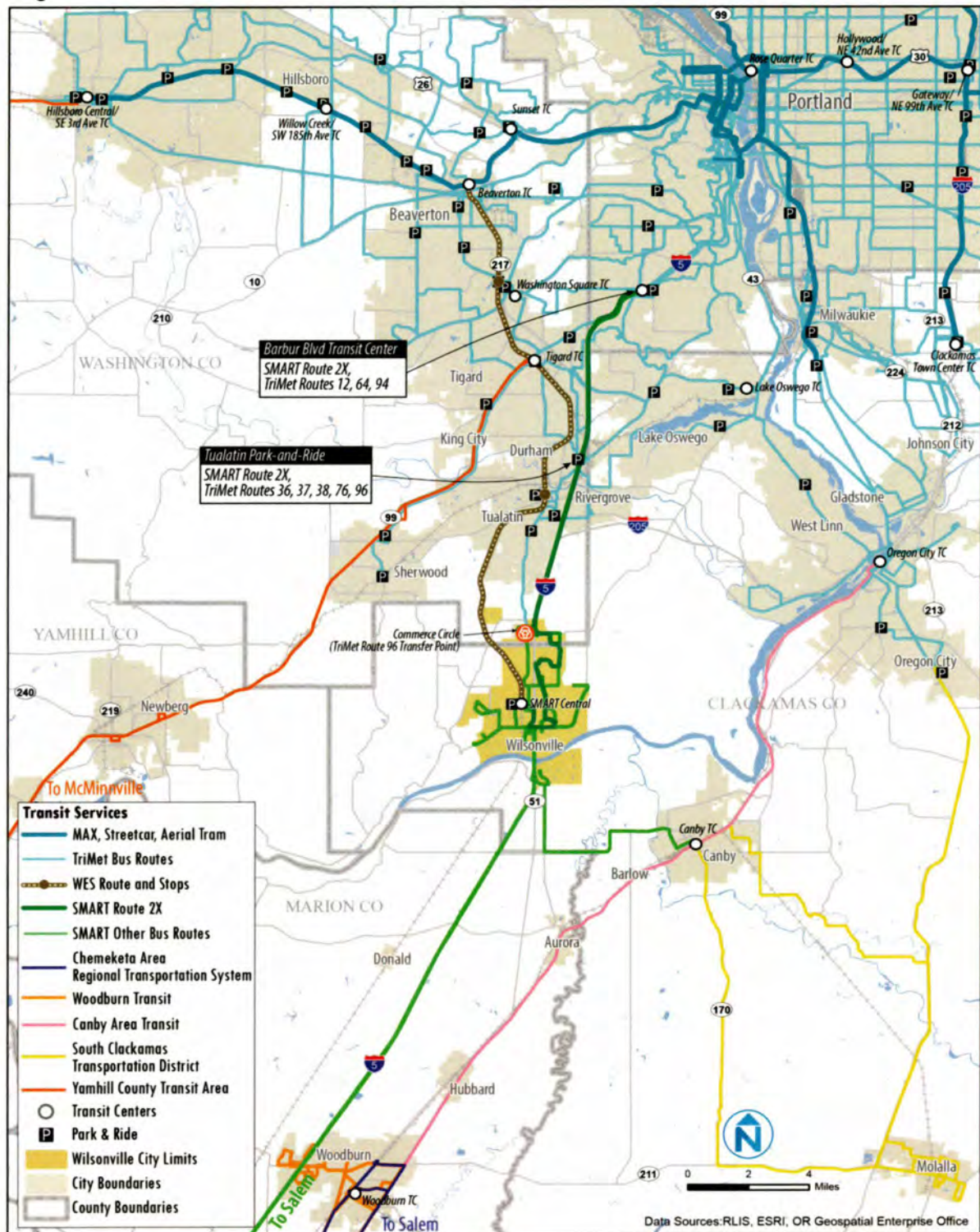
SMART Central or between Route 2X and TriMet Line 76 at Tualatin P&R (when WES is not in service). Route 2X terminates at Tualatin Park & Ride on Saturdays.

- Figure 3-1 Existing Local Transit Service Map**



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Figure 3-2 Existing Regional Transit Service Map



Transit Integration Project | Needs Assessment - DRAFT
City of Wilsonville – South Metro Area Regional Transit

Figure 3-3 SMART Bus Routes

Route	Service Type	Name	Termination(s) / Major Transit Centers	Other Major Destinations	Weekday Headway ¹	Weekday Service Span ²	Saturday Headway ¹	Saturday Service Span /
1X ³	Intercity	Salem	▪ Salem Transit Center	▪ State Capital	30-60 min	4:30 a.m.-10:00 a.m. 3:30 p.m.-8:00 p.m. No midday service	No Service	No Service
2X	Intercity	Barbur	▪ Tualatin P&R ⁴ ▪ Barbur Blvd Transit Center	▪ Wilsonville City Hall ▪ Mentor Graphics ▪ Xerox campus ▪ Argyle Square ▪ Commerce Circle	20-60 min	5:00 a.m.-9:45 p.m.	60-120 min	8:15 a.m. – 5:45 p.m.
3	Intercity	Charbonneau Canby	▪ Canby Transit Center	▪ Springbridge at Charbonneau	60 min	6:00 a.m.-9:15 a.m. 3:30 p.m.-7:30 p.m. No midday service	No Service	No Service
4	Local	Wilsonville Road East/West	▪ Boulder Creek Apts. or Mentor Graphics ▪ Boones Ferry Primary School or Graham Oaks Nature Park	▪ Boeckman School ▪ Wilsonville H.S. ▪ Civic Center ▪ Town Center Loop ▪ Inza Wood Middle School	30-60 min	5:00 a.m.-7:45 p.m.	60-120 min	8:30 a.m.-5:30 p.m.
5	Local	95 th Avenue	▪ Pioneer Cemetery	▪ Pioneer Cemetery, Commerce Circle	30 min	5:30 a.m.-10:15 a.m. 3:15 p.m.-7:15 p.m. No midday service	No Service	No Service
6	Local	Canyon Creek	▪ Argyle Square	▪ Mentor Graphics ▪ Xerox campus ▪ Argyle Square	30 min	6:30 a.m.-10:05 a.m. 3:15 p.m.-7:39 p.m. No midday service	No Service	No Service
V	Local	Villebois Shuttle	▪ Villebois		2 a.m. & 2 p.m. trips	6:07 a.m.-6:45 a.m. 5:07 p.m.-5:45 p.m.	No Service	No Service
8X ⁵	Intercity	Beaverton	▪ Beaverton Transit Center	▪ Barber & Boberg	1 a.m. & 1 p.m. trip	5:20 a.m.-5:45 a.m. 10:05 p.m.-10:30 p.m.	No Service	No Service
9X ⁶	Intercity	Portland (Late Night)	▪ Barbur Transit Center ▪ Portland Transit Mall	▪ Mentor Graphics ▪ Xerox campus ▪ Oregon Tech	1 eve trip	10:07 p.m.-10:45 p.m.	No Service	No Service

Notes: (1) Headway is the time between consecutive buses running in the same direction. (2) Rounded to nearest 15 minutes. (3) Some trips served by Salem-Keizer Transit Cherriots. (4) Route 2X terminates at Tualatin Park & Ride on Saturdays. (5) As of August 5, 2013. (6) Planned startup in September 2013 (one-year pilot).

Pending Service Changes

SMART is implementing changes to the intercity services in late summer and fall 2013 in response to the needs of two large customers. Stream Global is in the process of relocating over 1,000 employees to Wilsonville from Beaverton and will operate multiple shifts throughout the day, creating the need for connections to the Beaverton area and the TriMet system when WES is not in operation. SMART will receive additional funding from the firm's payroll tax and is planning for the following changes starting this August:

- Additional late evening trips on Route 2X to the Barbur TC
- Mid-day schedule change on Route 2X to improve connections with TriMet Line 76 during the mid-day when WES is not in operation
- Creation of a new Route 8X to provide one early morning (5:45 a.m. arrival) and one late night (10:05 p.m. departure) express trip between SMART Central and the Beaverton Transit Center

In addition, the Oregon Tech Wilsonville Campus is generating a large need for students taking evening classes to connect with the TriMet system for trips to the rest of the region. Oregon Tech, in conjunction with the Associated Students of Oregon Institute of Technology (ASOIT), is providing a proportional cost-share to the City for new service to provide a late night connection. Starting in September, SMART will create a one-year pilot test of a new Route 9X. This service will provide one nightly trip operating Monday – Thursday serving Mentor Graphics (departing 10:07 p.m.), Oregon Tech, Xerox, FLIR, Rockwood Collins, the Barbur TC, and the downtown Portland Bus Mall (arriving 10:45 p.m.).

Dial-a-Ride System

In addition to fixed-route services, SMART operates door-to-door Dial-a-Ride (DAR) services for Wilsonville residents within the city and for medical trips outside of Wilsonville. DAR service is available to the general public but preference is given to those qualifying for complementary paratransit service under the Americans with Disabilities Act (ADA)³.

General Public Dial-A-Ride

All Wilsonville residents, regardless of their age or disability status, may ride the DAR service, however ADA-eligible customers are given priority when scheduling DAR trips.

Dial-a-Ride trips must be scheduled at least the day before and up to two weeks prior to the trip. Trips are scheduled within two hours of the preferred pick up time. Customers can call SMART on weekdays between 7:00 a.m. – 6:30 p.m. to schedule a DAR trip.

Dial-a-Ride trips can be scheduled for weekdays between 5:30 a.m. and 7:15 p.m. There is limited DAR service on Saturdays and no service on Sundays.

³ ADA Paratransit service is required as a complement to scheduled, local fixed-route service, guaranteeing an equivalent level of service for people with a disability.

ADA Paratransit

ADA Paratransit services are primarily provided for Wilsonville residents with disabilities that prevent them from riding fixed-route service. Eligible riders cannot be denied a trip within SMART's local service area when local buses are in operation. Riders must submit an eligibility form⁴ and their disability must be certified by a medical professional to be eligible for service under the ADA.

Portland Area Medical Trips

In addition to DAR services within Wilsonville, SMART offers transportation for medical purposes outside of Wilsonville. This service is open to Wilsonville residents age 60 and older and to those with disabilities. Pre-qualification is not required for this service and eligible customer simply register when requesting their first trip.

Out-of-Area Non-Medical Trips

For non-medical Dial-A-Ride trips outside the SMART local service area, transfers to TriMet LIFT service are made at Coffee Creek. Passengers are responsible for scheduling the TriMet end of the trip which includes being certified as eligible for LIFT and paying the appropriate fare.

Other Services

SMART offers the following additional services:

- **Shopper Shuttle.** SMART operates a one-day per week door-to-door shopper shuttle service on Thursdays to Lamb's Thriftway, Albertsons, and Fred Meyer stores in Wilsonville for Seniors and supportive housing residents.
- **Community Center Senior Lunches.** SMART operates pre-scheduled, door-to-door service to Wilsonville Community Center for senior lunches.

Fares

SMART, which is supported by a payroll tax paid by Wilsonville businesses, is free for trips within Wilsonville, including both fixed-route and DAR service. Trips outside of Wilsonville require a fare. The in-city portion of Route 2X does not require a fare, while fares are charged for trips north of Commerce Circle, i.e., to/from Tualatin Park & Ride or Barbur Transit Center.

Figure 3-4 summarizes fixed-route fares and passes for riding SMART routes. Intercity routes that provide connections to other cities and other transit providers require a fare. Longer-distance trips to Salem require higher fares than trips within the Portland metro region. SMART does not accept transfer receipts from other transit providers and other providers do not provide a discounted fare for passengers transferring from SMART services.

Riders can pay cash or purchase a monthly pass for either the 1X or the 2X/3 routes. An "All" pass allows use of all intercity routes (1X, 2X, and 3). Reduced-price passes for seniors, disabled, students, and youth must be purchased in person at Wilsonville City Hall.

⁴ <http://www.ridesmart.com/Modules/ShowDocument.aspx?documentid=183>

Figure 3-4 Fixed-Route Fares & Passes

Fare Category	Fare Type	1X (Salem)	2X (Portland) 3 (Canby)	8X (Beaverton) ⁴	9X (Portland) ³	Local (Wilsonville)
Adult ¹	Single Ride (cash)	\$3.00	\$1.50	\$3.00	\$1.50 ^a \$3.00 ^b	Free
	Monthly Pass (Local)	\$75.00	\$35.00	N/A	N/A	
	Monthly "All" Pass ³	\$110.00		N/A	N/A	
	18-Ride Punch Card/Pass 20-Ride Punch Card/Pass 40-Ride Punch Card/Pass	N/A	\$22.50 (\$1.25/Ride) \$25.00 (\$1.25/Ride) \$50 (\$1.25/Ride)	Same as 2X/3 but requires 2 punches	Same as 2X/3. 1 punch to Barbur TC and 2 punches to downtown Portland.	
Discounted ²	Single Ride (cash)	\$1.50	\$0.75	N/A	N/A	
	Monthly Pass (Local)	\$37.50	\$17.50	N/A	N/A	
	Monthly "All" Pass ³	\$55.00		N/A	N/A	

Notes: (1) Adult fares are for persons age 18-59. (2) Discounted fares are for seniors age 60+, persons with disabilities, Medicare card holders, youth age 5-17, and students 18-23 with valid student ID. (3) An "All" Pass is valid on all intercity routes (1X, 2X, and 3X). (4) Starting 8/5/2013. (5) Starting 9/23/2013. (a) \$1.50 to Barbur TC. (b) \$3.00 to downtown Portland.

Source: SMART website

Dial-A-Ride trips within Wilsonville are free. For DAR services outside Wilsonville (limited to medical trips), a monthly pass is also available but few passengers use it.

Figure 3-5 Dial-A-Ride Fares and Passes

Fare Type	Local	Intercity
Single Ride (cash)	Free	\$3.00
Monthly Pass		\$50.00

Source: SMART website

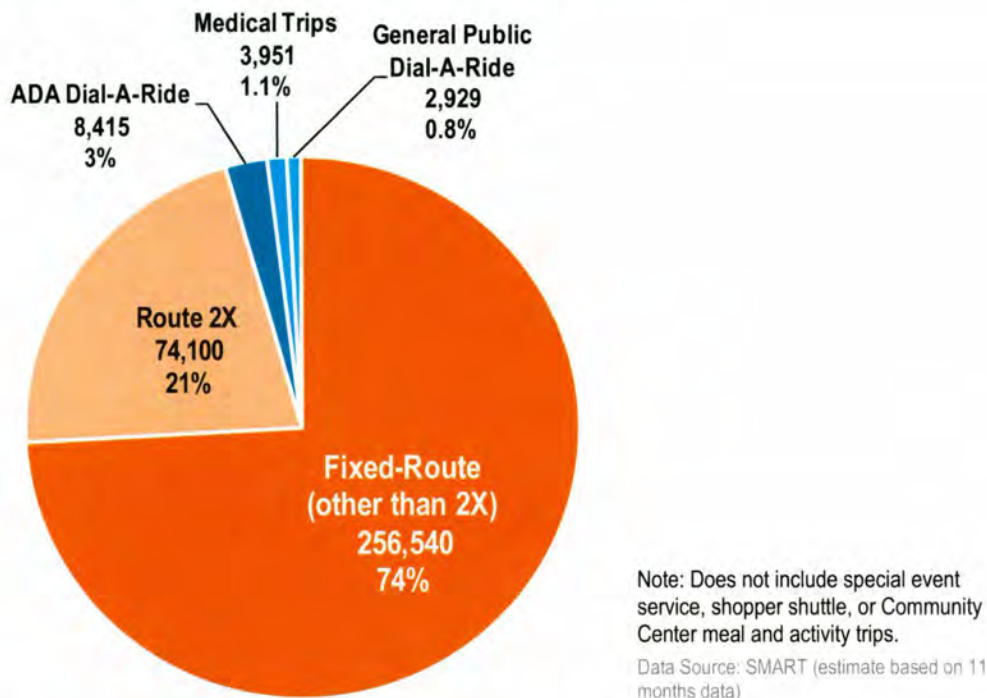
Ridership

In FY 2012-2013, the SMART system provided nearly 346,000 trips.⁵ Fixed-route service provided 96% of those trips, of which about 22% were on Route 2X. Demand responsive service accounted for the other 4% of all trips on SMART in 2012-2013. Of Dial-A-Ride trips, 55% were

⁵ Based on estimated ridership for June 2013, excluding special event, Community Center, and Senior Shuttle trips. Including these trips, annual ridership totals 351,451.

ADA Paratransit trips, 26% were out-of-town medical rides, and 19% were general public non-medical trips. Figure 3-6 illustrates the ridership breakdown for SMART services.

Figure 3-6 SMART Ridership by Service Type and/or Route, FY 2012-13



Fixed-Route Ridership Trends

Figure 3-7 and Figure 3-8 present ridership data from 2009 to 2013 for SMART fixed-routes overall, highlighting Route 2X's share. Ridership on Route 2X is growing, while the number of trips taken on all fixed-route services is generally trending upward with a slight decrease comparing the two most recent years (a similar trend to Dial-A-Ride services as highlighted in the next section).

The number of rides taken on SMART fixed-route services has grown by 14.7% from 2009. After reaching a peak of just over 370,500 trips in 2011/12, ridership declined by 5% to 351,451 in 2012/13. The average daily weekday ridership for all SMART fixed-route service was 1,347 riders per day in FY2012. For Saturday fixed-route service the average daily ridership was 219 passengers for FY 2012.

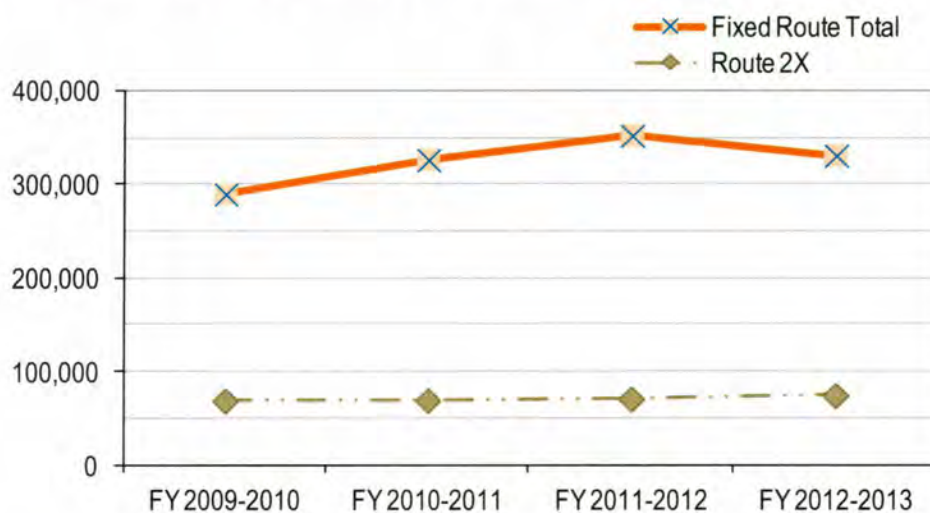
Ridership on Route 2X increased by 8.1% during this time, from about 68,500 trips in 2009-10 to just over 74,000 in 2012-13. Even as overall ridership declined in 2012-13, Route 2X ridership increased by 5% between 2011-12 and 2012-13, accounting for 21% of all fixed-route trips. In FY2012, Route 2X averaged 268 daily weekday passengers and 59 Saturday passengers.

Figure 3-7 Fixed-Route Ridership Trends, Route 2X and Overall, 2009-2013

	FY 2009-2010	FY 2010-2011	FY 2011-2012	FY 2012-2013	% Change 2009-2013
Route 2X	68,516	68,861	70,401	74,100	8.1%
All Fixed-route	306,421	344,723	370,526	351,451	14.7%

Data Source: SMART (FY 2012-2013 is estimated based on 11 months data).

Figure 3-8 Fixed-Route Ridership Trends, Route 2X and Overall, 2009-2013



Data Source: SMART
(FY 2012-2013 is estimated based on 11 months data)

Dial-A-Ride Ridership Trends

Figure 3-9 and Figure 3-10 provide annual ridership data for 2009-2013 on ADA Paratransit and general-public DAR, and Portland area medical trips. Since 2009, the number of trips taken on SMART's ADA Paratransit DAR has grown 30%, while ridership on the general-public DAR has increased 56%. Portland area medical trips have remained consistently around 4,000 trips per year since 2009.

While general public DAR grew significantly more than ADA Paratransit over this time period, this service still comprises a much smaller portion of all DAR trips. General public DAR ridership grew considerably (74%) between 2009-10 and 2010-11, but growth declined to 7% in 2011-12, and declined by 16% in 2012-13. In part, continued growth of ADA Paratransit demand is reducing capacity for general public Dial-A-Ride (SMART cannot deny trips to ADA-qualified passengers).

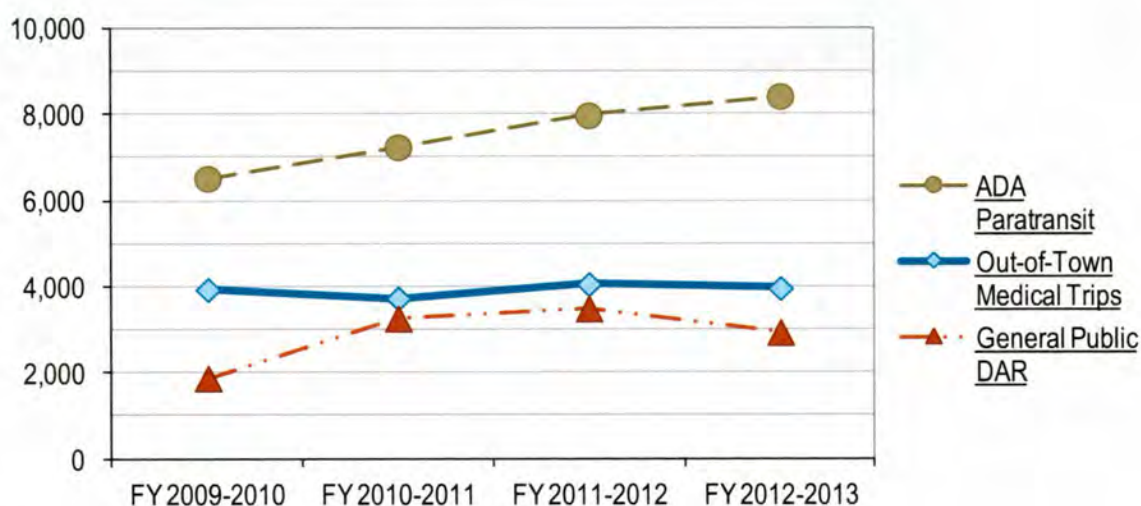
In FY2012 use of all demand- responsive service averaged about 67 passengers per day.

Figure 3-9 Dial-A-Ride Ridership Trends, 2009-2013

	FY 2009-2010	FY 2010-2011	FY 2011-2012	FY 2012-2013	% Change 2009-2013
ADA Paratransit DAR	6,514	7,238	7,973	8,415	29.2%
General Public DAR	1,870	3,254	3,484	2,929	56.6%
Out-of-Town Medical Trips	3,927	3,721	4,048	3,951	0.6%

Data Source: SMART. (FY 2012-2013 is estimated based on 11 months data).

Figure 3-10 Dial-A-Ride Ridership, 2009-2013



Data Source: SMART. (FY 2012-2013 is estimated based on 11 months data).

Performance

Productivity

During a field observation of the Route 2X on April 18, 2013 at three points along the route—SMART Central, Tualatin Park & Ride, and Barbur Transit Center, the maximum number of passengers on the bus was 11 while the northbound average was about two people and the southbound average was slightly more than two passengers. It is important to note that the counts did not include Route 2X passengers making local trips on Route 2X, i.e., boarded and alighted between SMART Central and Tualatin Park & Ride, and therefore understate actual maximum passenger load. Nearly 30% of ridership on Route 2X is local based on the onboard survey as discussed in the next chapter.

Figure 3-11 provides the productivity of SMART's individual services in terms of the number of passengers carried per vehicle hour. Route 2X is one of the system's lower performers for fixed routes. Overall, SMART's demand response services also have a relatively low productivity, averaging less than two passengers per vehicle hour. The out-of-town medical service performs at

an even lower level averaging around one passenger an hour.⁶ The longer distances served by Route 2X and out-of-town medical services account in part for these services lower productivity. The table includes a comparison to statistics from 2007, although it should be noted that routes have changed and the passengers per service hour may not be directly comparable to the measure from FY2011-12. Ridership on some routes has increased, particularly Routes 1X and 4, while ridership has declined on other routes, including Route 2X. This may be due the opening of WES in 2009 and in the case of Route 2X, the introduction of Route 6 which serves similar travel patterns.

Figure 3-11 System Productivity Measures FY2011-12 and 2007

Route	FY 2011-12 ^a			2007 ^b		
	Vehicle Hours	Passengers	Passengers per Vehicle Hour	Previous Route #	Passengers	Passengers per Vehicle Hour
1X – Salem	3,674	58,272	15.9	1X	38,846	16.9
2X – Barbur	13,310	67,173	5.0	201	85,347	14.1
2X – Barbur - Saturday	508	3,228	6.4			
3 – Charbonneau / Canby	2,037	15,761	7.7	205	13,115 ^c	10.9
4 – Wilsonville Road	10,775	135,557	12.6	204	112,754	23.3
4 – Wilsonville Road – Saturday	490	8,802	18.0			
5 – 95 th Avenue	2,355	22,048	9.4	203	14,289	12.6
6 – Canyon Creek	2,154	36,363	16.9	N/A	N/A	N/A
V - Villebois Shuttle	439	2,822	6.4	N/A	N/A	N/A
Demand Response (all services)	11,260	20,478	1.8	N/A	31,643 ^d	N/A

Data Source: (a) SMART (b) For equivalent route in 2008 based on Wilsonville Transit Master Plan, Chapter 5. (c) Only for the 16 out of 20 trips operated by SMART; other trips were provided by Canby Area Transit. (d) FY 2004-2005.

Operating Costs and Farebox Recovery

Figure 3-12 lists operating costs for SMART fixed-route and Dial-A-Ride services in FY 2011-2012 and Figure 3-13 illustrates the cost breakdown. Overall fixed-route service cost \$2.5 million to operate in FY 2011-12, including over \$935,000 for Route 2X. Route 2X is the most expensive individual fixed-route service run by SMART because it operates over a long distance. The operating cost for Route 2X is also higher per passenger trip than the fixed-route system overall, although about a third the cost per DAR trip.

Route 2X recovers about 4.5% of its annual operational costs from fares. This is in part because the 2X functions as a local circulator within Wilsonville (no fares) and also has relatively low ridership for trips outside of Wilsonville and high operating costs. The out-of-town medical program costs of approximately \$177,000 are covered by fares (roughly \$12,000) and a state Special Transportation Fund (STF) grant.⁷

⁶ Based on a FY2011-12 ridership of 4,048 and 4,064 estimated vehicle hours.

⁷ The grant funds two vehicles that provide the out-of-town medical trips. These vehicles provide 4,064 service hours annually. Other Dial-A-Ride vehicles also provide some of the out-of-town trips (estimated at about 5 service hours per week).

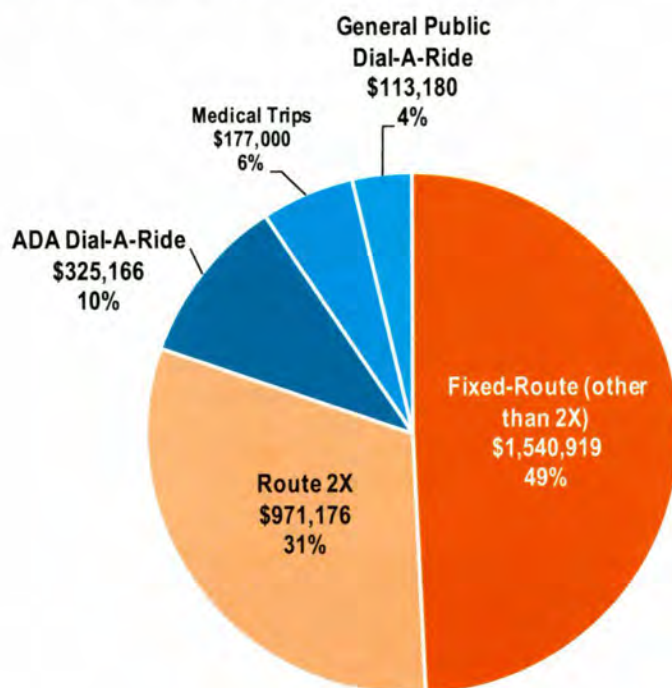
Figure 3-12 SMART Operating Costs, FY 2011-12

Route	Annual Operating Costs	Cost per Passenger	Net Cost per Passenger
2X Weekday	\$935,466	\$13.93	\$13.30
2X Saturday	\$35,710	\$11.06	N/A
Fixed-Route System	\$2,512,095	\$7.18	\$6.72
Demand Responsive	\$791,370	\$38.64	\$29.99

Notes: Costs per fixed route are based on each route's relative share of annual operating hours. Net costs reduce total costs by any fare or service-specific grant revenues.

Data Source: SMART

Figure 3-13 SMART Operating Costs, FY 2011-12



Data Source: SMART

Major Transfer Locations

SMART Central serves as the primary transit center within Wilsonville, co-located with the Wilsonville WES station. SMART Central features connections to TriMet WES commuter rail, a 400 space park and ride, and 48 bicycle lockers. To allow transfers between SMART routes and WES, SMART routes are timed to pulse with WES arrivals and departures. SMART schedules list the arrival time of WES trains and generally leave 5 minutes after WES arrivals. As an example of regional connections, the 6:28 a.m. WES train arrives in Wilsonville at 6:55 a.m.; at 7:00 a.m. Route 2X leaves Wilsonville, destined for Barbur Transit Center; arriving at 7:44 a.m. Passengers can catch the 7:48 a.m. Line 12 to Portland City Center and Parkrose/Sumner Transit Center or other buses. Several major transfer locations outside of Wilsonville allow for transfers from SMART to other providers, including TriMet (Tualatin Park & Ride and Barbur Transit Center),

Canby Area Transit (CAT), and Cherriots. Figure 3-14 illustrates how SMART service connects to the regional transportation system, making connections north and south of Wilsonville.

Figure 3-14 Major Transfer Locations to/from SMART Routes

Name	Location	Transit Operators/Routes Served		Destinations
SMART Central	9699 SW Barber St, Wilsonville	All SMART Routes	TriMet WES Commuter Rail	Throughout Wilsonville and regional connections. WES only operates during peak periods.
Tualatin Park-and-Ride	SW 72 nd Ave & Bridgeport Rd, Tualatin	SMART Route 2X Barbur	TriMet Routes 36, 37, 38, 76, 96	Connections throughout Washington County including Beaverton, Tualatin, and Tigard; Lake Oswego; and SW and downtown Portland. Route 96 only operates during peak periods.
Barbur Boulevard Transit Center	9750 SW Barbur Blvd, Portland	SMART Route 2X Barbur	TriMet Routes 12, 64, 94	Connections to downtown Portland; 64 connects to Marquam Hill/OHSU (peak only); 94 connects Sherwood to Portland (peak only)
Canby Transit Center	NW 1 st Ave & N Ivy St (near Thriftway), Canby	SMART Route 3	CAT Orange Line (99E)	Orange Line connects Woodburn to Oregon City
Salem Transit Mall	285 Church St NE, Salem	SMART Route 1X	All Cherriots Routes	Connections in the greater Salem region.
Coffee Creek Correctional Facility	24499 SW Grahams Ferry Rd	SMART DAR	TriMet LIFT	ADA Paratransit trips in the TriMet service area

Fleet

SMART has a fleet of over 35 vehicles that include 30, 35, and 40-foot long buses, vans, cutaways, and a trolley bus. SMART operates 20 vehicles during maximum service, including 14 fixed-route and 6 demand responsive vehicles. In 2011, the average fleet age of fixed-route buses was 10.3 years and the average fleet age of demand-responsive vehicles was 5.5 years.

Figure 3-15 identifies the vehicles types and capacities typically used on Route 2x. Out-of-town medical trips typically use 7-11 seat vans while in-town Dial-A-Ride may use a van or cutaway vehicles.

Figure 3-15 Typical Vehicle Types and Capacities on Route 2X

Service	Vehicle Type	Capacity	Typical Number of Daily Runs
Route 2X	Large Bus	38-45 Seats	22
Route 2X	Cutaway Bus (Mid-sized)	19-21 Seats	3

The fleet is maintained at the SMART Operations Fleet Facility, a 12,400 sq. ft. SMART and City vehicle maintenance facility completed in 2013.

TriMet Services to Wilsonville

Westside Express Service (WES) Commuter Rail

Wilsonville Station, home of SMART Central, is the southern terminus of TriMet's Westside Express Service (WES) commuter rail. WES provides peak-hour, weekday-only rail service to Beaverton Transit Center. Weekday mornings, WES trains leave Wilsonville station every 30 minutes beginning at 5:21 a.m. until 8:51 a.m.; weekday afternoons trains leave Wilsonville Station every half hour from 3:28 p.m. until 6:58 p.m. Trains leave from Beaverton Transit Center weekday mornings between 5:58 a.m. and 9:28 a.m. and weekday afternoon between 4:05 p.m. and 7:35 p.m.

TriMet Line 96 Bus Service

TriMet Line 96 provides one of the key transit connections between Wilsonville and downtown Portland. The line starts at Commerce Circle in Wilsonville, runs along Boones Ferry Road and SW 72nd Avenue to Tualatin P&R, and then proceeds on I-5 until reaching downtown Portland. Line 96 connects with SMART Routes 2X and 5 for connecting local service. Line 96 makes 20 southbound and 16 northbound trips to/from the City of Wilsonville.

Current Travel Options between Wilsonville and Downtown Portland

At present, most transit riders traveling between Wilsonville SMART Central and downtown Portland use one (or more) of the following options (Figure 3-16). Each of these options provides different benefits to travelers journeying between these two cities:

- Options #1 -#6 only run on weekdays.
- Option #1 is available throughout the day whereas Options #2-#6 are only available during peak hours.
- Options #1-4, riding SMART Route 2X, provides passengers with the most direct trip to/from employment and residential destinations along the route in Wilsonville
- Options #5-6, riding WES to MAX or another TriMet bus line is the least costly, takes the least amount of time, and has the smallest possible trip time window due to well-timed transfers.
- Option #6 is available on Saturdays but requires two transfers and takes over 2 hours.

Figure 3-16 Public Transit Travel Options between Wilsonville SMART Central and Downtown Portland

Option #	Link #1	Transfer Location	Link #2	Peak NB Trip Time (min)	Peak SB Trip Time (min)	Midday Trip Time	Trip Cost	Hours of Service	Days of Service	Notes
1	SMART Route 2X	Barbur TC	TriMet Line 12	64 min	99 min	72 min	\$4.00	5 a.m.-8 p.m.	M-F	4
2	SMART Route 2X	Barbur TC	TriMet Line 94	65 min	N/A	N/A	\$4.00	6-9 a.m., 3-8 p.m. No Midday Service	M-F	1, 2
3	SMART Route 2X	Tualatin P&R	TriMet Line 96	61 min	73 min	N/A	\$4.00	5-10 a.m., 2-7 p.m. No Midday Service	M-F	2
4	SMART Route 2X	Tualatin P&R	TriMet Line 38	71 min	80 min	N/A	\$4.00	5-9 a.m., 3-8 p.m. No Midday Service	M-F	2
5	TriMet WES	Beaverton TC	TriMet MAX Blue/Red or Line 58	50-59 min	55-61 min	N/A	\$2.50	5:30-9 a.m., 3:30-8 p.m. No Midday Service	M-F	2, 3
6	TriMet WES	Tigard TC	TriMet Line 12 or 94	65 min (Line 12) 58 min (Line 94)	60 min (12 only)	N/A		5:30-9 a.m., 3:30-8 p.m. No Midday Service	M-F	1, 2, 3
7	SMART Route 2X	Tualatin P&R ⁴	TriMet Line 76 to Line 12 or MAX	120-135 min			\$4.00	9 a.m.-5:20 p.m.	Sat	4

Notes: Peak trips target an 8 a.m. arrival in Portland (NB) or Wilsonville (SB). Midday trips target a noon arrival. Saturday trips assume leaving at 9 a.m. (1) Line 94 makes trips to downtown Portland only in the AM peak and from downtown Portland in the PM peak. (2) WES and Lines 38, 94, and 96 do not operate on Saturdays. (3) WES operates only during weekday peak hours. (4) Route 2X terminates at Tualatin Park & Ride on Saturdays.

4 COMMUNITY INPUT

During the needs assessment phase of the Transit Integration Project, the following approaches were used to gather community input on needs and desires for possible service improvements:

- Surveys of existing fixed-route intercity riders including an onboard survey of SMART Route 2X riders and an online survey of TriMet Line 96 users
- A community-wide on-line survey of the general public including non-transit user
- Outreach to organizations and individuals representing key stakeholder groups

SMART provided \$75 gift cards toward a prize drawing for the Line 96 and Community on-line surveys to increase participation.

FIXED-ROUTE SERVICE SURVEYS (ROUTE 2X AND LINE 96)

Two survey instruments were used to assess how people currently use fixed-route bus transit to and from Wilsonville. An on-board survey was conducted on SMART Route 2X and passengers on TriMet Line 96 were distributed an invitation to participate in an online survey. In total, 280 people participated in the surveys. The surveys collected information about trip origin and destination, trip purpose, frequency of ridership, and basic demographic questions. Passengers were asked to identify service improvements and locations they would like a single seat ride (not requiring a transfer).

Figure 4-1 Summary of On-board and Online Survey Findings

Survey Question	Route 2X	Line 96
Purpose of your trip	▪ 61%, work	▪ 34%, work
Origin and Destinations	▪ 35%, Wilsonville ▪ 34% Portland	▪ 46%, Portland ▪ 37% Wilsonville
Frequency of Ridership	▪ 56%, 5 or more days per week 29%, 2 to 4 days per week	▪ 62%, 5 or more days per week 25%, 2 to 4 days per week
How long have you been riding particular line	▪ 49%, more than 2 years	▪ 84%, more than 2 years
If particular line was not available	▪ 28%, would not make this trip ▪ 17%, someone would drive me	▪ 32%, used WES ▪ 26%, would have driven alone ▪ 18%, used Route 2X
Other locations particular transit service should serve	▪ 26%, downtown Portland ▪ 12% Portland ▪ 10% Beaverton/Beaverton TC	▪ 50%, downtown Portland
What improvements to the particular transit service would help you to ride more often	▪ 39%, Sunday Service ▪ 36% more frequent Saturday service ▪ 34%, more frequent weekday service	▪ 23%, more frequent weekday service ▪ 17%, more frequent Saturday service
Age	▪ 47%, 31-59 ▪ 24%, 23-30	▪ 75%, 31-59 ▪ 12%, 23-30 ▪ 12%, 60-74
What is total household income	▪ 26%, under \$10,000 ▪ 24%, over \$60,000	▪ 51%, over \$60,000 ▪ 10%, \$40,000-\$49,999 ▪ 10%, \$50,000-\$59,999

On-Board Survey: Route 2X

On Thursday April 18, 2013, Saturday April 21, 2013, and Thursday April 25, 2013, passengers riding SMART Route 2X were given an on-board survey to fill out about the one-way trip they were currently making.⁸ The survey instrument is provided in Appendix A. One hundred and ninety-two passengers completed the survey. There was a very high participation rate with almost all passengers who were offered a survey completing one.

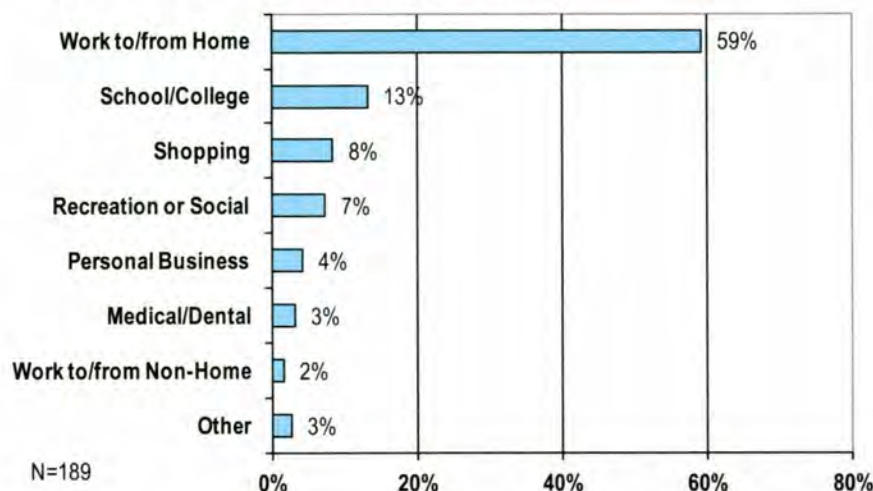
The survey asked passengers questions regarding their trip origin and destination, mode of travel to/from the bus, how often they ride transit, how long they have been riding transit, their disability status, from where in the region they would like a single seat ride, and what improvements would help them ride SMART Route 2X more often, among other questions. Demographic questions were also asked in order to understand characteristics of the survey sample.

⁸ Surveys on 4/25 were used to fill in several runs that were not surveyed on 4/18.

Trip Purpose

The majority (59%) of passengers riding SMART Route 2X traveled between home and work, and 13% were traveling between home and school/college (Figure 4-2). The most common institutions that riders attend were Portland Community College, Portland State University, and Pioneer Pacific College. A combined 23% traveled between home and other activities shopping, recreation or social destination, personal business, or medical or dental appointments). A small number of passengers used Route 2X for travel between work and other activities.

Figure 4-2 What is the purpose of your trip?



Travel Origins and Destinations

About 27% of surveyed passengers on SMART Route 2X were traveling solely within Wilsonville. Of those passengers who traveled between Wilsonville and another location, the most common origin and destination cities were Portland (28%) and Tualatin (11%) (Figure 4-3). About 4% were traveling between Wilsonville and the Tigard area and 3% were traveling to/from Beaverton. About 5% of passengers were traveling between Wilsonville and the Salem area and 3% were traveling between the Salem and Portland areas.

Figure 4-4 provides a breakdown of Portland origins and destinations. Southwest Portland was the destination/origin for six out of ten of passengers headed into or out of Portland. Within Southwest Portland, origins and destinations along Barbur Boulevard were most common (45%), followed by the Portland Community College (PCC) – Sylvania Campus (18%), and the Hillsdale neighborhood (12%). Northeast Portland was the next most common Portland destination/origin, for 18% of Portland-bound travelers. Sixteen percent (16%) of travelers to/from Portland were headed to downtown.

Sixty-eight percent (68%) of surveyed passengers were making a round trip on transit that day.

Figure 4-3 Travel between Wilsonville and Other Cities(

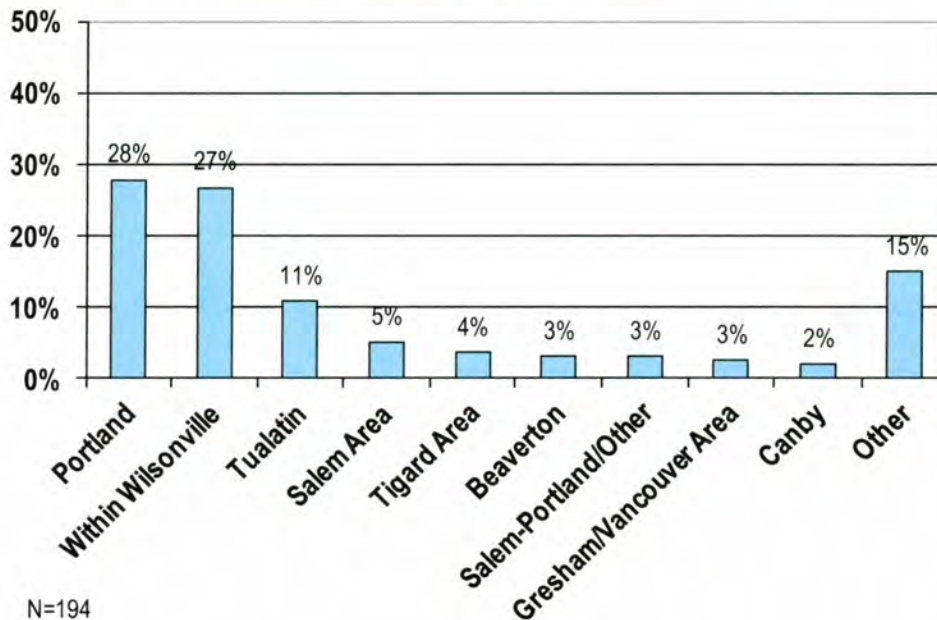


Figure 4-4 Breakdown of Portland Origins/Destinations

Portland Sub-Areas	% within Portland Sub-Areas	SW Portland Sub-Areas	% within SW Portland Sub-Areas
SW Portland	60%	Barbur Blvd.	45%
		Hillsdale	12%
		PCC	18%
		Other SW	24%
NE Portland	18%		
Downtown	16%		
SE Portland	5%		

Note: N = 55

Access To and From the Bus Stop

Just over half (52%) of the passengers riding Route 2X walked to reach the bus stop, with 70% walking for 5 minutes or less (Figure 4-5). Another 37% transferred to Route 2X from another transit route. Four percent (4%) biked to reach the bus stop, most of whom cycled 1 mile or less in distance. Few survey respondents drove alone (3%) or were dropped off at the bus stop in a car (2%).

Sixty three percent (63%) of passengers planned to walk to get to their final destination (Figure 4-6). Nearly three-quarters of these passengers reported they would walk 5 minutes or less. Three out of ten passengers planned to transfer to another transit route. Another 4% reported they would bicycle to access their final destination. Most of these cyclists reported distances of 1 mile or less to reach their final destination. Very few SMART Route 2X passengers planned to drive alone (1%) or get picked up in a car (1%).

Similar to overall access patterns, most Route 2X passengers who start or end their trip in Portland either walk, bike, or use transit to/from their trip origin/destination, while only a small number drive or are picked up. Of particular note, 65% of those who started their trip in Portland used transit to access Route 2X.

Figure 4-5 How did you get to the bus?

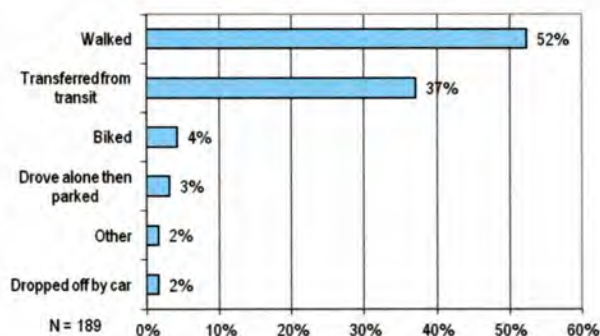
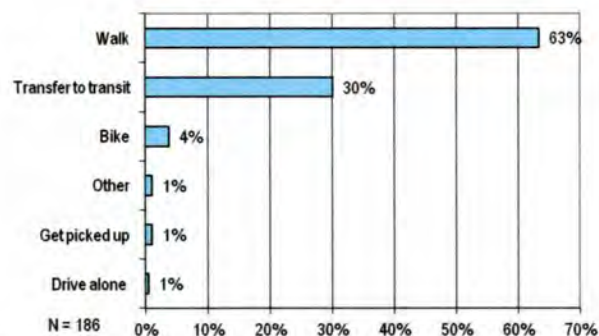


Figure 4-6 How will you get from the bus to your final destination?



Of those respondents transferring to or from another transit route, TriMet Line 76 was the most common, with one-quarter of survey respondents transferring to this route (Figure 4-7). TriMet Line 12 was the next most common, with 16% of survey respondents transferring to this route.

Figure 4-7 Transit Routes Transferred To/From

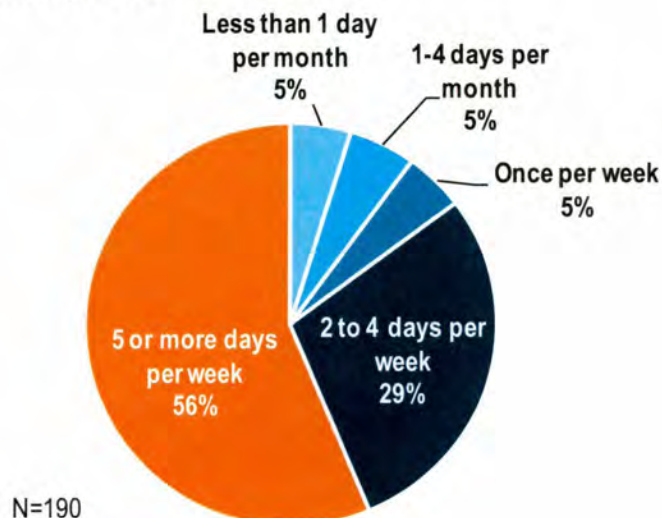
Transit Route	Percent of Respondents	Origin/Destination City (Sample)
TriMet Line 76	25%	Aloha, Beaverton, Bull Mountain, Metzger, Portland (downtown, NE, SW), Tigard, Tualatin
TriMet Line 12	16%	Portland (downtown, NE, SE, SW), Salem
SMART 1X	9%	Gresham, Salem
WES	9%	Beaverton, Portland (NE)
SMART 4	8%	Wilsonville
TriMet Line 44	8%	Portland (SW)
TriMet Line 96	8%	Portland (downtown), Tualatin
TriMet Line 94	6%	Portland (downtown, SW)
TriMet Line 37	3%	Canby, Portland (SW)
CARTS Route 50	2%	Dallas
TriMet LIFT	2%	Portland (SW)
TriMet Line 38	2%	Tualatin
TriMet Line 43	2%	Portland (SW)
TriMet Line 54	2%	Beaverton

Note: N = 64

Usage Patterns – Frequency of Use

Most SMART Route 2X customers use the service very frequently. Over half (56%) of survey respondents travel 5 or more days per week, and three out of ten riders ride this route 2 to 4 days per week (Figure 4-8).

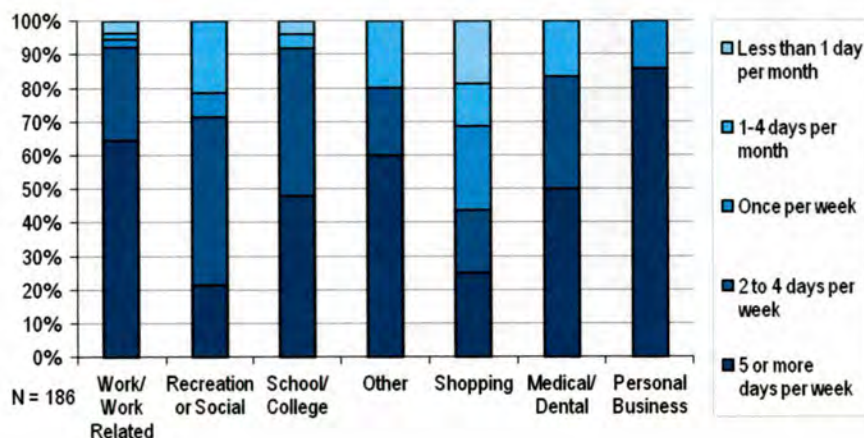
Figure 4-8 How often do you ride SMART Route 2X?



Usage Patterns – Trip Purpose

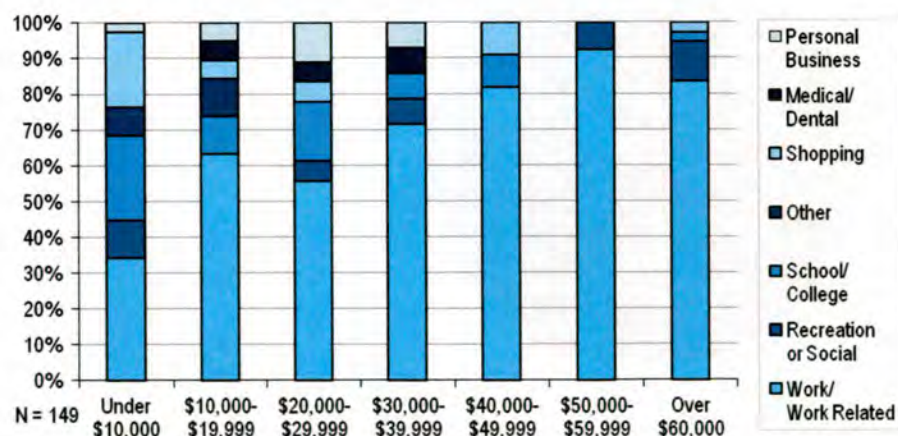
Those survey respondents making trips for work and school purposes tend to ride Route 2X most often, with just over 90% each using this service at least 2 days per week. Seventy percent (70%) of Route 2X passengers traveling for recreation or social purposes ride 2 or more days per week. Respondents traveling for shopping purposes are less frequent riders, with only 44% traveling 2 or more days per week.

Figure 4-9 Trip purpose by frequency of ridership



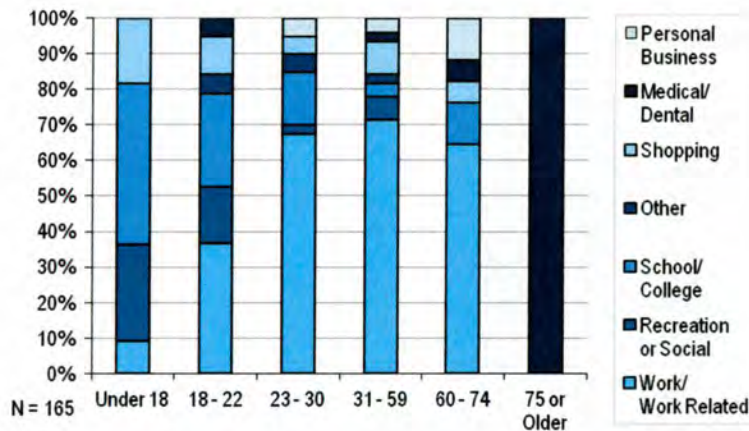
While work trips are the major trip purpose for all income groups, the proportion of work trips increases with household income (Figure 4-10). Passengers with incomes of less than \$40,000 use Route 2X for most trip purposes, while passengers with higher incomes mostly use the service for commuting. Respondents in the lowest household income category (less than \$10,000) had the greatest distribution of trips across trip types. About one-third (34%) of respondents in this category were commuting for work purposes, almost one-quarter (24%) were traveling to/from school, and 21% were on a shopping trip.

Figure 4-10 Trip Purpose by Income Category



Most respondents under age 18 were traveling for social, school, or shopping purposes (Figure 4-11). Those between the ages of 18 and 22 were traveling largely for work or school purposes. Work trips were the major trip purpose for respondents age 23 to 74. The few respondents age 75 or older were traveling for a medical appointment.

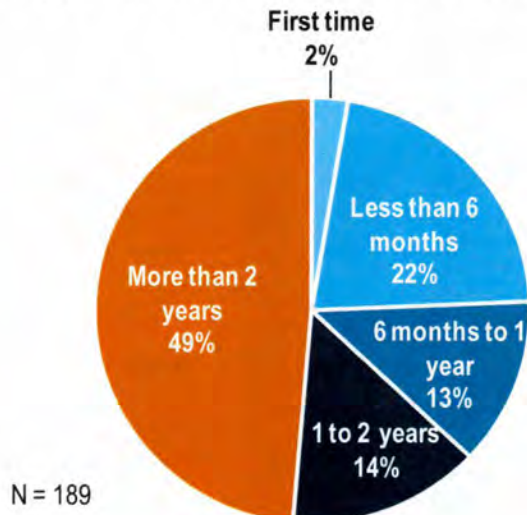
Figure 4-11 Trip Purpose by Age Group



Usage Patterns – Time Span of Use

About half (49%) of survey respondents have been riding SMART Route 2X for more than 2 years (Figure 4-12). Fourteen percent (14%) have used this service for 1 to 2 years and 13% have been riding for 6 months to 1 year. Nearly one-quarter of respondents has been riding for less than 6 months. These findings indicate that SMART Route 2X is attracting new riders while maintaining long-term riders.

Figure 4-12 How long have you been riding SMART Route 2X?



Fare Payment

Figure 4-13 illustrates the fares paid by survey respondents, including:

- Over half of survey respondents (55%) paid a cash fare, including 46% general (adult) and 9% reduced fare.
- About 27% of respondents used a monthly pass including a general fare pass (7%), all pass (6%), reduced pass (5%), employer-provided pass (4%), and reduced all pass (3%). In addition, two respondents wrote in that they used an 18-ride punch card.
- About 18% of respondents paid a reduced fare, including both cash fares and passes.
- About 16% of respondents wrote in that their trip was free, referring to the fact that SMART is free within Wilsonville. One respondent (not counted in the chart) noted that they also have a punch pass (i.e., for use on trips outside Wilsonville).

Figure 4-13 How did you pay your fare for this bus?

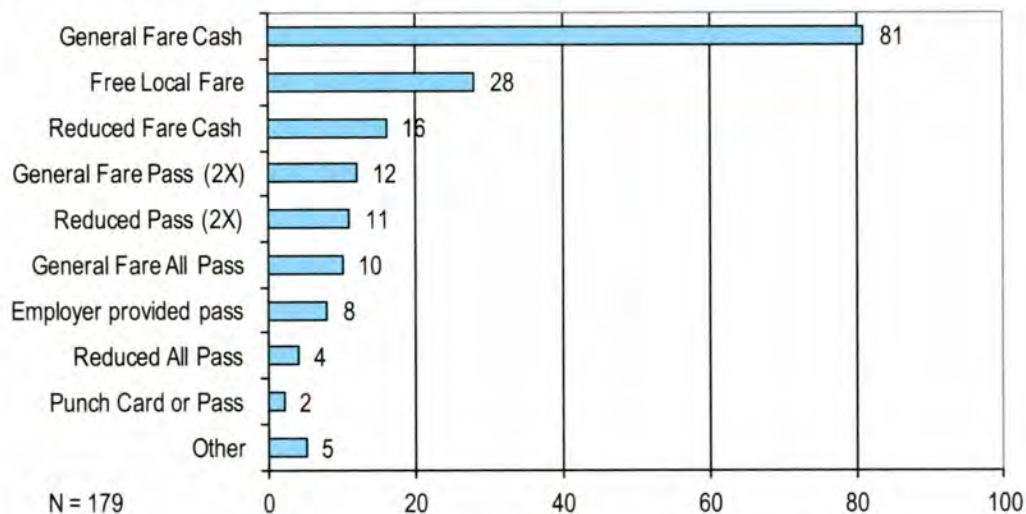
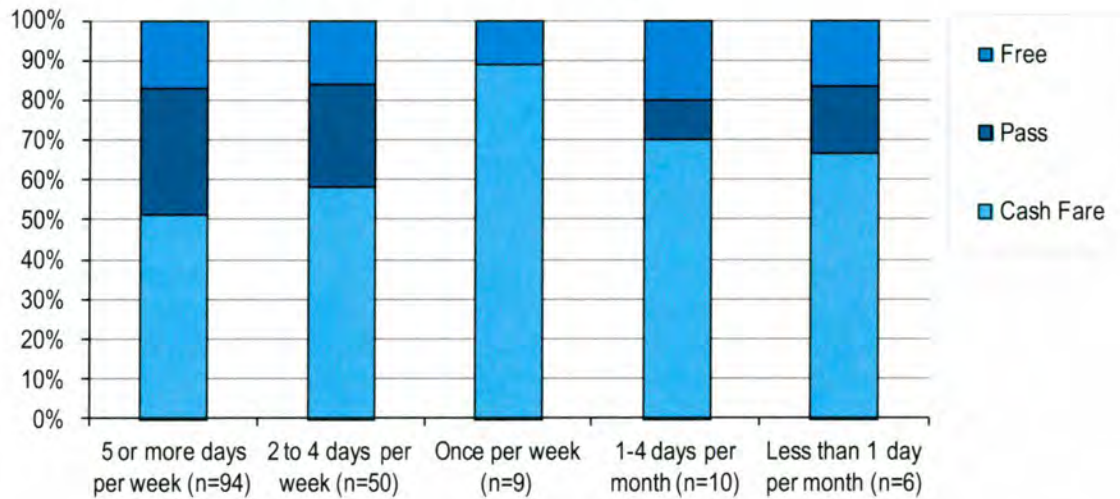


Figure 4-14 summarizes fare payment type by ridership frequency. Surprisingly, more than twice as many Route 2X passengers who ride 5 or more days per week pay with a cash fare rather than purchase a pass, especially given SMART's fare structure where a pass pays for itself after only 12 round trips. All passengers who ride once a week either paid with cash fares or rode for free within Wilsonville. A few infrequent riders used passes.

Figure 4-14 Frequency of ridership by fare payment type



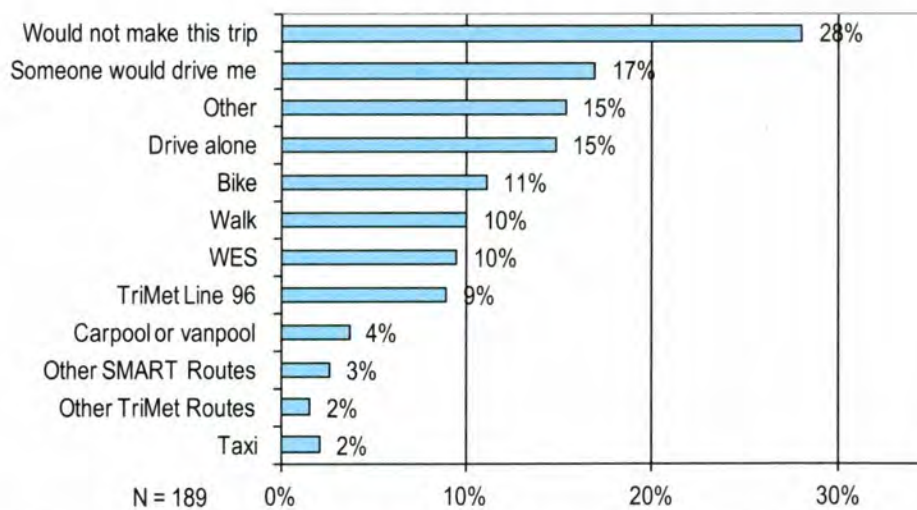
Reliance on Transit

When survey respondents were asked how they would have made this trip without SMART Route 2X, the most commonly cited response (28% of respondents) was that they would not have made the trip (Figure 4-15).

Seventeen percent (17%) had someone who could have driven them to their destination, and 15% would have driven alone.

Eleven percent (11%) of respondents would have biked and 10% would have walked. Others could have taken other transit modes, including WES (10%), TriMet Line 96 (9%), or other SMART or TriMet routes.

Figure 4-15 If SMART Route 2X was not available, how would you have made this trip?



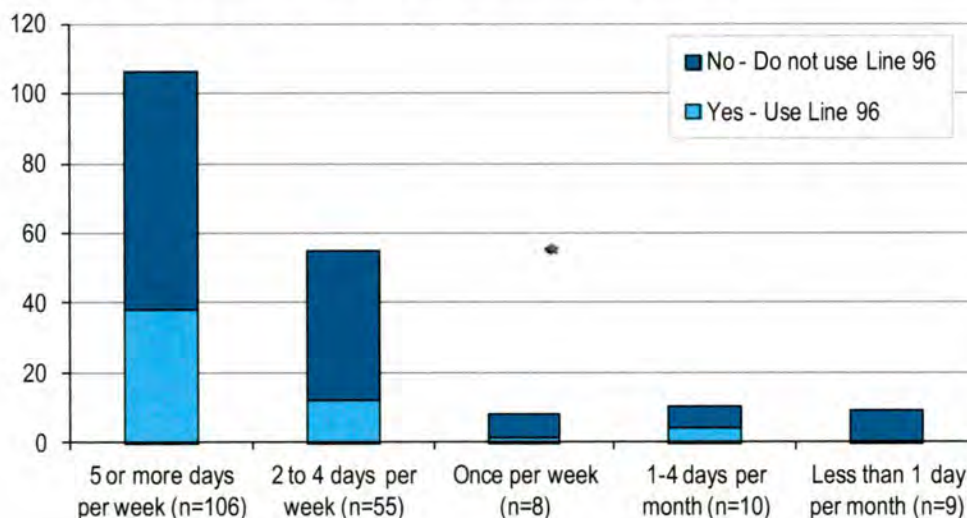
Note: Respondents could choose more than one answer, so percentages do not add up to 100%.

In addition, only 17% of passengers had a car available to them for that trip, and another 12% could have borrowed a car but with inconvenience to others. Half of respondents have a driver's license.

Use of TriMet Line 96

About seven out of ten survey respondents do not use TriMet Line 96, but those that do are primarily frequent SMART riders. Reasons for using Line 96 include to travel to/from Portland when times or connections are more convenient than SMART Route 2X.

Figure 4-16 Use of TriMet Line 96 by SMART Usage Frequency



Route 2X Service to Other Destinations

Respondents were asked to write in their top #1, #2, and #3 additional locations the route should serve. Downtown Portland is the top #1 priority location cited by one-third (33%) of respondents who answered this question, while Portland in general was mentioned by another 9%. When all top priority responses are combined in aggregate, service to downtown Portland was noted as a top priority location by 26% of survey respondents, and Portland in general was requested by another 12%. Beaverton generally, and the Beaverton Transit Center in particular, was also noted as a top priority by a relatively high share (10%). Specific examples and other priority locations reported by respondents are provided in Figure 4-17.

Figure 4-17 Other Locations Route 2X Should Serve

Location	% of Respondents	Specific Examples
Downtown Portland	26%	Stops along Barbur Blvd. enroute to downtown, MAX (generally), MAX Red Line to Airport
Portland	12%	PCC Sylvania
Beaverton	10%	Beaverton TC, SW 56th & Beaverton Hillsdale Hwy
Wilsonville (Other Locations)	6%	Wilsonville H.S., Boeckman Creek Elementary, Coffee Creek Prison
Tualatin (Locations other than P&R)	3%	Meridian Park Hospital, Shorter wait for Line 76 at Tualatin P&R
Other: Salem (3%), West Linn (3%), Lake Oswego (1%), Oregon City (1%), and Newberg/Sherwood (1%)		

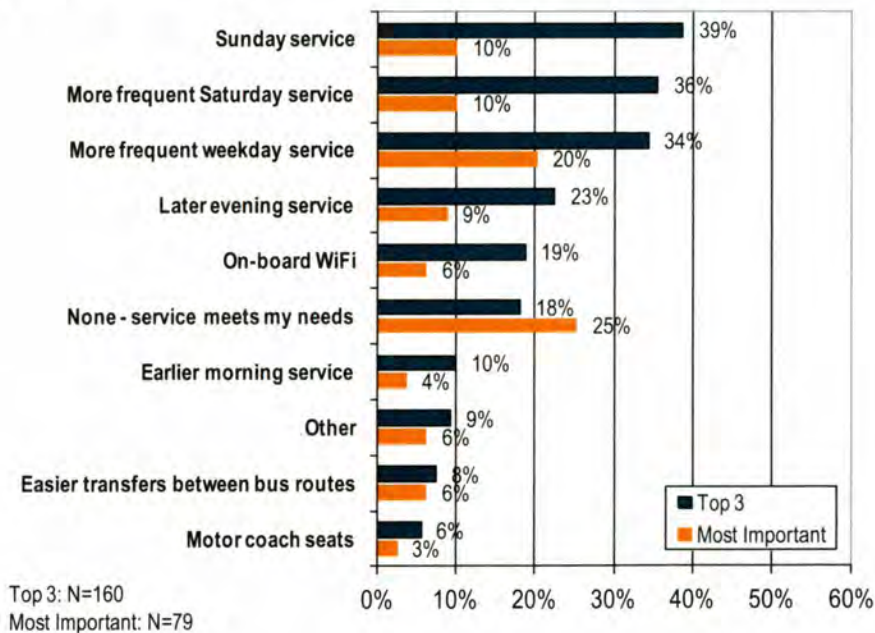
Note: N = 71

Route 2X Improvement Priorities

The three top important improvements selected by survey respondents that would help them choose to ride Route 2X more often include Sunday service (39%), more frequent Saturday service (36%), and more frequent weekday service (34%) (Figure 4-18). Later evening service was chosen by 23% of passengers. Extending service until 9:00 p.m. would meet the needs of 30% of these respondents while service until 10 p.m. would meet the needs of 65% of these respondents.

Of respondents who identified a single most important improvement of the same set of options, 20% cited more frequent weekday service. More frequent Saturday service and Sunday service were each cited as the single most important improvement by 10% of respondents, followed by later evening service among 9% of respondents.

Figure 4-18 What improvements would help you choose to ride Route 2X more often?



Note: Respondents could choose more than one answer, so percentages do not add up to 100%.

Figure 4-19 illustrates improvements priorities by income category. There was generally broad support from various income categories for the overall improvements priorities for Route 2X. Interesting differences include:

- A large share of respondents in the highest income category indicated that the service meets their needs (no improvement necessary).
- A large share of respondents in the lowest income category (over 60%) wanted easier transfers between routes.

Figure 4-19 Route 2X Improvement by Income Category

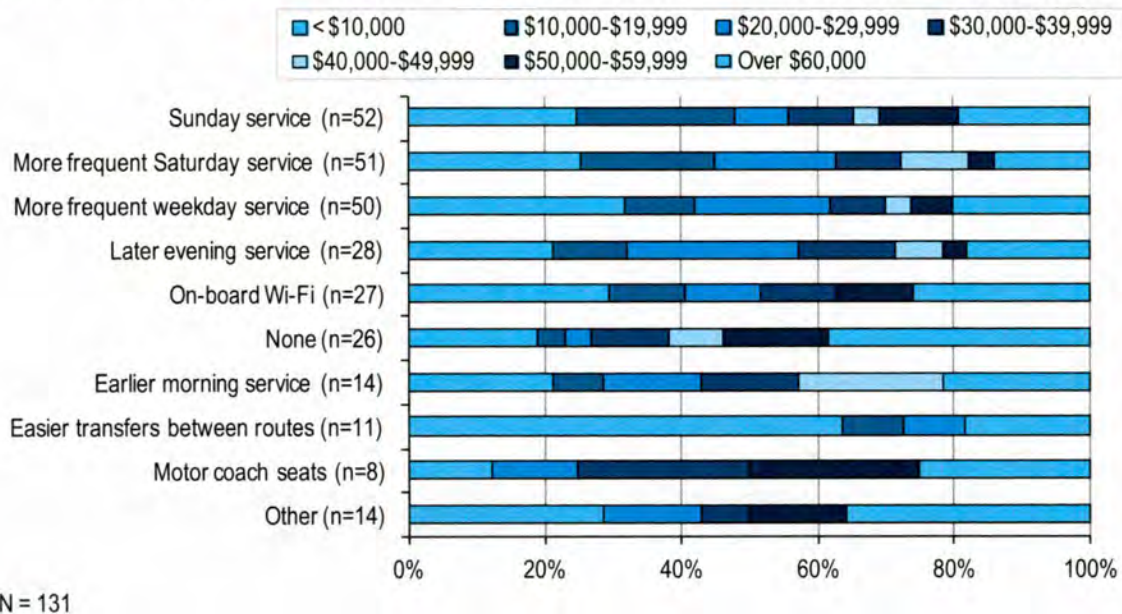
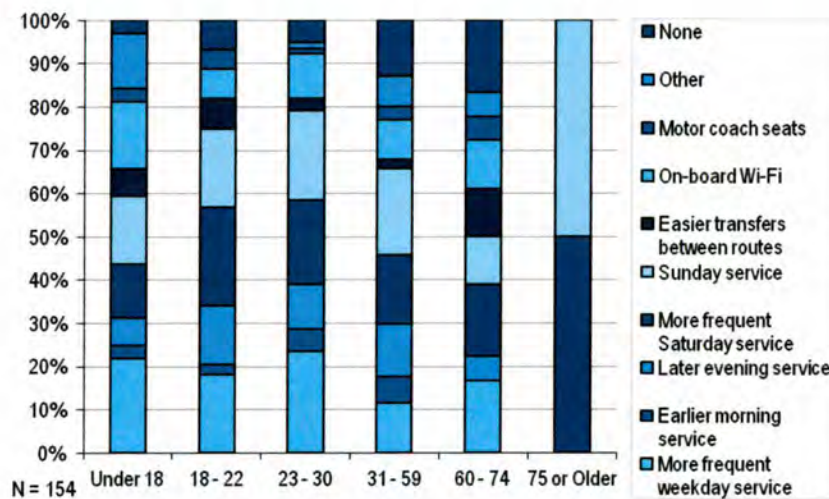


Figure 4-20 illustrates improvement priorities by age group. More frequent weekday service, more frequent Saturday service, and Sunday service received strong support from nearly all age groups. Respondents under age 30 were slightly more interested in more frequent weekday service than older age groups. Later evening service had more support by respondents age 18 to 59. On-board Wi-Fi had relatively similar levels of support across all age groups, except the oldest category.

Figure 4-20 Route 2X Improvement by Age Group



Additional Comments

When asked for additional suggestions to improve SMART Route 2X or about any other topic, the most common open-ended comment was an expression of gratitude for the service (28) and for the friendliness and helpfulness of the drivers (16). Figure 4-21 identifies the frequency of different categories of comments including a sample of open-ended comments. A comprehensive listing of comments is provided in Appendix B.

Figure 4-21 Summary of Open-Ended Comments

Comment Category	#	Sample Comments
Service meets needs, thank you	28	<ul style="list-style-type: none"> The only reason I was able to move to Wilsonville was because the bus service connects to Portland via Barbur. Young people who want to volunteer, work, or do things in Portland later in the evening or on the weekends are unable to without a car if the bus runs only earlier or not at all, or doesn't connect at Barbur.
Drivers are nice and helpful	16	<ul style="list-style-type: none"> I have so far experienced friendly bus drivers, which makes my trip good because they have a positive attitude.
More frequent, expanded hours on weekends	10	<ul style="list-style-type: none"> Would like service that runs late enough Saturday that I can do things downtown Portland on Saturday night.
Later service on weekdays	10	<ul style="list-style-type: none"> 2X is one route to new Oregon Tech and doesn't offer service out of town for late night classes. Would like to go to concerts and be able to get back. Later in general would be good as risked missing last bus last week.
Service on Sundays	7	<ul style="list-style-type: none"> The bus should run on Sunday, more frequently on Saturdays, and earlier on Saturdays.
Service to Barbur on weekends	5	<ul style="list-style-type: none"> Running to Barbur on Saturday! That would be a huge help. It takes two hours and 4 different buses for me to get to work on Saturday.

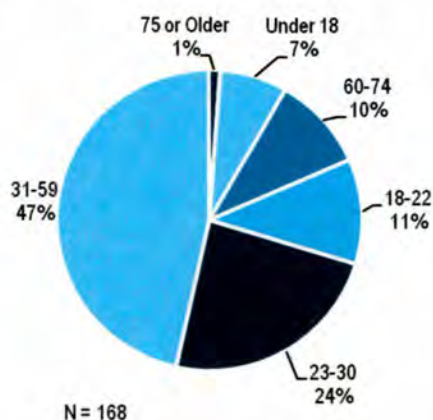
Comment Category	#	Sample Comments
Service to Portland	4	<ul style="list-style-type: none"> Expanded service north on Barbur would eliminate my short trips on TriMet
More frequent service	3	<ul style="list-style-type: none"> More frequent service around Wilsonville during the day so errands can be run.
Service reliability, better information		<ul style="list-style-type: none"> Please email me and notify when it comes to heavy traffic on I-5 if necessary. I love how consistently on time the 2X is
Accept TriMet transfers	2	<ul style="list-style-type: none">
On-board Wi-Fi	2	<ul style="list-style-type: none">
Earlier service on weekdays	2	<ul style="list-style-type: none"> It would be nice to jump on MAX from 2X. I work at Costco and our shift starts at 4:30 AM. I would love to take 2X to work. Run 24 hrs maybe every 2 hours within Wilsonville so people can get to their jobs earlier than your earliest bus
Other specific suggestions	-	<ul style="list-style-type: none"> If 2X is not available for transfer from Wilsonville Station to Rockwell Collins, please start #6 earlier. Thank you. (Provide) a bus from Canby to Wilsonville at 3:00. Allow the 96 to go to SW Parkway and the Wilsonville WES station

Respondent Demographics

The following section describes some basic demographic features of the on-board survey sample.

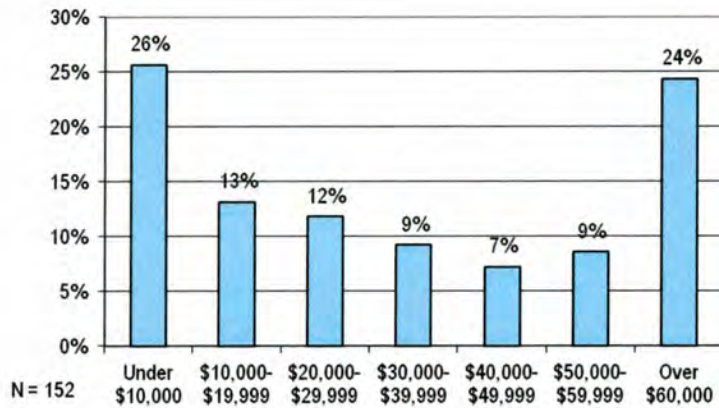
The largest share, nearly half, of survey respondents are between the ages of 31 and 59 (Figure 4-22). Almost one-quarter (24%) are age 23 to 30, and 11% are age 18-22. Seven percent (7%) are under age 18. Ten percent (10%) are age 60-74 and 1% are 75 years of age or older. More men than women make up the survey sample; 62% of survey respondents are male.

Figure 4-22 What is your age?



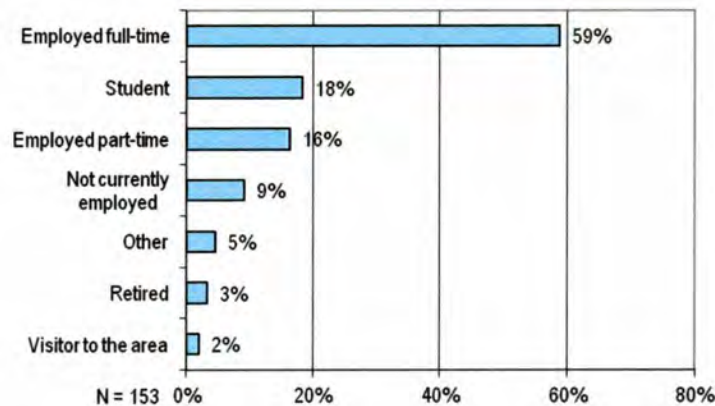
In terms of household income (before taxes), half of the survey respondents are split at the highest and lowest ends of the income spectrum. Just over one-quarter (26%) of respondents have a total household income of under \$10,000 per year, and just under one-quarter have an income of over \$60,000 per year (Figure 4-23). The rest are distributed throughout the income categories in between, with slightly more in the lower categories.

Figure 4-23 What is your total household income (before taxes)?



Nearly 60% of survey respondents are employed full-time, 16% have part-time employment, and 9% are not currently employed (Figure 4-24). Eighteen percent (18%) of survey respondents are students.

Figure 4-24 What is your employment or student status?



Note: Respondents could choose more than one answer, so percentages do not add up to 100%.

Online Survey: TriMet Line 96

From mid-May to mid-June 2013, riders on TriMet Line 96 with Wilsonville as their origination or destination were asked to participate in an online survey. The Line 96 survey questions were similar in nature to those asked of the Route 2X passengers. Administered through the SMART website, the survey had a total of 88 participants. Of the responses, a total of 61 participants who made connections to or from Wilsonville were determined to be germane to this study (based on origin/destination locations provided by the survey respondents). Respondents included some passengers approached at Tualatin Park & Ride.

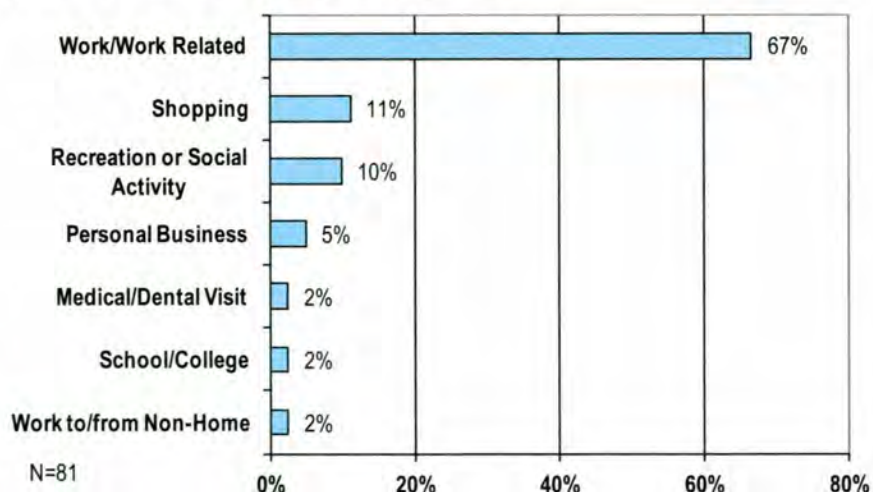
TriMet's Line 96 runs on weekdays between Portland City Center and SMART Central making connections along the I-5 corridor at the Tualatin Park & Ride at SW 72nd & SW Bridgeport Avenue and SW Martinazzi & Mohawk in Tualatin.

The online survey followed a similar format to the Route 2X on-board survey. The survey asked questions regarding riders' trip origin and destination, mode of travel to/from the bus, how often they ride transit, how long they have been riding transit, how they would make the trip without Line 96, and what transit improvements they most valued. Basic demographic questions were asked.

Trip Purpose

Of the eligible survey respondents, about two-thirds of passengers were making a trip from or to Wilsonville for a work, or work-related, reason. Other major trip purposes were traveling to or from shopping (11%), a recreational or social activity (10%), and personal business (5%). Figure 4-25 highlights the principal reasons for people's trips.

Figure 4-25 What is the purpose of your trip?



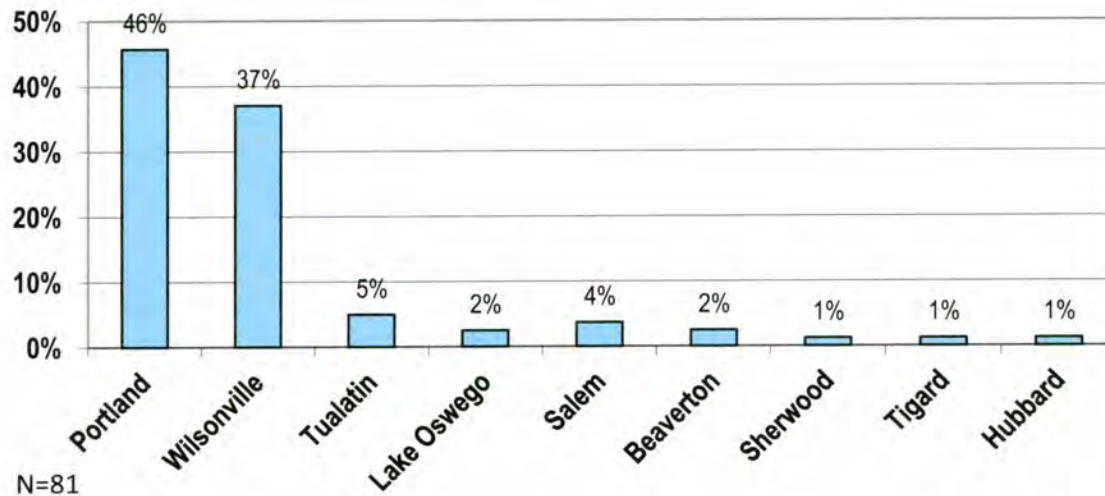
Note: Trip purpose was determined based on respondents who provided non-home trip purpose information on at least one end of their trip.

Trip Origin/Destination

Figure 4-26 illustrates respondent origin-destination patterns. Most survey respondents use Line 96 for travel between Wilsonville and Portland (combined 83%). A small share of respondents use

Line 96 for travel to Tualatin (5%) and Salem via Wilsonville (4%). Sixty-percent of survey respondents said that they were making a round trip on the bus.

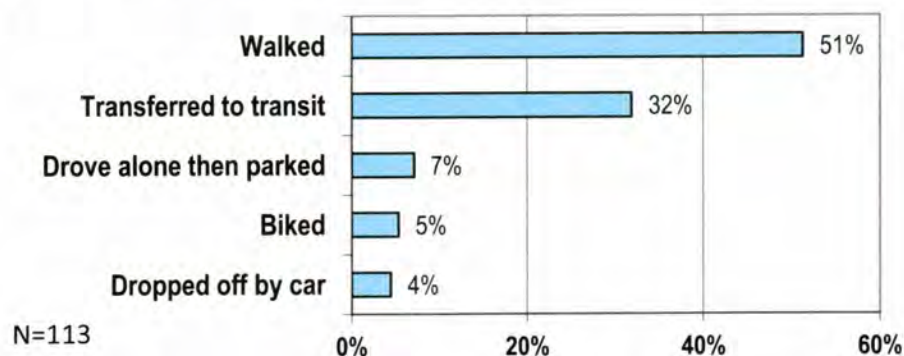
Figure 4-26 Origins and destinations of eligible Line 96 passengers



Access To/From Line 96

To connect to Line 96 and from the bus to their destination, more than half of the respondents (51%) walked. The next most popular means of connecting was through a transfer, with 32% of passengers reporting this as their means to or from the bus stop. Seven-percent (7%) of respondents drove alone, 5% biked, and 4% were dropped off by car (Figure 4-27). Passengers that transferred from transit used a variety of bus lines people to access Line 96.

Figure 4-27 How did you get to or go from the bus?



Survey respondents were asked to list the transit route they transferred from; overall 45 transfers were indicated. The most common line to transfer from or to was TriMet WES with 8 responses (18%), the second most common were SMART Route 2x and TriMet Line 12, both with 6 responses (13%). Figure 4-28 identifies the bus lines used to transfer to/from Line 96.

Figure 4-28 Transfer routes to/from Line 96

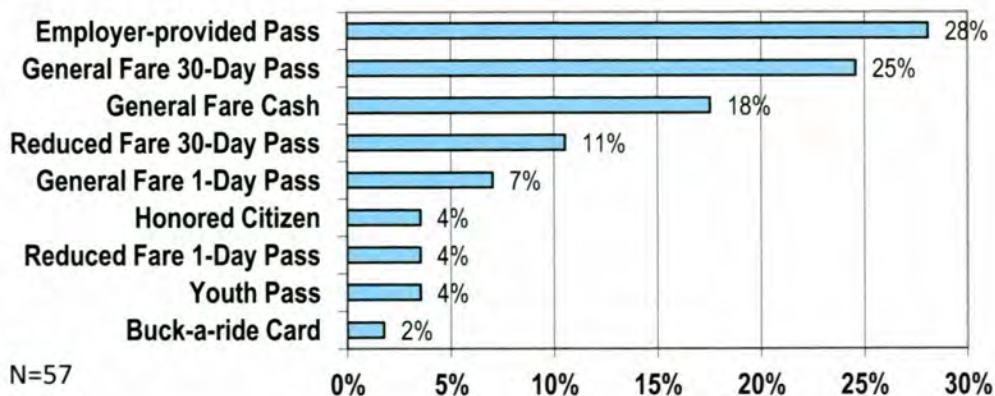
Route	# of Respondents	%
WES	8	18%
SMART Route 2X	7	13%
TriMet Line 12	6	13%
SMART 5	4	7%
TriMet Line 76	2	4%
MAX: Red, Blue, Green	7	14%
Other TriMet Bus Lines: 10, 14, 15, 17, 44, 57, 62	7	14%
Other SMART Routes: 1X, 2, 3, 5	4	8%
TOTAL	45	100%

Note: includes non-Wilsonville originated/destined riders

Fare Payment

Passengers paid for their trip by a variety of means. The majority of respondents held some form of a monthly pass (64%). The most common form of payment was an employer-provided pass (28%). The next most common means of payment was a general fare 30-day pass (25%) followed by a general fare cash payments (18%). Figure 4-29 illustrates the variety of ways passengers paid for their trips.

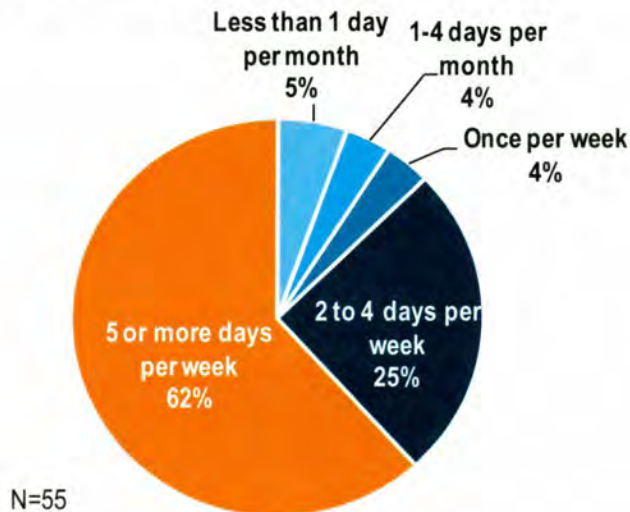
Figure 4-29 Means of fare payment on Line 96



Line 96 Usage Patterns – Frequency of Use

Overall, survey respondents were frequent transit users. Sixty-two-percent of respondents used transit five or more days per week, 25% used transit two to four days per week, and 5% used transit less than one day per month. Figure 4-30 shows the frequency of ridership of Line 96 survey respondents.

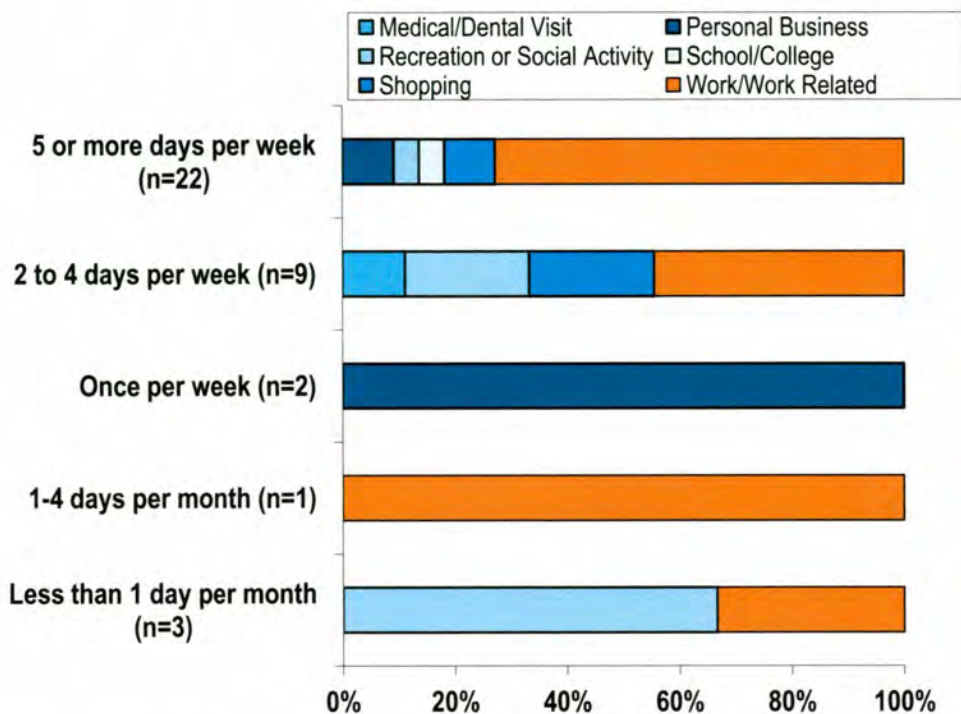
Figure 4-30 Frequency of transit ridership



Line 96 Usage Patterns – Trip Purpose

As noted above, most passengers rode Line 96 for work or work-related purposes. Figure 4-31 shows a breakdown of ridership frequency and trip purpose. The figure shows that the principal reason for the most frequent passengers was for work or work related travel—nearly three-quarters of 5-day a week riders. Forty-four percent (44%) of riders who use Line 96 between two and four days per week use it for work or work-related travel, but the majority (56%) of these riders use it for non-work trip purposes.

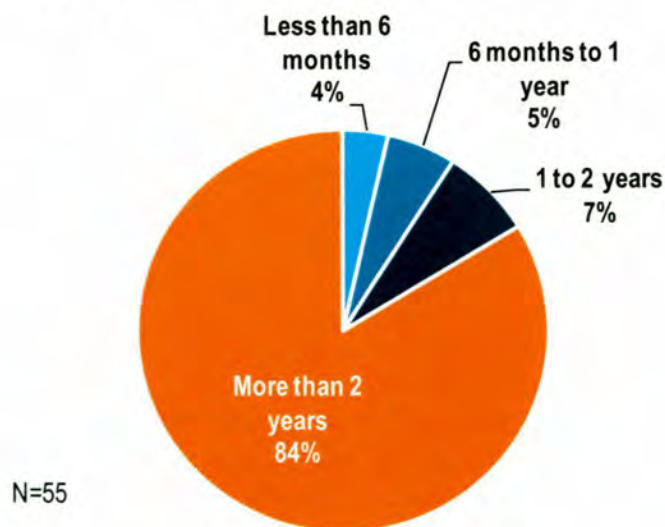
Figure 4-31 Trip purpose by the frequency of ridership



Line 96 Usage Patterns – Time Span of Use

In addition to being frequent transit users, the majority of survey respondents were also long time transit users. Eighty-four percent of survey respondents noted that they have been riding transit for more than two years. New transit riders make up only a small share of survey respondents.

Figure 4-32 How long respondents have been riding transit



The majority of survey respondents had a car available to them (56%); for 16% the car was only available with inconveniences to others, and 44% did not have a car available to them. Of the survey respondents, most had a driver's license (87%).

Without Line 96, survey respondents would have made the trip in a variety of ways. About a third (32%) would have taken WES and about a quarter (26%) would have driven alone. About 18% of respondents would have used SMART Route 2X and almost as many (16%) would not have made the trip. Only 4% would have used a carpool or vanpool, 2% would have been driven by someone else, and 2% would have biked.

Alternate Use of Route 2X

Survey respondents were asked if they ever take Route 2X and, if yes, under what circumstances. Of the respondents with origins or destinations in Wilsonville, 57% did not take the Route 2X. Common reasons that the remaining 43% did take the Route 2X included:

- "I take [Line 96] to Commerce Circle two times a week when I stay late at work"
- "I wanted to try [Line] 96 to get back to Wilsonville directly"
- "I'm aware of [Route] 2X, but think there is [too] much time between transfers and the Line 12 to Barbur [takes too] long"
- "Usually take [Route] 2X, but sometimes [Line] 96 gets me to destination quicker depending on time of day"

Service to Other Destinations

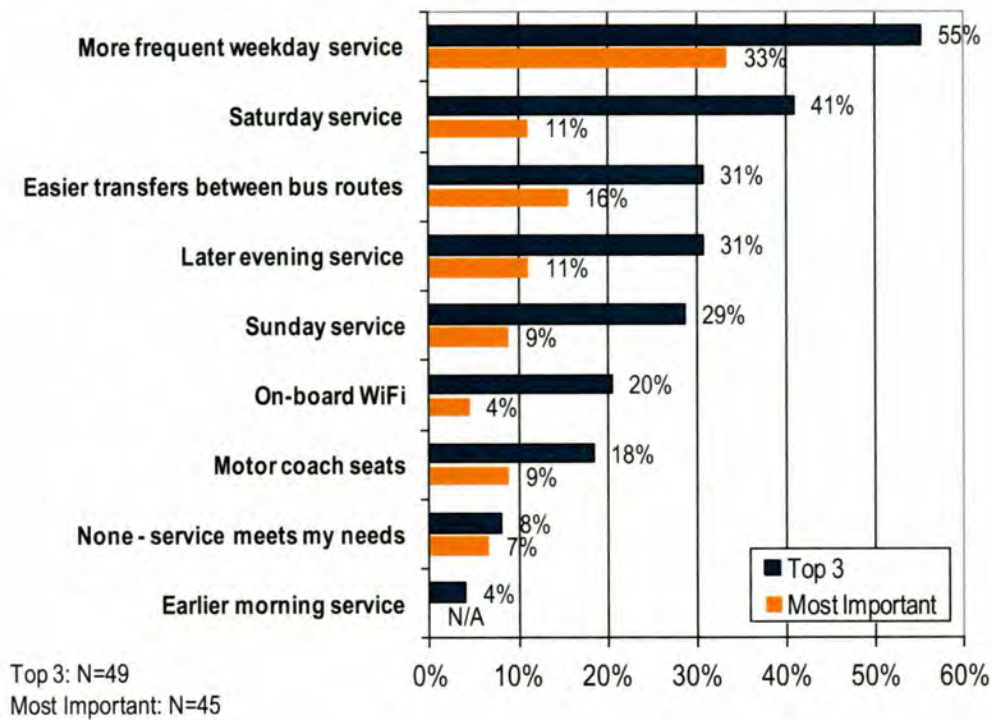
Respondents were asked to prioritize up to three locations in the Portland region where they would like to have a single-seat ride (i.e., no transfer required); thirty-four survey respondents identified locations. By far the most popular priority location was a single-seat trip to downtown Portland (50%) followed by Portland State University (9%), Lloyd Center (9%), and OHSU (9%). Other priorities included Beaverton, SE Portland, and Barbur TC on weekends. In ranking a secondary location there were fewer total responses (21), with downtown Portland being the most common (29%). Downtown Beaverton and Clackamas Town Center followed downtown Portland, both identified by 14% of respondents. Thirteen respondents identified a tertiary location. While there was no clear common choice, respondents identified Clackamas Town Center (15%) and downtown Portland (15%) as locations to which they would like a single seat ride.

Suggested Service Improvements

Survey respondents were asked to choose three improvements that would help them ride transit more often. Figure 4-33 summarizes all of the improvements that survey respondents identified, indicated in blue. When prioritizing three improvements the most common responses were more frequent weekday service (55%) and more frequent Saturday service (41%). Easier transfers and later evening service were each identified by 31% of respondents. Two improvements, earlier morning service (2%) and later evening service (13%), prompted people to identify what times they would prefer service to begin and end. Service as early as 5 a.m. and as late as 10 p.m. would serve the needs of most respondents who identified these improvements as priorities.

Survey respondents were also asked to identify the most important improvement that would help them choose to ride transit more often, indicated in orange in Figure 4-33. One-third (33%) of respondents stated that more frequent weekday service would encourage them to ride transit more often. The next most common response was easier transfers between bus routes (16%).

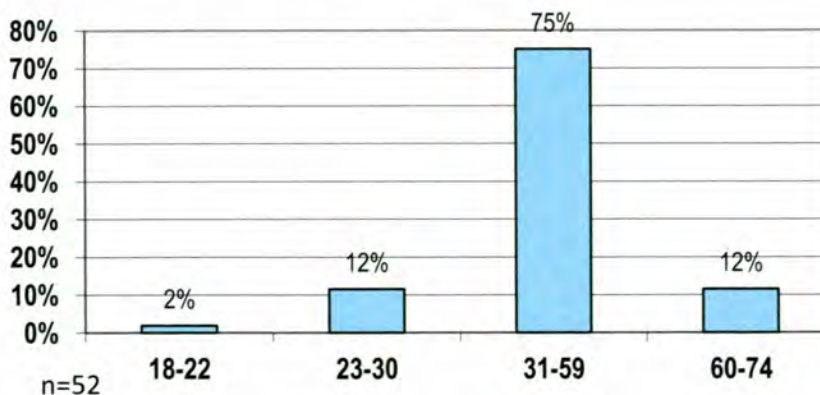
Figure 4-33 Top 3 and most important improvements that would help respondents ride transit more



Line 96 Online Survey Demographics

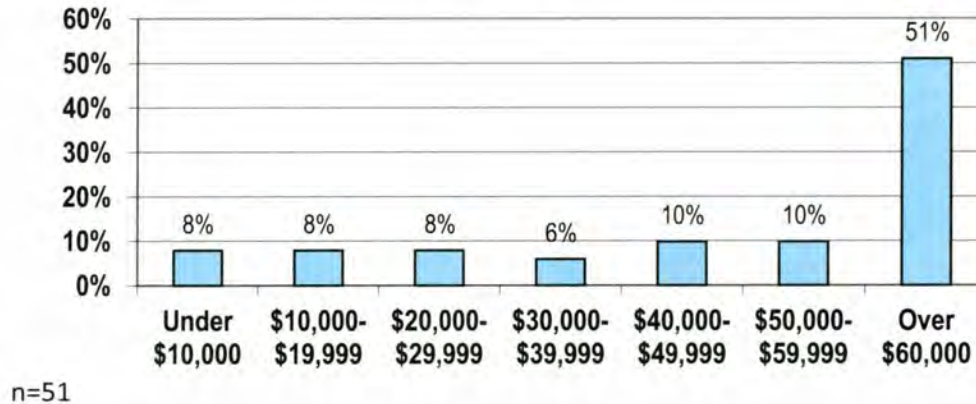
Survey respondents were asked basic demographic questions to aid in understanding the profile of riders on Line 96. Overwhelmingly, the most common age bracket for Line 96 survey respondents was between 31-59 (75% of respondents). Shouldering that age bracket, both the 23-30 and 60-74 age brackets had 12% of survey respondents. Figure 4-34 illustrates the breakdown of survey respondents by age. By gender, survey respondents were evenly distributed, 50% female and 50% male.

Figure 4-34 Age of survey respondents



The majority (51%) of survey respondents fell into the highest available income bracket on the survey, having a household income of over \$60,000. The \$40,000-\$49,999 and \$50,000-\$59,999 income brackets followed, both with 10% of respondents. Figure 4-35 displays the distribution of income brackets of survey respondents.

Figure 4-35 Household incomes of respondents



Two-thirds of survey respondents (67%) were employed full-time followed by 13% of respondents who were employed part-time. Five-percent of respondents were not employed.

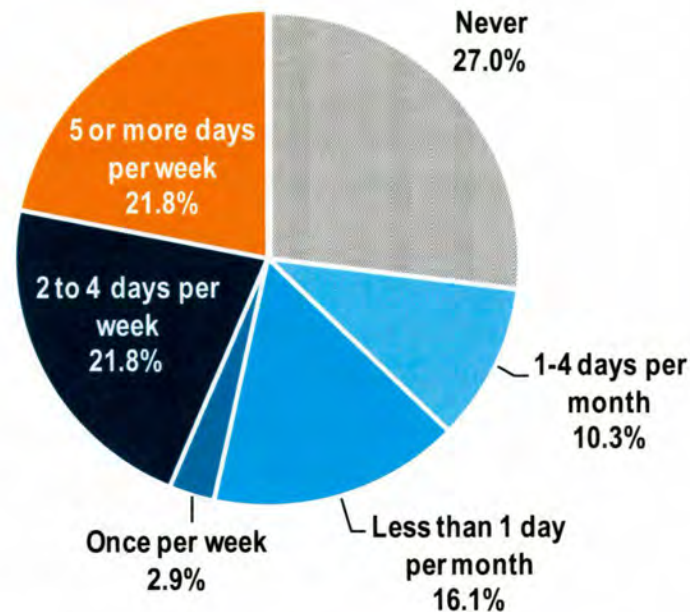
COMMUNITY ONLINE SURVEY

During April-June, 2013, a “general” community survey was conducted to solicit input on the project, with a total of 174 responses received – an excellent response rate for a self-administered survey. The survey was developed using SurveyMonkey and promoted via the project website hosted on the SMART website. To encourage response, a drawing was advertised to win one of the four \$75 gift certificates to be provided by the City. The following sections summarize the community inputs via this survey. Appendix C provides additional detail on the open-ended questions.

Use of SMART

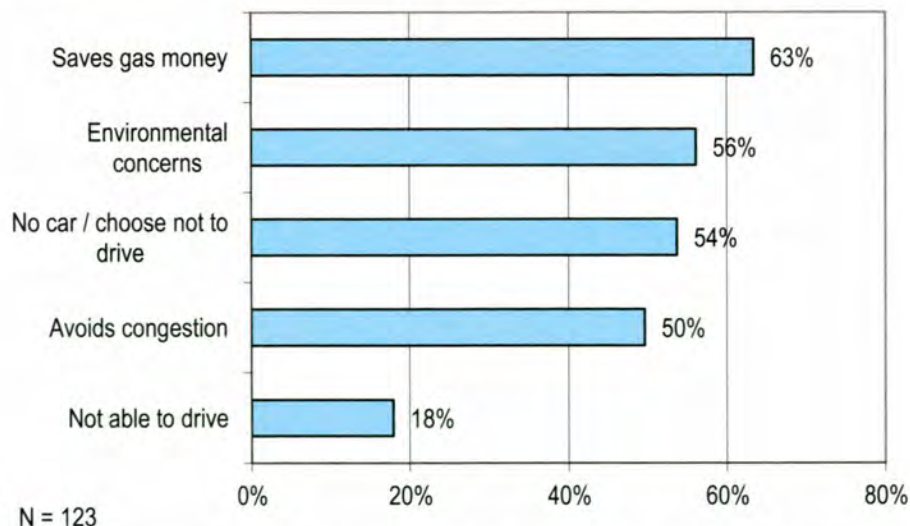
Almost half the respondents use SMART transit service at least once per week (see Figure 4-36), with almost one quarter being daily (week day) riders accessing employment sites in Wilsonville.

Figure 4-36 In the past year, how often have you used SMART transit scheduled (fixed route) and/or Dial-A-Ride (door-to-door) services?



As illustrated in Figure 4-37 those that do use SMART's transit services do so for financial reasons (saves money), to avoid congestion, because they have no car or choose not to drive, and for environmental reasons—all these reasons being relatively equal among respondents.

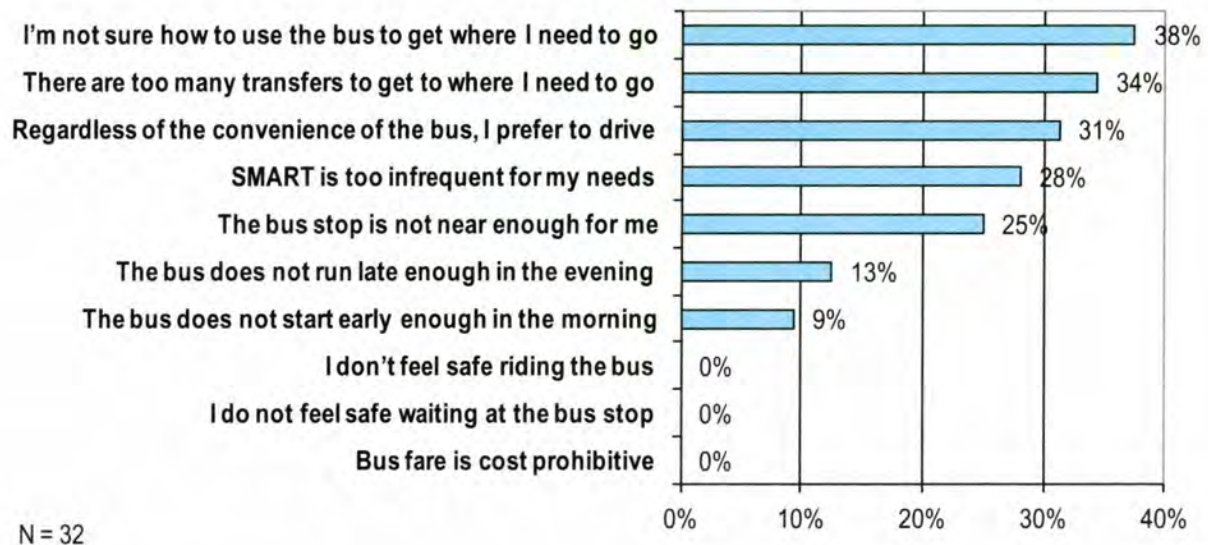
Figure 4-37 How important are the following factors in your decision to use SMART?



Note: Respondents could choose more than one answer, so percentages do not add up to 100%.

Those who do not ever or rarely use SMART transit indicate that the frequency, location and convenience of service are the primary limiting factors (see Figure 4-38). Interestingly, over one-third of the respondents do not use SMART transit because of lack of awareness of routes/areas served. Cost is not cited as a limiting factor. When providing comments, multiple respondents cite long travel times on transit and the focus on employment transit services (limited stops and schedules)

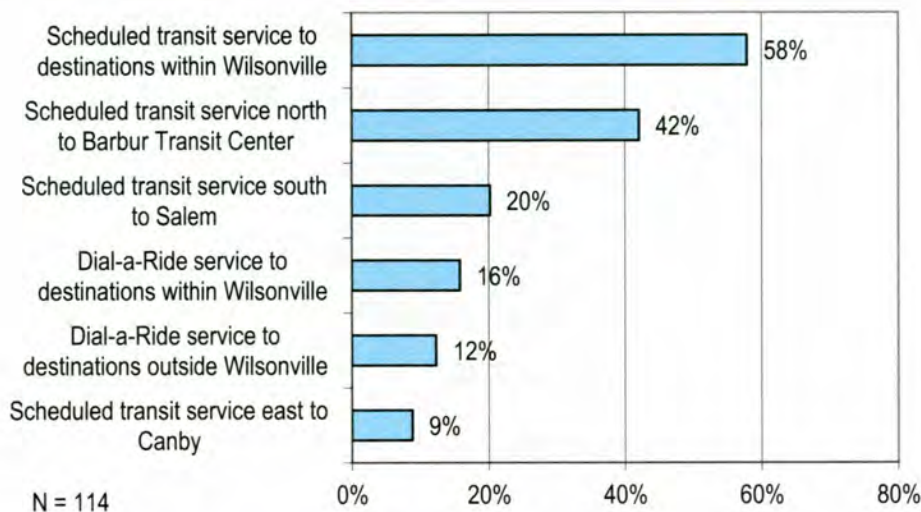
Figure 4-38 If you indicated that you never or rarely ride SMART, please indicate which factors impact your decision to not ride at this time?



Note: Respondents could choose more than one answer, so percentages do not add up to 100%.

Use of fixed-route transit services is strongest both within Wilsonville and to/from Barbur Transit Center (see Figure 4-39), with significant use of service to the south to/from Salem. Dial-a-ride service use is evenly split within and outside of Wilsonville.

Figure 4-39 What SMART services do you most frequently use?

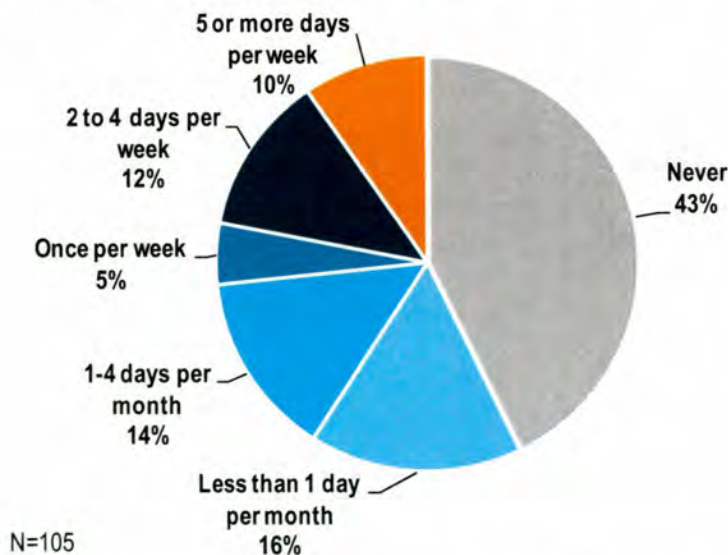


Note: Respondents could choose more than one answer, so percentages do not add up to 100%.

Use of SMART's 2X Route

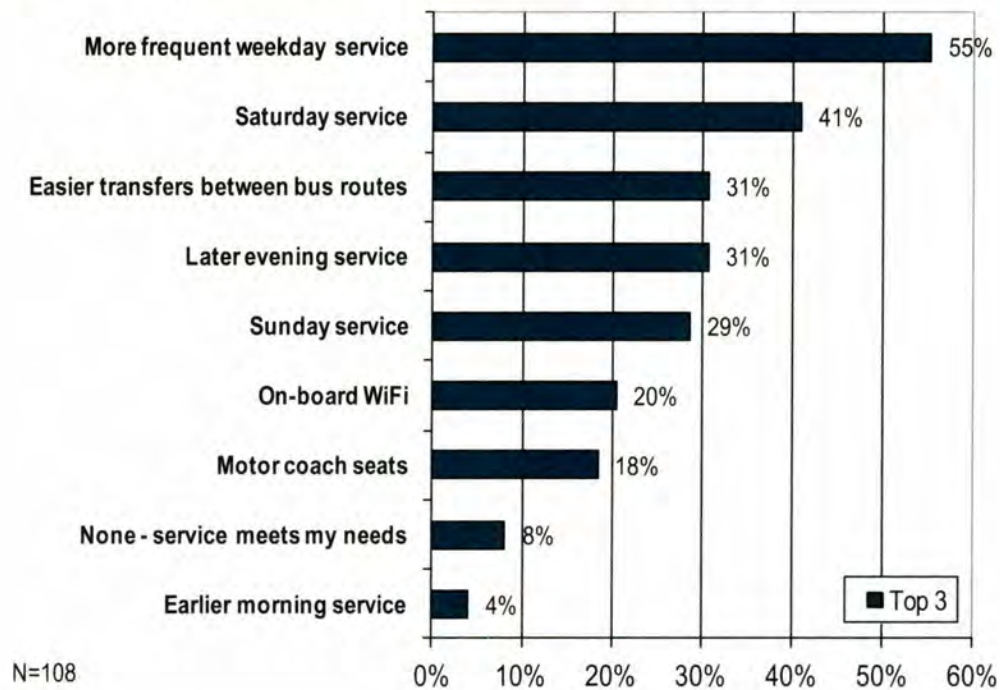
Over 40% of those responding do not use Route 2X, while approximately one-quarter use it at least once per week (see Figure 4-40).

Figure 4-40 How often do you ride SMART's Route 2X?



Respondents would be more likely to use the route or use it more often if there were more frequency and expanded hours of service, expanded Saturday service and institution of Sunday service (see Figure 4-41). Earlier morning service was not a priority among respondents. A number of respondents provided unsolicited suggestions for service to downtown Portland when answering this question.

Figure 4-41 What improvements would make you more likely to use Route 2X or use it more often?

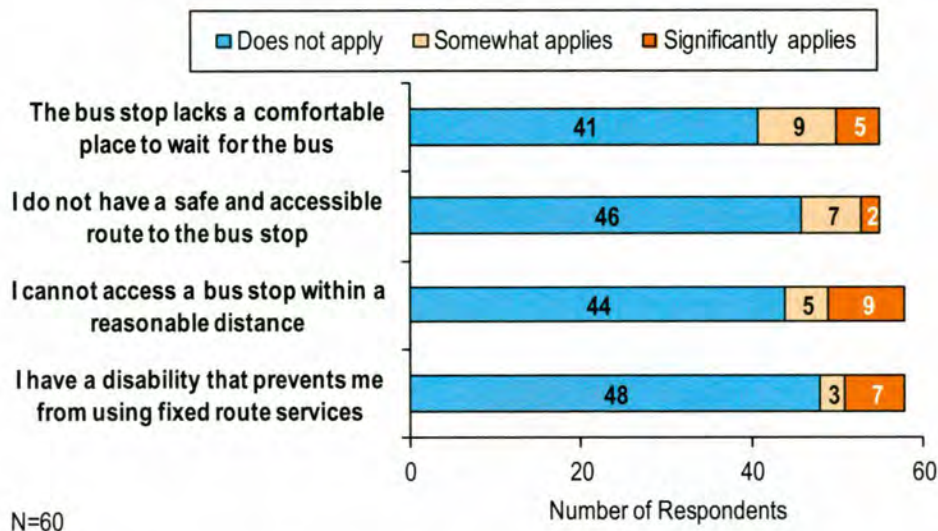


Note: Respondents could choose more than one answer, so percentages do not add up to 100%.

Use of Dial-a-Ride Services

DAR users infrequently cited limitations to using fixed route buses when indicating why they choose the demand response service (see Figure 4-42). Since a significant majority of those responding indicate that the factors cited did not apply along with some of the comments received, users may use DAR to complete trips not available via fixed route, or do not perceive their limitations as a disability. The combination of answers and comments suggests that convenience is a key factor influencing use of Dial-a-Ride rather than fixed-route service.

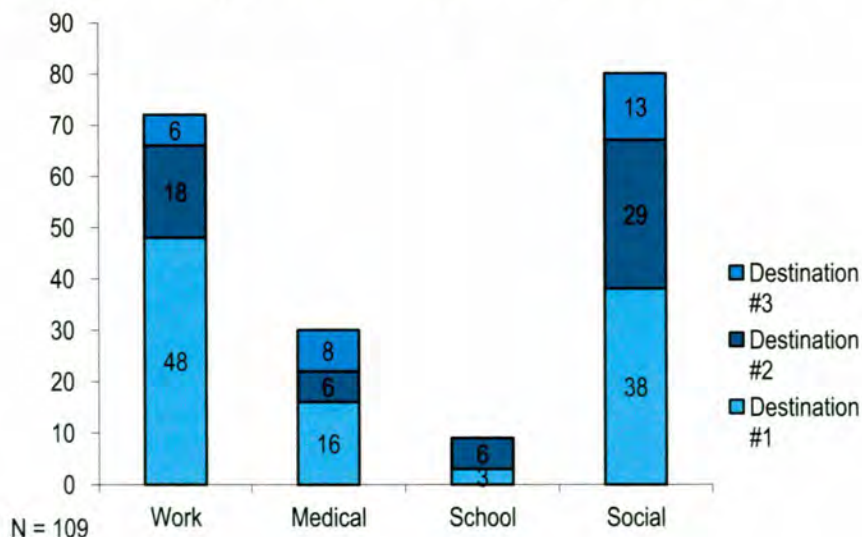
Figure 4-42 How do each of the following factors influence your decision to use Dial – A – Ride instead of the fixed route bus?



Potential New Locations for SMART Services

While a wide variety of destinations are identified, shopping and medical services in downtown Portland are the most desired destinations for users of fixed-route bus service. Transit centers, light rail, train station, and educational institutions are also popular destinations. Access to Eastside services, specifically County services in Oregon City, is also desired. These destinations are primarily for work and social purposes, with medical purposes a distant third priority.

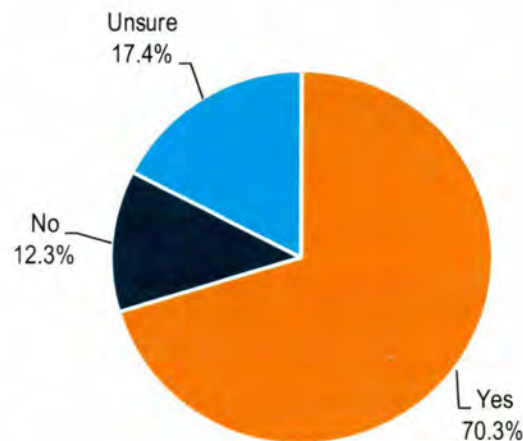
Figure 4-43 What type of destination(s) are the options you provided?



Support for Additional Local Funding

As highlighted in Figure 4-44, there is very strong support for additional local funding for improvements to SMART services to the previously identified. Some comments indicate support for increased fare to provide the local funding. In general, the comments suggest strong support for public transportation and a desire to ensure the continuation of what is perceived to be excellent service by SMART.

Figure 4-44 Would you support additional local funding for SMART services to provide the improvements or service to additional destinations that you identified?

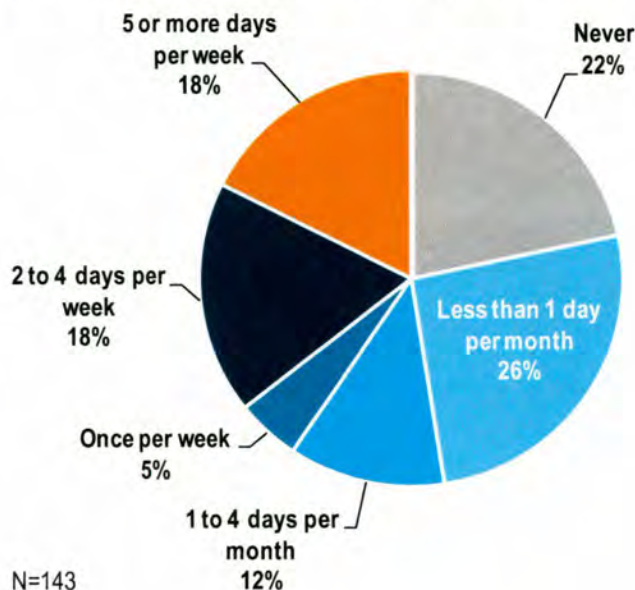


N = 138

Use of Other Public Transportation Services

Approximately 40% of respondents are regular (at least once per week) users of other public transportation services in the greater Portland area.

Figure 4-45 In the past year, how often have you used TriMet WES, buses, or MAX?



General Comments

When asked if they had any additional comments, respondents provided nearly 100 inputs. Most of the feedback expresses gratitude for the available services and commendations for SMART staff. Respondents offered a number of suggestions for increased service levels at a variety of times and to a variety of destinations. A comprehensive list of these comments is provided in Appendix C.

Respondent Demographics

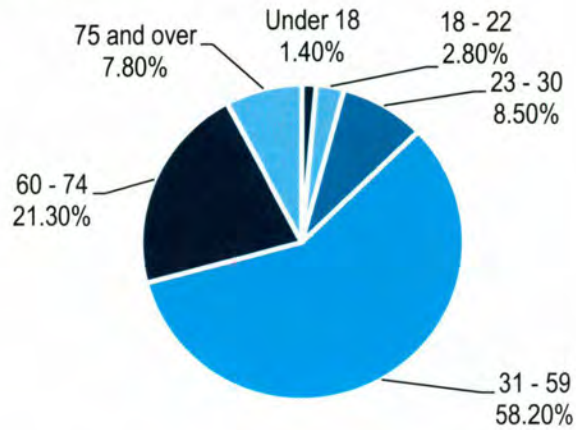
A majority of the respondents provided a Wilsonville-based home zip code but inputs were received from across the region. Figure 4-46 highlights the top home locations.

Figure 4-46 Respondent Home Zip Codes

Zipcode	City	Respondents	Percent of Total
97070	Wilsonville	81	58%
97219	Portland	6	4%
97201	Portland	5	4%
97008	Beaverton	3	2%
97013	Canby	3	2%
97062	Tualatin	3	2%
97209	Portland	3	2%
97224	Portland/Tigard/King City	3	2%
97301	Salem	3	2%

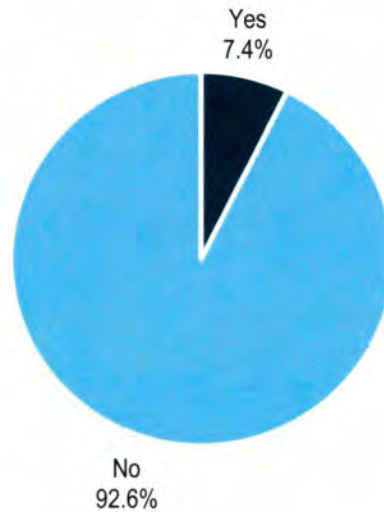
Figure 4-47 through Figure 4-50 highlight that the respondents represent a variety of age groups, generally do not have mobility limitations and cover a range of income brackets.

Figure 4-47 What is your age?



N = 141

Figure 4-48 Do you have a disability which prevents you from using fixed route services?



N = 135

Figure 4-49 If yes, type of disability?

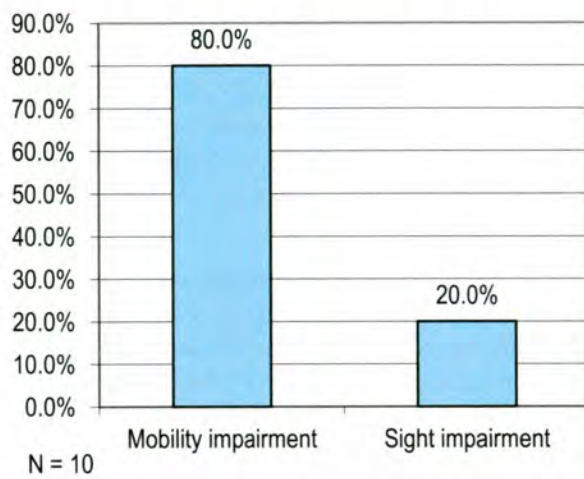
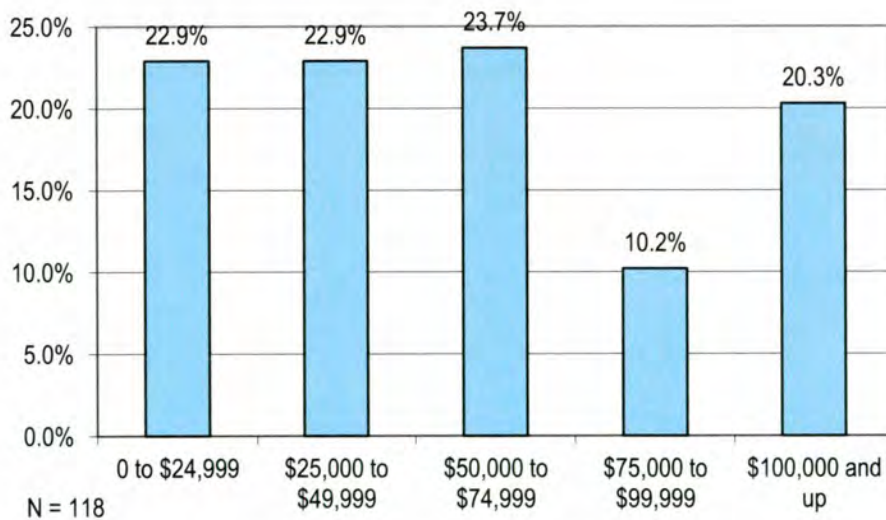


Figure 4-50 What is your income range?



STAKEHOLDER INPUTS

A total of 18 in-person or telephone interviews were conducted with key partners and stakeholders. Interviewees included three representatives of human service providers for seniors and mobility-challenged, two transportation service providers (i.e. TriMet, Ride Connection), five major employers in Wilsonville, five representatives of potential new service destinations, and two public agencies. The goal of the interviews was to inform partners and key stakeholders of the project, obtain input to inform the needs assessment, identify other potential partners and interested parties, and begin to identify service delivery options.

Potential interviewees were initially identified by SMART staff and the consultant team. A personalized letter from Stephan Lashbrook, Transit Director, provided project background and solicited participation in the interviews. Interview questions were tailored to the particular audience and results were recorded with attribution to encourage candidness. Interview results are compiled in Appendix D and summarized below. Figure 4-51 identifies each of the contacted stakeholders.

In addition, a presentation was made at a Wilsonville Community Seniors, Inc. meeting to inform them of the project and to solicit input on senior travel needs. The project team also presented a project overview to the City's Community Development Team, and engaged staff in a group discussion around questions related to future transit demand, potential destinations for future service outside of Wilsonville, and opportunities and constraints for integrating special needs transportation with fixed-route services in the I-5 corridor. Summary notes from the staff discussion are included in Appendix D. SMART staff also provided an update on the project at a City Council work session.

Appendix D provides a detailed compilation of stakeholder input.

Figure 4-51 Stakeholder List

Interviewee	Affiliation
Human Service Providers	
Cindy Becker	Clackamas County Health, Housing & Community Services – Social Services Division
Mary Beth Taennler	Marqui Care Center
Anna Bourne	Springridge Court
Transportation Service Providers	
Tom Mills & Jeff Owen	TriMet
Julie Wilcke and Elaine Wells	Ride Connection
Major Employers/Academic Institutions	
Bill Chown	Mentor Graphics
Joyce Sorlien	Precision Interconnect/Tyco Electronics
Scott Sloat	FLIR Systems
Mateo Aboy & Abbie Allan	Oregon Tech
Jillene Jensen	Stream Global Services
Potential New Destinations	
Pete Collins	South Waterfront TMA
John Landolfe	Oregon Health Sciences University
Dusty Johnson	Providence / St. Vincent
Jeffrey Davis	Veterans Affairs
Paul Smith	City of Portland / Portland Bureau of Transportation
Ian Stude	Portland State University
Public Agencies	
Sherrin Coleman	Oregon Department of Transportation – Public Transit Division
Elissa Gertler & Matt Bihn	Metro
Teresa Christopherson	Clackamas County (interviewed at same time as Cindy Becker)

Major Stakeholder Findings

The findings discussed in this section are based on the comments and opinions of the stakeholders interviewed. **The findings are not reported as facts, but rather as key themes that were related to the project team by invited stakeholders. It is also important to note that these interviews may not represent the sentiments of all potential stakeholders, only those that were interviewed.**

General Comments

Given that interviewees were selected based upon some assumed connection to SMART or other regional transit services, a high awareness of SMART service was expected and confirmed by the interviews. Of note was the general lack of awareness that SMART provides medical trips outside of Wilsonville, except by those involved in serving seniors and persons with disabilities.

When asked to identify SMART's strengths, connections to other transit services, convenience of service, and service to seniors and persons with disabilities were cited. "They believe in universal access – their service is designed as much as possible, for people regardless of physical, mental, or economic disadvantage; not trying to segregate parts of the population." Improvements identified generally relate to expanded hours of operation, more service during peak periods, and more access to medical appointments outside of Wilsonville.

(Note: Both TriMet and Ride Connection representatives were interviewed as transportation providers. However, comments are incorporated into Public Agency and Elderly-Disabled Community responses below rather than in a separate section.)

Major Employers

Major employers in Wilsonville draw employees from a wide commute shed extending from Salem to Vancouver, WA, with a notable component from Washington County. Employers did not anticipate significant changes in commute patterns over the next 5-10 years, although additional use of transit by students to the area's educational institutions is expected. In addition, new employers who move in to both existing and newly developed employment areas may have unique commute patterns and demand for transit, exemplified by Stream Global's move to Wilsonville (see above).

Subsidizing transit passes was identified as the primary approach to meet state requirements related to reducing single-occupant vehicle use.

Free parking is identified as a disincentive to transit use by employees. There are attitudinal constraints as well: "The company tends to be relatively high-paying, so people are in possession of their own vehicles and drive to work. There is a mental picture that "we aren't the people who use public transportation". Other disincentives cited include:

- A large group of employees drop kids off at day-care and they need their vehicle in case of emergencies.
- Employees working a multiple of shifts starting or ending at times when transit is not available.

For those employers with limited parking, transit is of high value. "We have huge parking constraints; with our move, we will be decreasing the amount of parking available for employees. Public transit ridership will be key to addressing this issue."

Expanded hours of operation, discounted fares, more convenient service and safety generally are identified as needed to make transit use more attractive to employees. “The only reasons we hear for not using transit is the number of connections that have to be made. Services that provide fewer connections might have more success.” The lack of supportive commercial services in close proximity, e.g. restaurants, is also cited as a disincentive.

When asked what options SMART should explore to finance expanded transit services to businesses, business representatives responded, it was suggested that SMART make a better return on investment pitch -- what’s the cost of employees using vehicles versus using transit.

Using established points of contact is cited as the best way for SMART to outreach to business employees.

Elderly and Disabled Community

Because of increasing physical challenges associated with aging, local senior & disabled population representatives indicate that use of SMART services by the elderly and persons with disabilities in Wilsonville has been declining, i.e., as disabled populations age they tend to require more specialized transportation, e.g., MetroWest. The greatest demand for services is for medical/dental appointments, primarily in Tualatin, Wilsonville, Tigard and Portland. While there is demand for medical trips to Portland facilities, demand for recreation and supportive services is generally outside of Portland, as there is a reluctance to go downtown. Providers note that there is good access to support services such as grocery shopping within Wilsonville.

County offices in Oregon City are identified as a key destination for expanded services. Access to dialysis treatment centers is another need. Access to job placement sites for persons with developmental disabilities is particularly challenging due to their locations.

Transit use (fixed route or Dial-a-Ride) would be more attractive to seniors and persons with disabilities if there were increased frequency of and more convenient access points to services. For paratransit, barriers include timing issues for transfers and amenities at stops. What’s needed is a seamless transfer system to go from one vehicle to the next without significant delay in service.”

To integrate special needs transportation with fixed route services in the I-5 corridor, interviewees suggest larger vehicles, travel training and timely connections. Services in the Wilsonville-Portland I-5 corridor that would be most beneficial to seniors and persons with disabilities include more reliable connections among medical facilities and standard service improvements such as: “having stops and routes go near areas where low income populations live, stops close by, services operating at hours useful to people, good transfers without waiting, and basic amenities available at bus stops.”

Connectivity is most important to primary transit centers like Barbur rather than direct service to downtown Portland. “While direct connections to medical facilities and entertainment centers would be nice, they but may not be best use of resources.” It is suggested that accessing hubs (Barbur Transit Center, Clackamas County Services Center, OHSU) would make more sense than SMART expanding its service area. “Beef up what exists, especially for dialysis and medical visits.” It is also suggested that SMART explore partnerships with other transportation providers, such as Ride Connection.

If SMART is no longer financially able to provide services outside of Wilsonville, current users would be most impacted financially, as they would have to pay for services like EMS or

MetroWest to take them to their appointments or pay private parties. Options to explore include increasing the charge for services.

Using established points of contact at social service agencies, especially those at the County, is cited as a good way for SMART to outreach to seniors and persons with disabilities. For the independent living, mail delivery works well to convey information.

Representatives of Potential New Destinations

Direct connections to Marquam Hill (OHSU, VA and Shriners), PSU and to South Waterfront are identified as the most desirable new connections for SMART services. As two of the potential new destinations for SMART service, both OHSU and PSU are interested in working with SMART to increase transit services to their facilities. At OHSU, approximately 40% of trips are via transit, with transit use expected to increase over the next 5-10 years. There is significant demand for transit services for employees, including from the Wilsonville area. In terms of what type of service would be most beneficial, a direct route from Wilsonville without having to go downtown is identified.

No specific issues are identified related to integrating special needs transportation with fixed route services. “As long as information is provided (pamphlets) to patients with route information and dial-a-ride options, there shouldn't be many issues.”

Public Agencies

In terms of plan or policy direction related to services within or affecting transit services within the Wilsonville-Portland I-5 corridor, it is recommended that SMART be aware of the state's focus on intermodal transportation planning, Metro's Southwest Corridor Plan, and TriMet's Southwest Service Enhancement Plan.

Regional travel patterns show significant movement from South Hillsboro in an arc down to Tualatin-Sherwood and on into Wilsonville. Surveys conducted for the Southwest Corridor Plan show strong cross corridor (east-west) demand for services. They also indicate a greater demand for local service than for downtown service. The Plan is evaluating enhanced bus service rather than BRT or LRT. PCC Sylvania is a potential node in the corridor. It is recommended that Wilsonville participate in the corridor plan process.

Direct service from Wilsonville to Oregon City is a missing link in the system.

Portland is supportive of expanded transit services to downtown and other South Portland locations. Dedicated bus or HOV lane will be needed to make travel through the Portland portion most functional.

TriMet is undertaking preparation of a Southwest Service Enhancement Plan this Fall. The planning area will be larger than that for the SW Corridor Study. Route 76 service will not change except that there will be more service in the future. The Plan could consider the potential to extend Route 2X to downtown. Route 2X could also help feed Tualatin-Sherwood service.

In terms of SMART services, TriMet would support drop off only (closed door) service to Portland that does not siphon off TriMet customers. TriMet is interested in coordinating services with SMART for Stream Global.

Ride Connection is developing an IT clearinghouse as a pilot project that SMART may want to investigate.

Demand is expected to increase for both fixed-route commuter and demand responsive services within the I-5 corridor. When asked about opportunities for integrating special needs transportation with fixed route services in the I-5 corridor, it is suggested that SMART coordinate with TriMet's Lift program. Downtown Portland and South Waterfront are identified as the most important destinations to be served by both fixed-route or demand responsive services.

Periodic briefings are identified as the best mechanism for communication on the project.

Wilsonville Community Seniors

On May 8, 2013, the consultant team and SMART staff made a presentation on the project to the Board of Directors of Wilsonville Community Seniors as part of their monthly meeting. Following the presentation, the consultant team conducted intercept surveys with approximately 20 senior citizens. Key input included:

- There is strong support for SMART. "We love their services"
- More opportunity for medical transport options to downtown Portland is desired.
- More convenient service in terms of stops and frequency would result in more use.
- Being able to access multiple medical facilities in one trip is desired.
- There is some reluctance to go into downtown Portland.
- Drivers are exceptionally courteous and helpful.
- Access to shopping is a critical service.

SUMMARY OF STAKEHOLDER AND COMMUNITY INPUT

- Over one third (35%) of surveyed passengers on SMART Route 2X were traveling solely within Wilsonville
- Of those traveling out of Wilsonville, 18% of the Route 2X respondents were going to SW Portland, 13% to Tualatin, 6% to NE Portland, and 5% to downtown Portland
- Over a quarter of Route 2X respondents indicated they would like to see direct service to downtown Portland
- Sunday service, more Saturday service and improved frequency of service on weekdays were the most requested improvements to Route 2X
- Almost half of the community-wide general public survey respondents ride SMART at least once a week.
- More than a third of those not currently using SMART cite a lack of knowledge of the system and how to use it.
- Community survey respondents who use SMART fixed-route transit service do so primarily to access employment sites in Wilsonville, the Portland metropolitan area, or Salem. They do so for financial reasons, to avoid congestion, because they have no car or choose not to drive, and for environmental reasons.
- Those who do not ever or rarely use SMART transit indicate that the frequency, location, and convenience of service are the primary limiting factors. There is also a relatively high lack of awareness of routes/areas served. Cost does not appear to be a limiting factor.
- Many community survey respondents that use DAR do so for convenience reasons rather than because of an inability to use fixed-route alternatives.

- While community survey respondents cited a wide variety of destinations for expanded service, shopping and medical services in downtown Portland are the most desired fixed-route locations. Direct connections to Marquam Hill, PSU, and South Waterfront are the most desirable new locations for DAR services.
- There is very strong support among community survey respondents for additional local funding for improvements to SMART services to destinations in the greater Portland area identified as desired by respondents. Some comments indicate support for increased fare to provide the local funding. In general, the comments suggest strong support for public transportation and a desire to ensure the continuation of what is perceived to be excellent service by SMART.
- Stakeholders generally conveyed that SMART had an excellent reputation with the community and enthusiastically provided inputs at this early stage of the project when there are no specific proposals to react to.
- Good connections to other transit services, convenience of service, and service to seniors and persons with disabilities are cited as SMART's strengths. Desired improvements include expanded hours of operation, more service during peak periods, and more access to medical appointments outside of Wilsonville.
- Employers in Wilsonville who participated in interviews see high value in the transit service provided by SMART, although free employee parking, shift hours and attitudinal issues limit employee use of it. The number of connections that have to be made is the greatest disincentive to employee use of SMART transit services.
- There is a wide commute shed to/from employment in Wilsonville, extending from Salem to Vancouver, WA, with a notable component from Washington County. Regional travel patterns show significant movement from South Hillsboro in an arc down to Tualatin-Sherwood and on into Wilsonville. Surveys conducted for the Southwest Corridor Plan show strong cross corridor (east-west) demand for services. They also indicate a greater demand for local service than for downtown service.
- Stakeholders feel demand is expected to increase for both fixed-route commuter and demand responsive services within the I-5 corridor.
- With the exception of the Wilsonville senior and disabled community and County service providers, there is a general lack of awareness among stakeholders that SMART provides dial-a-ride services outside of Wilsonville. County health and social services offices in Oregon City are identified as a key destination for expanded services. Access to dialysis treatment centers is another need. Access to job placement sites for persons with developmental disabilities clients is particularly challenging due to their locations.
- Stakeholders feel that while there is demand for medical trips to Portland facilities, demand for recreation and supportive services is generally outside of Portland, as there is a reluctance to go downtown among seniors.
- Stakeholders feel that connectivity to primary transit centers like Barbur is more important to current SMART users than is direct service to south or downtown Portland locations. Participants indicate that accessing hubs (Barbur Transit Center, Clackamas County Services Center, OHSU) is preferable to expanding SMART's service area
- In terms of plan or policy direction related to services within or affecting transit services within the Wilsonville-Portland I-5 corridor, stakeholders recommend that SMART be aware of the state's focus on intermodal transportation planning, Metro's Southwest Corridor Plan, and TriMet's Southwest Service Enhancement Plan.

Transit Integration Project | Needs Assessment - DRAFT
City of Wilsonville – South Metro Area Regional Transit

- The City of Portland is supportive of expanded transit services to downtown and other South Portland locations. TriMet would support drop off only (closed door) service to Portland that does not siphon off TriMet customers. And TriMet is open to consider the potential to extend Route 2X to downtown and to have Route 2X help feed Tualatin-Sherwood service.

5 MARKET ASSESSMENT

The purpose of this chapter is identify and characterize different transit markets that SMART currently serves or could serve in the future. The market for transit is driven by factors including the aggregate need to travel to and from major activity centers, the type of transit services that are provided, who they serve, and how well those services meet travel needs. This evaluation includes an assessment of existing transit use relative to overall travel demand, e.g., as indicated by demographic data, Census journey-to-work (LEHD) data and travel demand data from Metro.

DEMOGRAPHIC ANALYSIS

Understanding the current and projected distribution and density of population and employment is an integral part of understanding travel and public transportation needs in Wilsonville. This section considers demographic characteristics, including segments of the population that typically have a greater propensity to use transit services.

Population

As of 2010, the population of Wilsonville was over 19,500 residents (and over 20,000 as of 2012). While Wilsonville's population is growing and growing older, the population is younger than regional averages. Wilsonville has a marginally smaller share of residents age 65 or older compared to Clackamas County (13.7%) or Oregon as a whole (13.8%), with 13.2% of the population in this age group. A relatively small share of this elderly population is living in poverty, at just under 3%. Wilsonville has a large share of young working age residents, ages 20-39. In 2010, nearly 32% of Wilsonville's population was in this age bracket compared to less than 30% for Washington County and about 23% for Clackamas County.

Population projections provided by the Oregon State Office of Economic Analysis forecast growth in the elderly population of Clackamas County over the next 10 and 20 years. By 2020, 16% of the County's population is anticipated to be age 65 or older, and by 2030 this share is estimated to grow to 18%.

About one in ten of Wilsonville's residents are living below the poverty level. However, on average in 2009 households in Wilsonville were spending more than 30% of their household income on housing and more than 45% of their household income on housing and transportation costs combined, which are the affordability benchmarks in the Center for Neighborhood Technology's H+T Affordability index.⁹ On average, Wilsonville residents spend nearly 28% of their income on housing, which is below the affordability threshold, but over 52% of their income on combined housing and transportation costs, which is considered unaffordable.

⁹ The Center for Neighborhood Technology's Housing + Transportation (H+T) Affordability Index uses 2009 American Community Survey 5-year estimates. This statistic is based on 77% of the households in Wilsonville. The rest of the households had insufficient data.

Just over 9% of households have no access to a vehicle, which is a larger share of the population compared to the County (5.6%) and State (7.6%). Half of Wilsonville's residents rent their homes. This proportion is significantly larger than Clackamas County (29.3%) or the State (36.2%).

Compared to the region and Clackamas County, Wilsonville has more nonfamily households. Forty-percent of households in Wilsonville are nonfamily, compared to 38% in the region, and 30% in Clackamas County. With multiple workers, it is possible that this may contribute to higher vehicle ownership per household.

Figure 5-1 Demographics, 2010

	Population	% Population age 20-30 years	% Population 65 years or older	% Population in poverty	% Population 65 years or older in poverty	% Households without access to a vehicle	% Renter-occupied housing units
Wilsonville	19,509	31.7%	13.2%	11.4%	2.8%	9.3%	50.5%
Clackamas County	375,992	22.9%	13.7%	9.5%	6.2%	5.6%	29.3%
Oregon	3,831,074	26.9%	13.8%	14.8%	8.3%	7.6%	36.2%

Note: Data on disability status for Wilsonville residents will be available toward the end of 2013, in the ACS 2008-2012 5-Year Average.

Source: US Census, 2010; American Community Survey (ACS) estimates, 2007-2011 5-Year Average

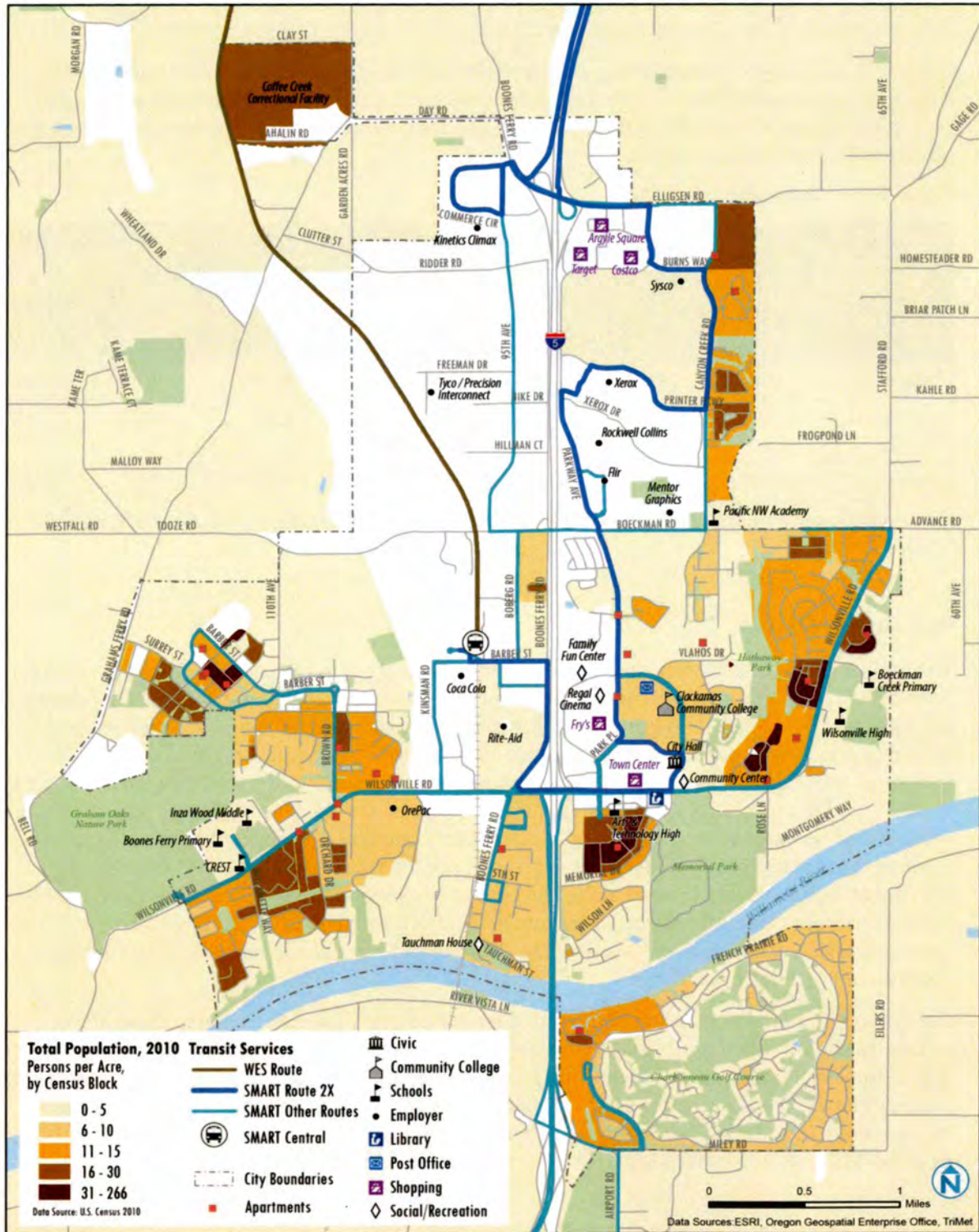
Population Density

Wilsonville is 6.9 square miles and has a population density of 2,827 people per square mile (4.4 people per acre). This is comparable to neighboring Tualatin (3,404 people per mile; 5.3 people per acre) and less dense than Portland (4,375 people per square mile; 6.8 people per acre) and Tigard (4,496 people per square mile; 7.0 people per acre). Housing is largely separate from industrial and commercial uses, concentrating residential density in the southern parts of the city. Figure 5-2 highlights areas in the city with the highest population density. These locations align with the addresses of Wilsonville's largest apartment complexes. Analysis of housing density, apartment complex locations, and existing transit service shows that many of Wilsonville's apartment complexes are located along fixed-route bus service. SMART Route 4 services many of these apartments, operating near 30-minute headways throughout the day. The Illahee Apartments and other locations south of the Willamette River are served by Route 3 which operates at 60-minute headways.

Figure 5-3 shows the population density of older adults in Wilsonville. The map illustrates concentrations of older adults in the Charbonneau neighborhood. Residents along the eastern side of the development are not currently served by transit. Other locations with high densities of older adults are the Windfield Village assisted living and retirement community and Marquis Wilsonville, a long-term care and nursing home. While Windfield Village is accessible by the Route 4, Marquis Wilsonville is more than a quarter-mile from a fixed-route bus line.

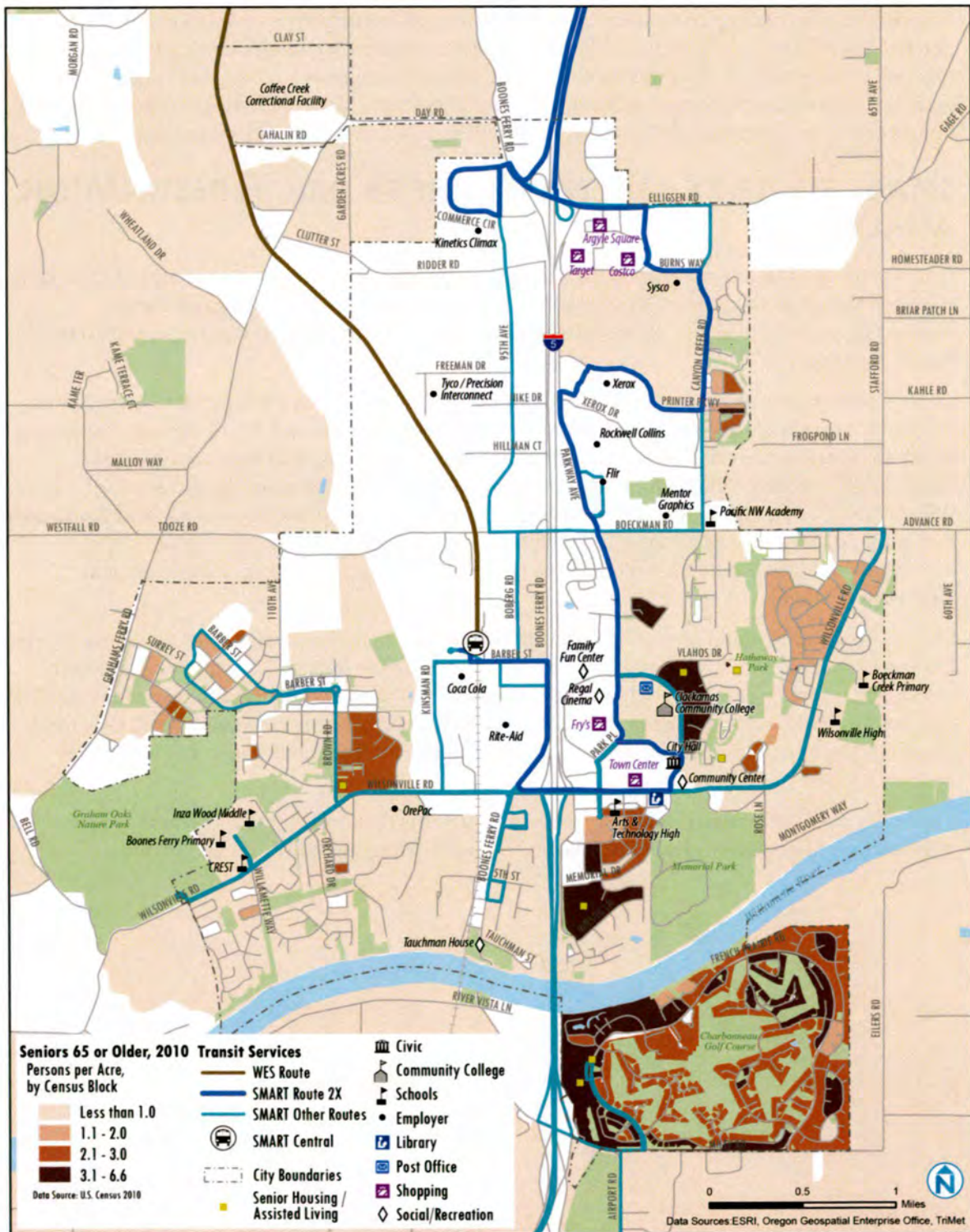
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Figure 5-2 Population Density, 2010



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Figure 5-3 Senior Population Density, 2010



Housing Characteristics

Compared to the region, Wilsonville has a wider range of housing types available. Forty-two-percent of dwelling units in Wilsonville are attached, 5+ unit apartments, compared to the regional average of 23%. Another 42% of Wilsonville's housing stock consists of single-family detached homes, much lower than the 65% regional average. Most of the single-family detached homes are owner-occupied (77%) while most multifamily housing is renter-occupied (80%).¹⁰

SMART ROUTE 2X AND TRIMET LINE 96 ORIGIN DESTINATION ANALYSIS

Origins and destination pairs for SMART Route 2X and TriMet Line 96 were analyzed using data collected as part of the Route 2X on-board survey and the Line 96 online survey. Origin destination pairs from Route 2X survey respondents are documented in Figure 5-4 (local) and Figure 5-5 (regional).

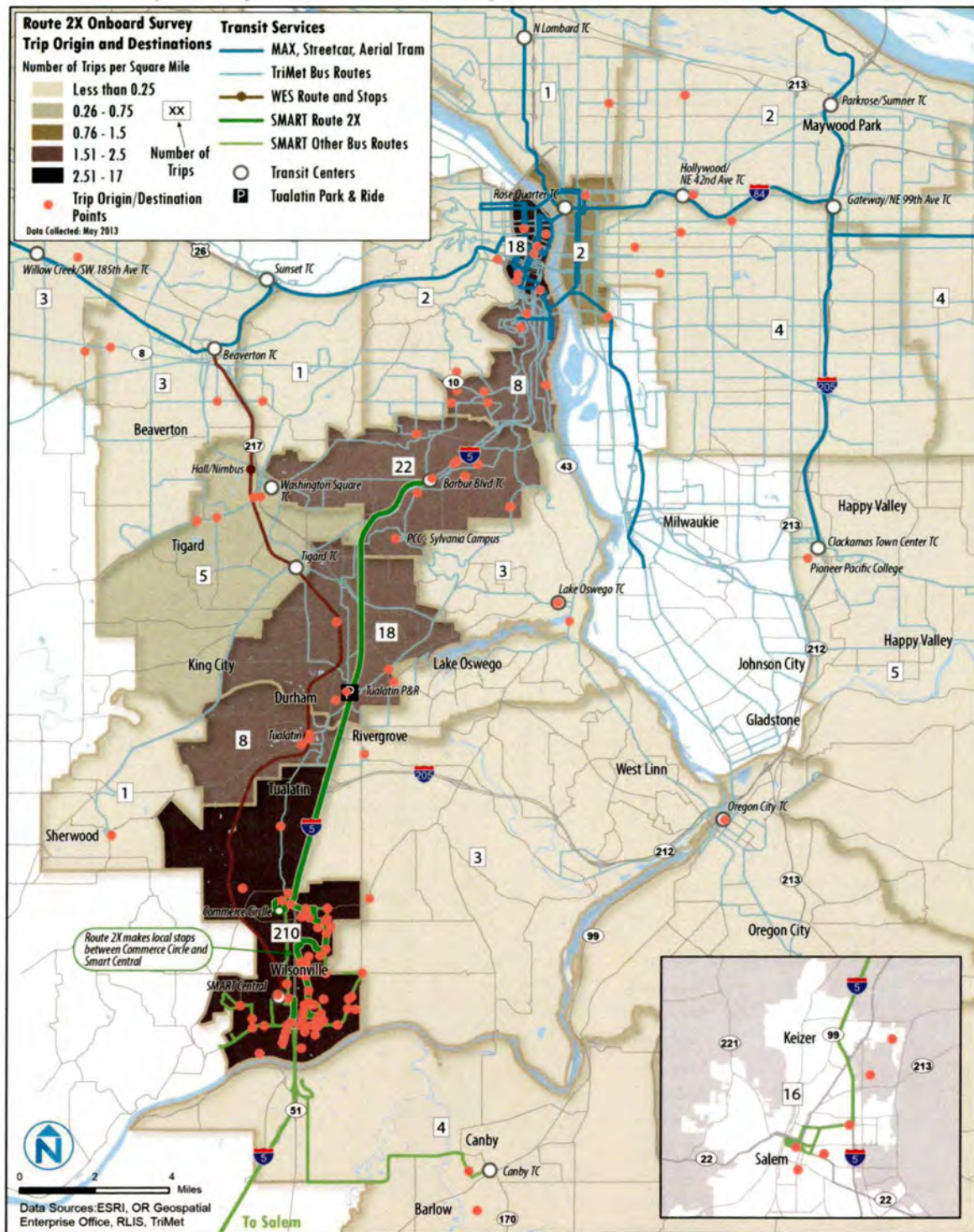
Locally, passengers' major non-residential origins or destinations are Wilsonville Town Center, Wilsonville City Hall, the Community Center, Xerox campus area, and Argyle Square. Figure 5-4 shows that residential origins or destinations are most concentrated in the Canyon Creek Apartments. Figure 5-5 highlights some of the regional travel patterns north and south of Wilsonville. The darkest colors show the concentration of trips within Wilsonville and downtown Portland. To the south, passengers traveled to or from Salem. To the north of Wilsonville, passengers used the Route 2X to connect to points throughout downtown, Northeast, and Southeast Portland.

Line 96 provides regional service, connecting Wilsonville-bound passengers to Commerce Circle. Line 96 passenger trip origins and destinations in Wilsonville include Xerox, Fry's, Commerce Circle, and a variety of residential locations. Outside of Wilsonville, passengers were making connections to downtown Portland, OHSU, PCC- Sylvania, Washington Square Mall, Greenway Town Center, and points throughout Tualatin, Hillsdale, Multnomah Village, and along the Barbur corridor.

The origin destination pairs noted by survey respondents demonstrate strong trip flows between Wilsonville and downtown Portland followed by points along the 99W and I-5 corridor.

¹⁰ ECONorthwest, Wilsonville Housing Needs Analysis, April 2013

Figure 5-5 Route 2X Rider Origin-Destination Locations – Regional



MEDICAL TRIP ANALYSIS

Dial-a-Ride Medical trips bring Wilsonville residents to destinations throughout the region for medical visits. Analysis of the origins and destinations of DAR medical trips, illustrated in Figure 5-6, shows that major trip origins for medical passengers are in the senior living communities in Wilsonville with destinations including:

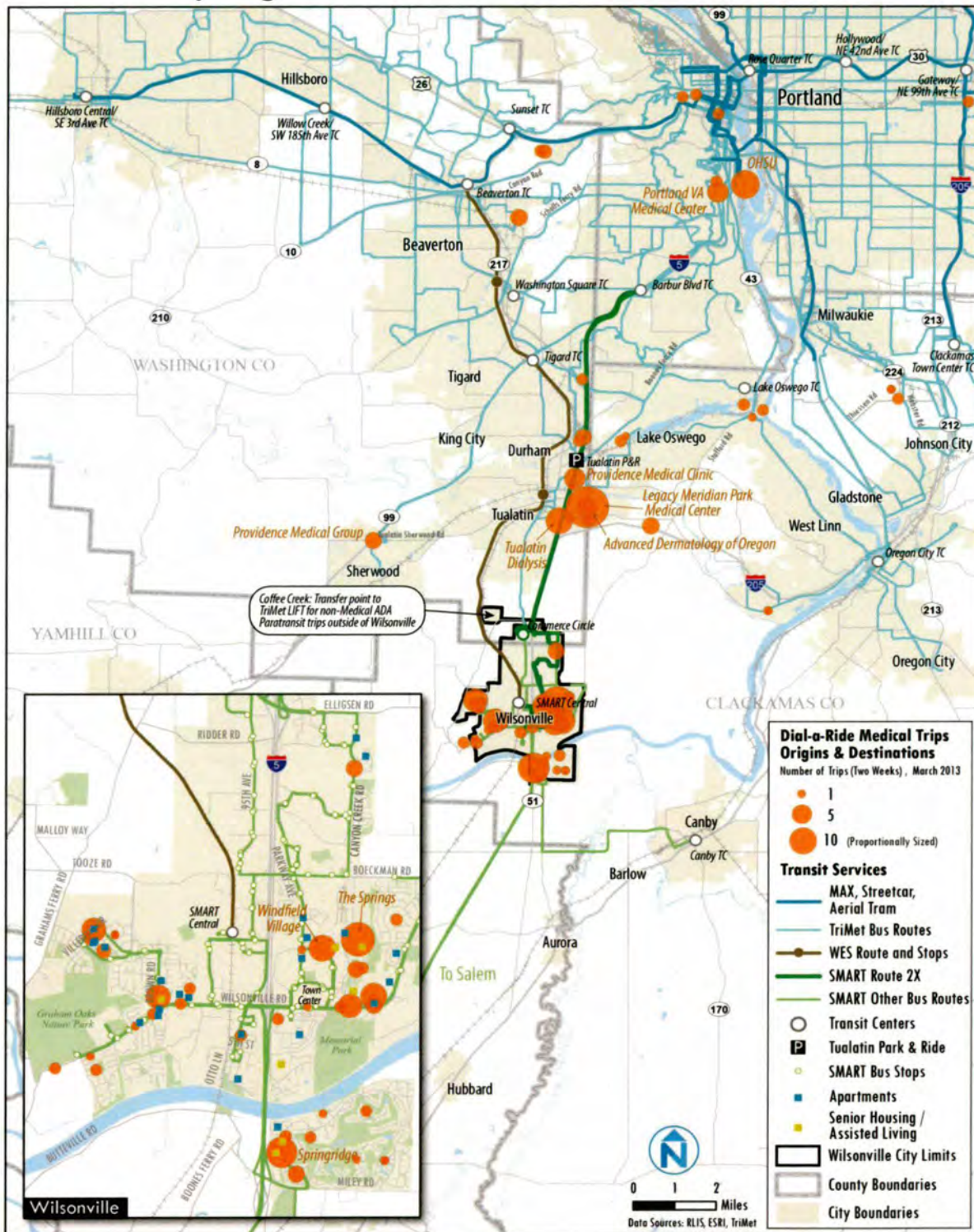
- Legacy Meridian Park Medical Center, Advanced Dermatology of Oregon, and Tualatin Dialysis. These locations are clustered near the confluence of I-5 and I-205 in Tualatin, about 2 miles south of the Tualatin Park-and-Ride.
- Providence Bridgeport Health Center, located about a third of a mile south of Tualatin Park & Ride.
- Oregon Health Sciences University and the Portland Veteran's Administration Medical Center.
- Providence Hospital in Sherwood.

Fixed-route transit connections to most of these locations from Wilsonville require multiple transfers. For example, residents could take Route 2X to Tualatin Park & Ride, transferring to TriMet Line 76 serving Meridian Park Medical Center, a trip of between 50 to 70 minutes including waiting time required for the transfer (scheduled time on the bus is about 40 minutes).¹¹ When WES is in operation, the trip is about 40 minutes, including transfer time between WES and Line 76. To access OHSU and the VA Medical Center by fixed-route service from Wilsonville a passenger would need to make two or more transfers, a one-way trip totaling more than 100 minutes. A fixed-route transit connection to Sherwood is not practical.

¹¹ Southbound Route 2X is timed to southbound Line 76 arrivals at Tualatin Park & Ride during hours when WES is not in operation, and vice-versa for the northbound direction, however the trip between Wilsonville and Meridian Park Medical Center requires a transfer between the northbound Route 2X and the southbound Line 76, and vice-versa.

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Figure 5-6 Medical Trip Rider Origin-Destination Locations



WORK TRIP ANALYSIS

This section describes existing home-work travel patterns, based primarily on U.S. Census Bureau Longitudinal Employer-Household Dynamics (LEHD) data.

Work Locations

As of May 2013, there were 25 companies with 100 or more employees in Wilsonville. In total, there are 986 business licenses in the city, directly employing about 13,500 FTE (full-time equivalent) employees. The average number of employees at each business was 14.3 FTE employees.¹² Figure 5-7 lists the top employers in Wilsonville. Many of Wilsonville's largest employers are located in large office parks, in the northeastern part of the City. SMART service, including Route 2X, circulates along most of the main thoroughfares that access the work locations. Most of the employers listed in the table are served by multiple SMART routes.

Figure 5-7 Top Employers by FTE Employees

Name of Business	SMART Route(s)	Approximate Number of FTE Employees
Xerox Corporation	2X, 6	1,000-1,250
Mentor Graphics	2X, 6	751-1,000
Tyco		501-750
Sysco Food Services	2X, 6	501-750
Rockwell Collins	2X, 6	251-500
Precision Interconnect	5	251-500
FLIR Systems, Inc.	2X, 6	251-500
Fry's Electronics	2X, 4	100-250
Rite Aid Distribution Center	1X, 2X, 3, 4	100-250
Costco Wholesale, Store # 766	2X, 6	100-250
Kinetics Climax Inc.	5	100-250
Coca Cola	All	100-250

Note: May 2013. FTE = Full-Time Equivalent.

Sources: City of Wilsonville Business License Database; Wilsonville Area Chamber of Commerce

Analysis of the employment locations of Wilsonville workers and the residential locations of workers employed in Wilsonville was performed using U.S. Census Bureau LEHD data, which identifies residential and work locations by Census block. Based on LEHD data, a total of 17,739 individuals work within Wilsonville.

¹² City of Wilsonville Business License Database, <http://www.ci.wilsonville.or.us/Index.aspx?page=244>, Wilsonville Area Chamber of Commerce, Top Employers, <http://www.wilsonvillechamber.com/?Doing-Business/Top-Employers>

Figure 5-9 shows where Wilsonville residents work in Wilsonville.¹³ Local employment sites appear to generally be within relatively close walking distance of the SMART fixed-route system. Coffee Creek Prison is one of the more distant locations from transit (approximately 0.9 mile walk).¹⁴

Figure 5-8 lists where Wilsonville residents work across the region, and Figure 5-10 illustrates the wide distribution of work locations around the region. Of the 8,609 workers living in Wilsonville, 22.1% work in Portland and 16.1% work in Wilsonville. A total of 2,056 Wilsonville residents (nearly 24%) work in nearby communities (Tigard (6.4%), Tualatin (5.4%), Hillsboro (3.6%), and Lake Oswego (3.3%)) -more than work in Portland. Nearly 300 workers (about 3.5%) work in Woodburn or Salem.

Figure 5-8 Work Locations of Wilsonville Residents (1% or more of workers)

City	Number of Workers	Share of Workers
Portland	1,905	22.1%
Wilsonville	1,380	16.0%
Tigard	551	6.4%
Tualatin	469	5.4%
Beaverton	441	5.1%
Hillsboro	307	3.6%
Lake Oswego	288	3.3%
Woodburn	153	1.8%
Eugene	147	1.7%
Salem	143	1.7%
Oregon City	114	1.3%
Canby	110	1.3%
Milwaukie	97	1.1%
Sherwood	89	1.0%
Newberg	87	1.0%
West Linn	87	1.0%
Other Locations	2,241	73.8%
TOTAL	8,609	100%

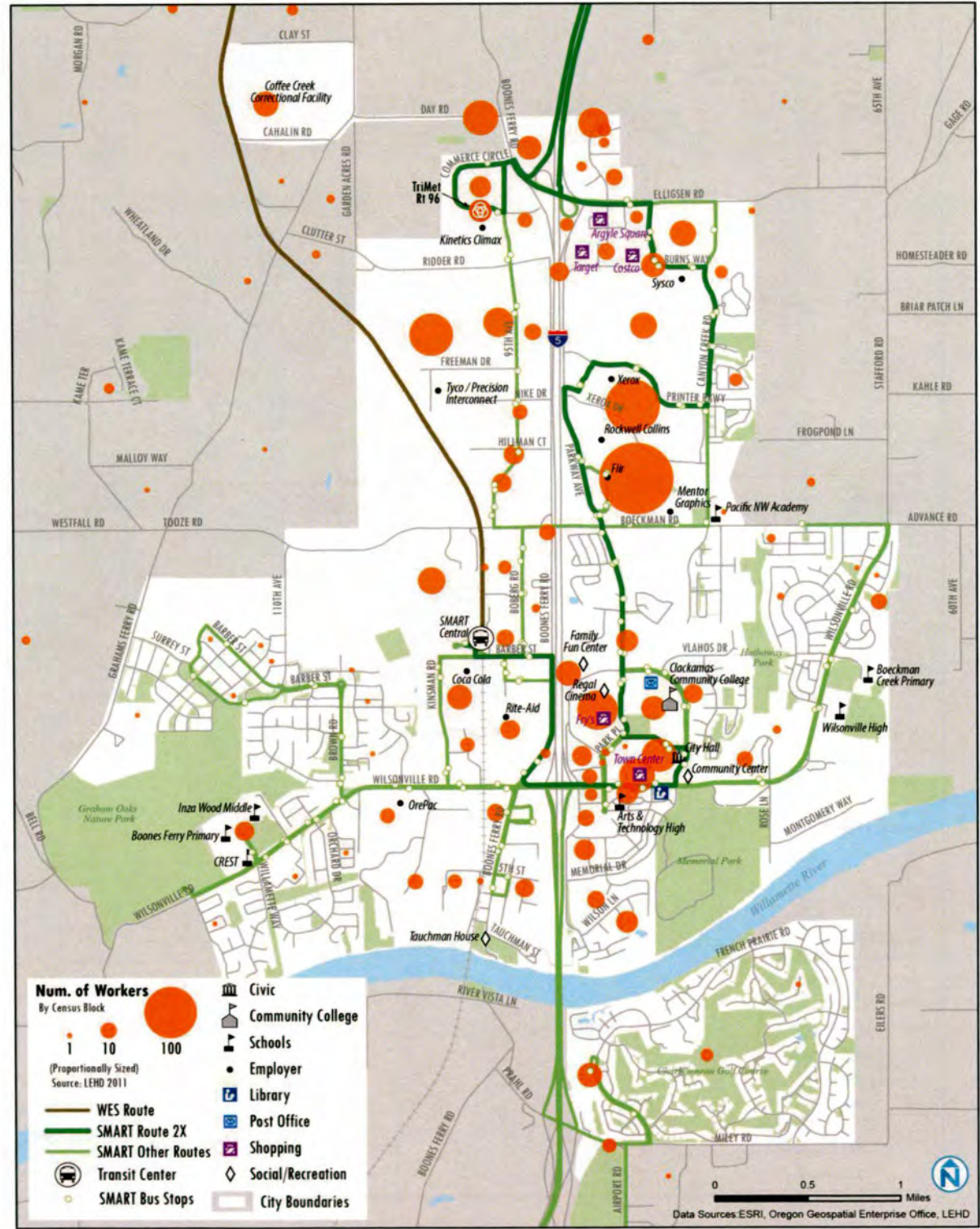
Source: LEHD, 2011

¹³ Note that this map does not include work locations in Wilsonville for non-Wilsonville residents. For the purposes of this document it is assumed that work locations are comparable between Wilsonville residents and non-residents. In addition, an LEHD analysis of the area east of I-5 and north of Boeckman Road indicated that work destinations appear to be similar for the region as for Wilsonville residents.

¹⁴ Coffee Creek is within Wilsonville city limits but is in the TriMet service area.

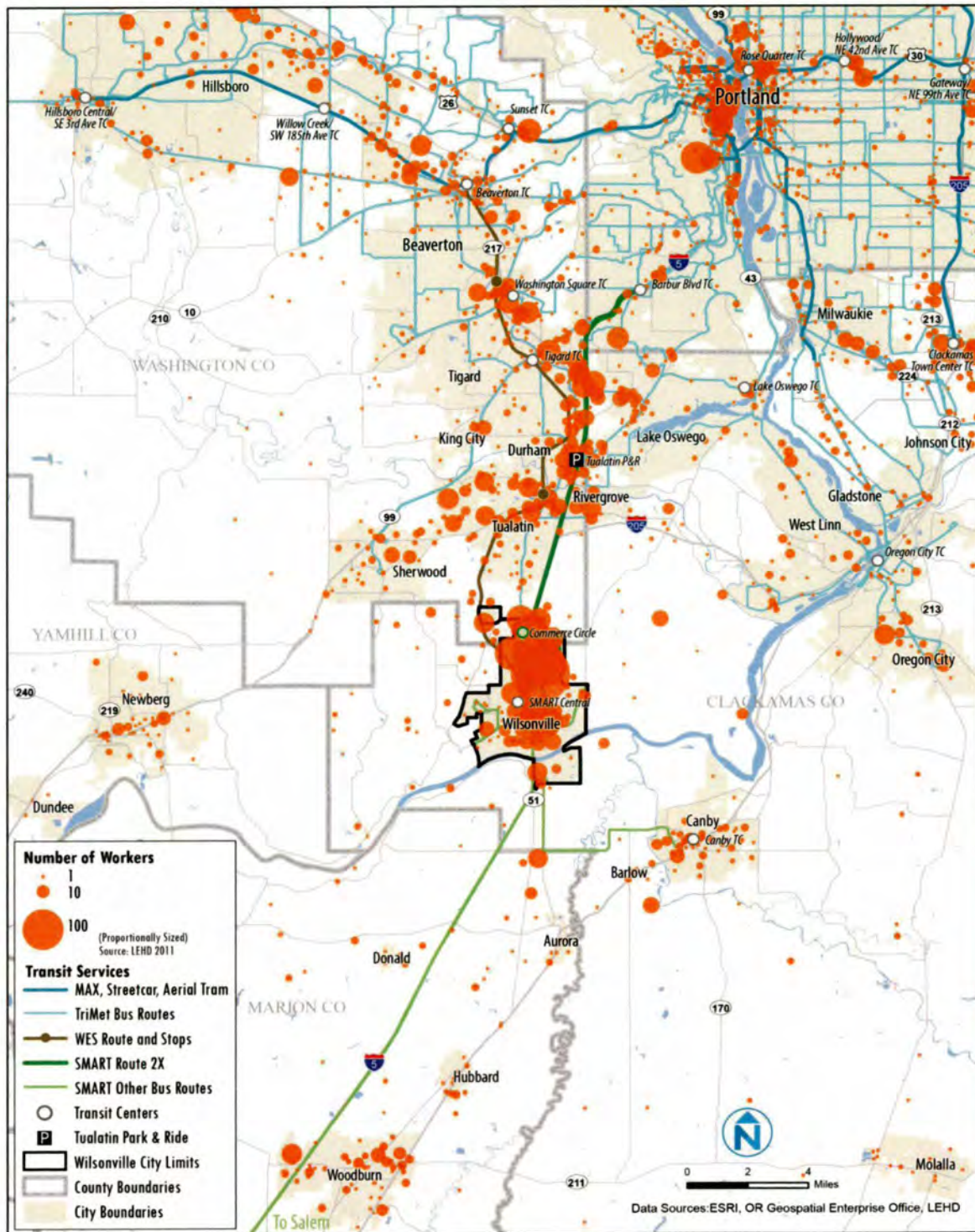
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Figure 5-9 Local Work Locations for Wilsonville Workers



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Figure 5-10 Regional Work Locations for Wilsonville Residents



Residential Locations

A total of 17,739 individuals work within Wilsonville. Figure 5-12 illustrates local (within Wilsonville) home locations for Wilsonville workers by Census block. With some exceptions, these locations are served by transit. Regional home locations for Wilsonville workers, listed in Figure 5-11 and shown in Figure 5-13, are broadly distributed around the region. Overall, the largest percentage of workers in Wilsonville come from Portland (11.6%) followed by Wilsonville itself (7.8%). A combined nearly 3,000 workers (almost 17%) live in Beaverton (3.9%), Tigard (3.8%), Tualatin (3.8%), Hillsboro (2.8%), and Lake Oswego (2.4%)—more than live in Portland. Over 1,000 Wilsonville workers (5.7%) live in Woodburn or Salem.

Figure 5-11 Home Locations of Wilsonville Workers (100 or more workers)

City	Number of Workers	Share of Workers
Portland	2,054	11.6%
Wilsonville	1,380	7.8%
Beaverton	698	3.9%
Tigard	675	3.8%
Tualatin	670	3.8%
Salem	571	3.2%
Hillsboro	502	2.8%
Woodburn	444	2.5%
Sherwood	431	2.4%
Lake Oswego	420	2.4%
West Linn	419	2.4%
Canby	390	2.2%
Aloha	386	2.2%
Oregon City	323	1.8%
Newberg	308	1.7%
Gresham	258	1.5%
Vancouver, WA	220	1.2%
Eugene	181	1.0%
Bull Mountain	169	1.0%
Keizer	169	1.0%
Albany	150	0.8%
Milwaukie	147	0.8%
Molalla	137	0.8%
McMinnville	119	0.7%
Other Locations	6,312	35.5%
TOTAL	17,739	100%

Source: LEHD, 2011

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Figure 5-12 Local Home Locations for Wilsonville Workers

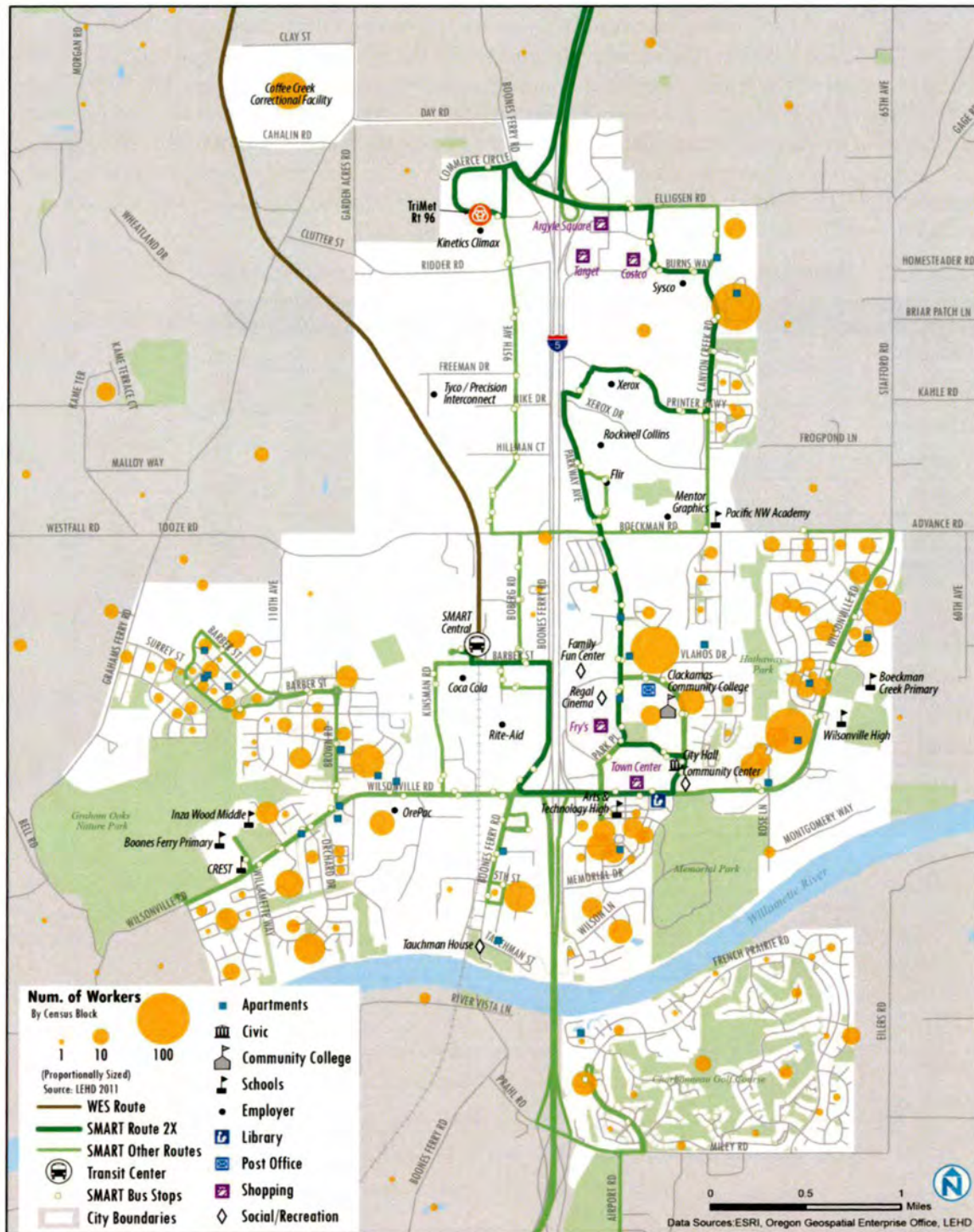
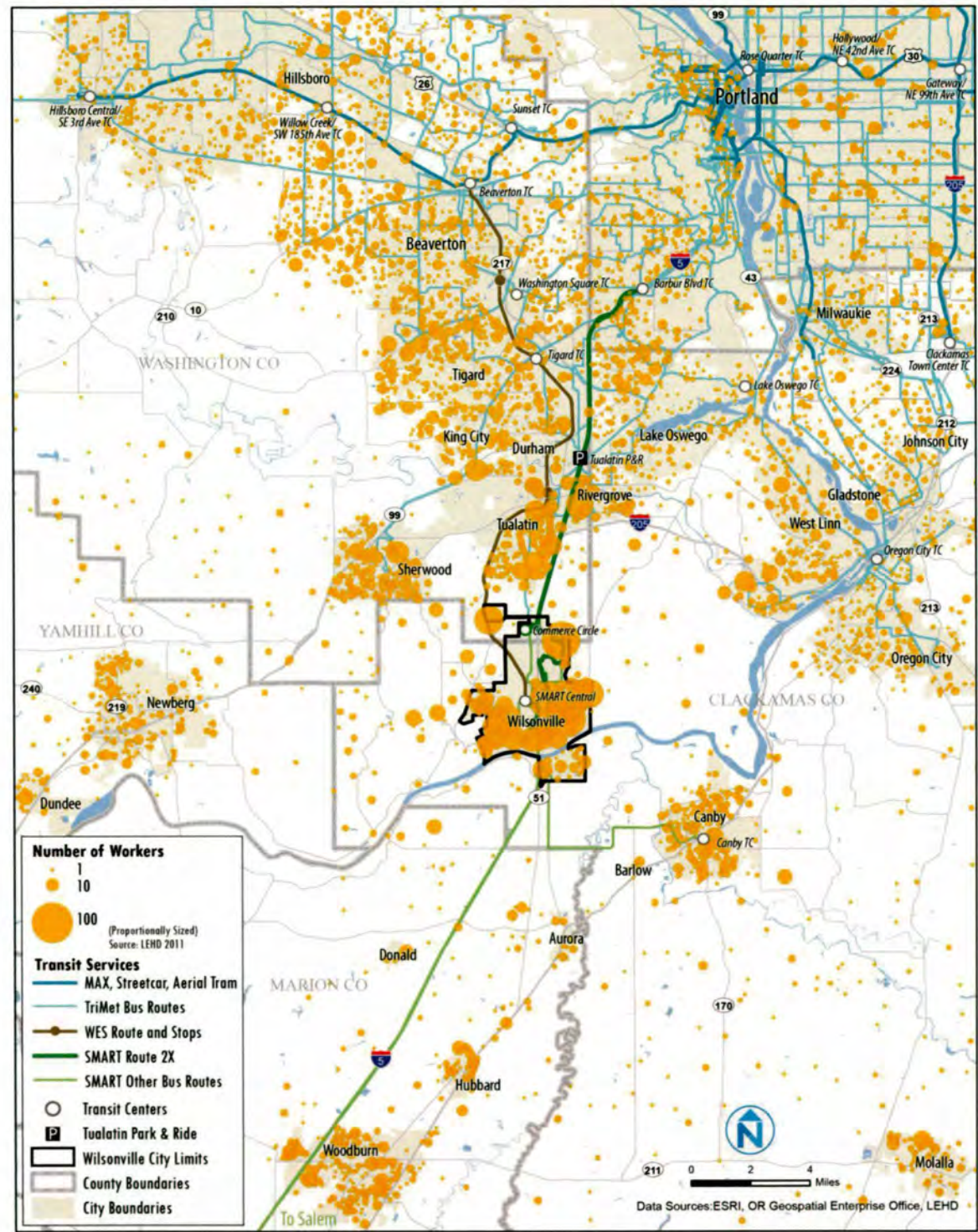


Figure 5-13 Regional Home Locations for Wilsonville Workers



TRAVEL DEMAND ANALYSIS OVERVIEW

Projected travel demand analysis has been performed by Metro, the regional government and Metropolitan Planning Organization (MPO). Metro's four-step, trip-based travel demand modeling predicts trip frequency, origins and destinations, modal choice, and travel by time of day. Using travel demand models, Metro sets regional priorities and guides investments. The trip-based model allows for the analysis of home-based and non home-based trip.

Metro projects that future travel markets will remain geographically similar, focusing connections between Wilsonville and downtown Portland. The number of person trips will increase as Wilsonville grows. More trips outside of Wilsonville are expected to destinations throughout Tualatin, Tigard, and Beaverton. In 2035, downtown Portland is predicted to be the strongest transit market connected to Wilsonville. Other than downtown Portland, transit trips are expected to make increased connections to points in Southeast Portland, Tigard, Washington Square Mall, and points throughout Hillsboro and Forest Grove.

Metro 2035 Person Trips and Transit Trips Projections

Metro has modeled the number of overall person trips and transit trips between transportation analysis "districts." The discussion in this section focuses on trips to and from Wilsonville, which is analysis district 8. District 8, which is illustrated with a yellow border in the maps provide in this section (e.g., Figure 5-16), includes all of Wilsonville and the southern neighborhoods of Tualatin and unincorporated Washington County. In developing a transportation demand model Metro uses "person trips," which represent the number of trips made by individuals not the number of vehicles, and the number of transit vehicle trips that may be made in the region. These projections reflect changes in population and a host of travel needs in the region.

A more detailed discussion of the data follows. References to Wilsonville in the discussion are used interchangeably with District 8 in the travel demand model analysis, although as noted this District extends slightly north of Wilsonville into Tualatin.

Home-based Work Trips in 2035

Figure 5-14 and Figure 5-15 provide the travel demand model data for home-based work trips in tabular form:

- Figure 5-14 provides data for all person trips and transit trips in 2035.
- Figure 5-15 provides data for the change in person and transit trips from 2010-2035.

Three maps are provided to illustrate the travel demand for trips between home and work locations:

- Figure 5-16 illustrates projected home-based work *person* trips in 2035.
- Figure 5-17 shows the projected change in work *person* trips between 2010 and 2035.
- Figure 5-18 illustrates home-based work *transit* trips in 2035.

On these maps, the label for each district provides the projected number of trips to/from the Wilsonville district (8) in 2035, or the change between 2010 and 2035. The shading of each zone indicates the combined density of trips to and from the Wilsonville district. Since some zones are large, the density of trips provides useful context for the absolute number of trips.

The data indicates that absolute and growth in work travel demand to/from Wilsonville is projected to be strongest from Tualatin, Tigard, and Southwest/Downtown Portland. Strong growth is projected from the Sherwood area, including portions of unincorporated Clackamas and Washington Counties, and the Lake Oswego area. On a district-by-district basis:

- **Within Wilsonville (District 8).** There are 8,693 projected home-based work person trips within District 8. This represents about 29% of home-based work trips from District 8 and about 18% of trips to District 8. Transit is expected to capture about 2.2% of these trips.
- **To/From Portland Area:**
 - **Downtown Portland (District 1).** There are a total of 1,357 home-base work trips projected to/from District 1, primarily originating from District 8. Transit is expected to capture nearly 60% of trips from District 8 and nearly 26% of trips to District 8.
 - **SW Portland (Districts 2 and 12) and Inner Eastside (District 17).** District 2 (Marquam Hill and South Waterfront), District 12 (west of downtown), and the Inner Eastside (including Rose Quarter and Lloyd District) represent only 3.6% of all projected trips to/from Wilsonville (3,046) but after downtown Portland have the highest projected transit mode shares for travel to District 8—17.1%, 10.8%, and 28.5%, respectively, given high transit accessibility from these zones to downtown Portland. Demand to the two SW Portland zones is relatively balanced while a larger share of Inner Eastside trips originate in Wilsonville.
 - **SW Portland (District 3).** District 3, which includes Barbur Transit Center (current Route 2X terminus), the PCC – Sylvania Campus, and part of unincorporated Washington County and Tigard, is projected to have 1,874 trips to/from Wilsonville. A larger share of trips for this district is to work destinations in Wilsonville. The overall projected transit mode share is about 5%.
 - **North/East Portland (Districts 18, 19, 20, 21).** The other Portland Eastside districts account for 3,294 trips with projected transit mode shares ranging from 6.9% to 9.4%. These districts (along with District 22 – outer east Portland and Gresham) have good MAX or bus connections to downtown Portland; the future MAX Orange line would improve connections to district 18 as well as District 23 (includes Milwaukie).
- **To/From Tigard, Tualatin, and Lake Oswego (Districts 4, 5, and 7).** Tigard covers District 4 (Washington Square and Tigard Transit Center) and a portion of District 5. Tualatin covers District 7 (includes Tualatin-Sherwood Road corridor, Tualatin Town Center, and the Legacy Meridian Park Medical Center), a portion of District 5, and a portion of District 8 north of Wilsonville. Lake Oswego covers most of District 16 and a portion of District 5. District 5 includes Tualatin Park & Ride, Bridgeport Village, the Tigard Triangle, and Kruse Way in Lake Oswego. These zones comprise nearly 17% of trips to/from District 8 (13,309 trips). Transit is projected to capture 8.7% of travel demand from Wilsonville to Zone 4, which includes Washington Square.
- **To/From Beaverton and US 26 Corridor (Districts 9, 10, and 14).** District 9 is the primary Beaverton district (west of Hwy 217), including Beaverton and Sunset Transit Centers. There are 2,368 projected trips with an overall 8.1% transit mode share (12.4% for trips originating in Wilsonville). Although District 14 is large and the density of trips is low, there are 3,722 trips along the US 26 corridor west of Beaverton, e.g., Hillsboro.

These trips are relatively balanced between directions and have a projected 6.2% transit mode share.

- **To/From Districts 15, 24, and 25.** These expansive districts cover largely unincorporated areas of Clackamas Counties on the east side of Wilsonville, as well as West Linn, Oregon City, and Canby. District 15 includes West Linn and the I-205 Corridor to Oregon City. The model projects 5,780 trips from District 15, but a transit mode share of less than 1%. Oregon City is included in District 24 which has 2,317 projected trips and a 2.3% transit mode share. Canby is within District 25, which has 5,181 trips and a 1.4% projected transit mode share. Owing in part to their geographic size, the density of trips is relatively low in both of these zones.
- **To/From Sherwood.** District 6 consists primarily of Sherwood and has a moderate density of projected work trips— 3,163 trips (4.0% of all home-based work person trips)— but just a 1.2% transit mode share.
- **To/From District 13.** District 13 covers a broad north-south area comprised of unincorporated Washington and Clackamas Counties, west of Wilsonville, Tualatin, Tigard, and Beaverton. Although the model projects over 4,000 trips, including significant growth in trips between 2010 and 2035, the density of trips is low within this geographic area.

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Figure 5-14 Home-Based Work Trips, 2035: All Trips, Transit Trips, and Transit Share of All Trips

District	All Home-Based Work Person Trips						Home-Based Work Transit Trips						Transit Share of Home-Based Work Trips		
	From 8 to:		To 8 from:		To/from 8:		From 8 to:		To 8 from:		To/from 8:		From 8 to:	To 8 from:	To/from 8:
	#	%	#	%	#	%	#	%	#	%	#	%			
1	1,098	3.7%	260	0.5%	1,357	1.7%	658	33.2%	67	4.5%	725	20.9%	59.9%	25.9%	53.4%
2	791	2.6%	491	1.0%	1,282	1.6%	171	8.6%	48	3.2%	219	6.3%	21.6%	9.7%	17.1%
3	456	1.5%	1,418	2.9%	1,874	2.4%	23	1.2%	65	4.4%	88	2.5%	5.0%	4.6%	4.7%
4	1,502	5.0%	3,122	6.4%	4,625	5.9%	130	6.6%	99	6.7%	229	6.6%	8.7%	3.2%	4.9%
5	3,208	10.7%	2,043	4.2%	5,252	6.7%	107	5.4%	59	4.0%	166	4.8%	3.3%	2.9%	3.2%
6	1,037	3.5%	2,126	4.4%	3,163	4.0%	10	0.5%	26	1.8%	36	1.1%	1.0%	1.2%	1.2%
7	2,846	9.5%	587	1.2%	3,432	4.4%	42	2.1%	18	1.2%	60	1.7%	1.5%	3.1%	1.7%
8	8,693	29.1%	8,693	17.8%	17,386	22.1%	195	9.9%	195	13.2%	391	11.3%	2.2%	2.2%	2.2%
9	904	3.0%	1,465	3.0%	2,368	3.0%	112	5.7%	79	5.3%	191	5.5%	12.4%	5.4%	8.1%
10	440	1.5%	524	1.1%	964	1.2%	18	0.9%	25	1.7%	44	1.3%	4.1%	4.9%	4.5%
11	301	1.0%	714	1.5%	1,015	1.3%	18	0.9%	28	1.9%	46	1.3%	5.8%	4.0%	4.5%
12	449	1.5%	774	1.6%	1,223	1.6%	66	3.4%	65	4.4%	132	3.8%	14.8%	8.4%	10.8%
13	436	1.5%	4,238	8.7%	4,674	5.9%	0	0.0%	42	2.8%	42	1.2%	0.1%	1.0%	0.9%
14	1,689	5.6%	2,033	4.2%	3,722	4.7%	138	7.0%	92	6.2%	230	6.6%	8.2%	4.5%	6.2%
15	1,102	3.7%	4,678	9.6%	5,780	7.3%	7	0.3%	47	3.2%	54	1.6%	0.6%	1.0%	0.9%
16	554	1.9%	2,626	5.4%	3,180	4.0%	15	0.7%	54	3.6%	68	2.0%	2.6%	2.0%	2.2%
17	409	1.4%	132	0.3%	541	0.7%	131	6.6%	23	1.6%	154	4.5%	32.0%	17.7%	28.5%
18	128	0.4%	305	0.6%	433	0.6%	6	0.3%	24	1.6%	30	0.9%	4.7%	7.8%	6.9%
19	411	1.4%	467	1.0%	878	1.1%	18	0.9%	48	3.2%	66	1.9%	4.5%	10.3%	7.6%
20	241	0.8%	434	0.9%	675	0.9%	21	1.0%	43	2.9%	63	1.8%	8.5%	9.9%	9.4%
21	297	1.0%	1,011	2.1%	1,308	1.7%	17	0.8%	99	6.7%	116	3.3%	5.6%	9.8%	8.8%
22	168	0.6%	560	1.1%	727	0.9%	11	0.5%	31	2.1%	42	1.2%	6.4%	5.6%	5.8%
23	525	1.8%	1,262	2.6%	1,787	2.3%	17	0.8%	37	2.5%	54	1.6%	3.2%	2.9%	3.0%
24	497	1.7%	1,820	3.7%	2,317	2.9%	9	0.5%	44	2.9%	53	1.5%	1.8%	2.4%	2.3%
25	699	2.3%	4,482	9.2%	5,181	6.6%	6	0.3%	69	4.6%	75	2.2%	0.9%	1.5%	1.4%
26	690	2.3%	1,668	3.4%	2,358	3.0%	24	1.2%	35	2.3%	59	1.7%	3.5%	2.1%	2.5%
27	56	0.2%	349	0.7%	405	0.5%	0	0.0%	2	0.1%	2	0.1%	0.3%	0.5%	0.5%
28	194	0.6%	46	0.1%	240	0.3%	5	0.2%	2	0.1%	7	0.2%	2.5%	4.1%	2.8%
29	92	0.3%	422	0.9%	514	0.7%	5	0.3%	14	1.0%	20	0.6%	5.8%	3.4%	3.8%
TOTAL	29,910	100.0%	48,749	100.0%	78,661	100.0%	1,980	100.0%	1,482	100.0%	3,463	100.0%	3.0%	3.0%	4.4%

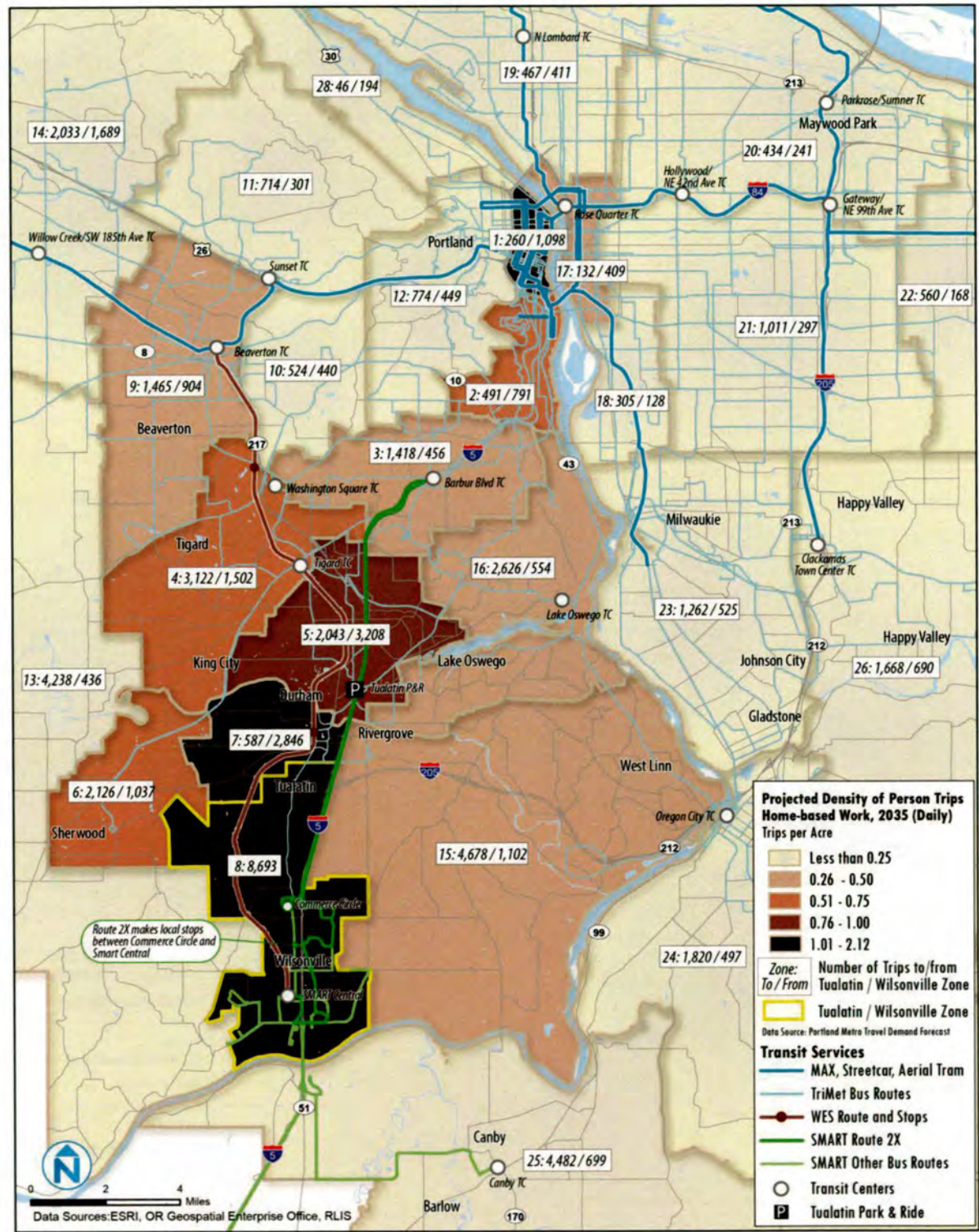
Source: Nelson\Nygaard, analysis of Metro 2035 Travel Demand Model data by Southwest Corridor District

Figure 5-15 Change in Home-Based Work Trips, 2010-2035: All Trips and Transit Trips

District	Change in Home-Based Work Person Trips, 2010-2035						Change in Home-Based Work Transit Trips, 2010-2035					
	From 8 to:		To 8 from:		To/from 8:		From 8 to:		To 8 from:		To/from 8:	
	#	%	#	%	#	%	#	%	#	%	#	%
1	57	5.5%	165	175.0%	223	19.6%	180	37.6%	45	198.7%	225	44.9%
2	259	48.7%	271	122.8%	530	70.4%	86	101.7%	27	127.3%	113	106.8%
3	125	37.7%	539	61.4%	664	54.9%	11	95.2%	26	66.9%	37	73.4%
4	593	65.1%	1,493	91.7%	2,086	82.2%	76	138.9%	55	123.8%	130	132.2%
5	1,078	50.6%	942	85.5%	2,020	62.5%	60	128.0%	36	159.2%	96	138.2%
6	662	176.7%	884	71.1%	1,546	95.6%	7	250.4%	13	92.3%	20	119.9%
7	1,501	111.6%	241	69.9%	1,742	103.1%	30	248.8%	8	75.7%	38	168.3%
8	4,706	118.0%	4,706	118.0%	9,412	118.0%	105	116.3%	105	116.3%	210	116.3%
9	286	46.2%	425	40.8%	710	42.8%	60	114.6%	32	68.5%	92	92.8%
10	118	36.6%	141	36.7%	259	36.7%	9	100.4%	10	63.7%	19	77.2%
11	58	23.8%	256	56.0%	314	44.8%	8	79.2%	13	86.6%	21	83.7%
12	65	17.0%	283	57.7%	348	39.8%	31	88.1%	29	79.5%	60	83.8%
13	258	144.9%	3,213	313.6%	3,471	288.7%	0	83.2%	25	149.3%	25	148.7%
14	645	61.7%	441	27.7%	1,086	41.2%	65	88.1%	15	19.6%	80	53.1%
15	542	96.7%	2,583	123.3%	3,125	117.7%	4	124.9%	21	79.5%	25	84.2%
16	175	46.1%	1,246	90.3%	1,421	80.7%	6	79.3%	26	94.2%	33	90.8%
17	53	14.9%	88	197.4%	141	35.2%	76	136.7%	16	236.6%	92	147.9%
18	14	12.0%	100	49.2%	114	35.9%	1	26.2%	10	69.7%	11	58.7%
19	40	10.7%	134	40.3%	174	24.7%	3	22.8%	17	54.5%	20	44.3%
20	(0)	-0.2%	88	25.5%	88	14.9%	5	34.5%	13	41.4%	18	39.1%
21	15	5.4%	273	37.0%	288	28.3%	1	6.4%	33	50.4%	34	42.0%
22	31	22.5%	59	11.7%	90	14.0%	4	50.1%	5	19.5%	9	26.1%
23	99	23.2%	299	31.1%	398	28.6%	10	147.8%	8	26.0%	18	48.6%
24	157	46.3%	934	105.3%	1,091	89.0%	4	78.2%	21	92.1%	25	89.6%
25	223	46.9%	2,169	93.8%	2,393	85.8%	3	69.8%	32	86.5%	34	84.9%
26	141	25.6%	816	95.7%	956	68.3%	13	124.1%	11	46.6%	24	70.7%
27	11	24.4%	39	12.4%	50	14.0%	0	42.5%	(0)	-3.9%	(0)	-1.2%
28	31	19.1%	21	83.6%	52	27.8%	3	142.7%	1	129.2%	4	138.8%
29	2	1.9%	26	6.4%	27	5.6%	1	14.1%	4	44.0%	5	34.5%
TOTAL	11,942	66.5%	22,875	88.4%	34,818	79.4%	862	77.0%	656	79.5%	1,518	78.1%

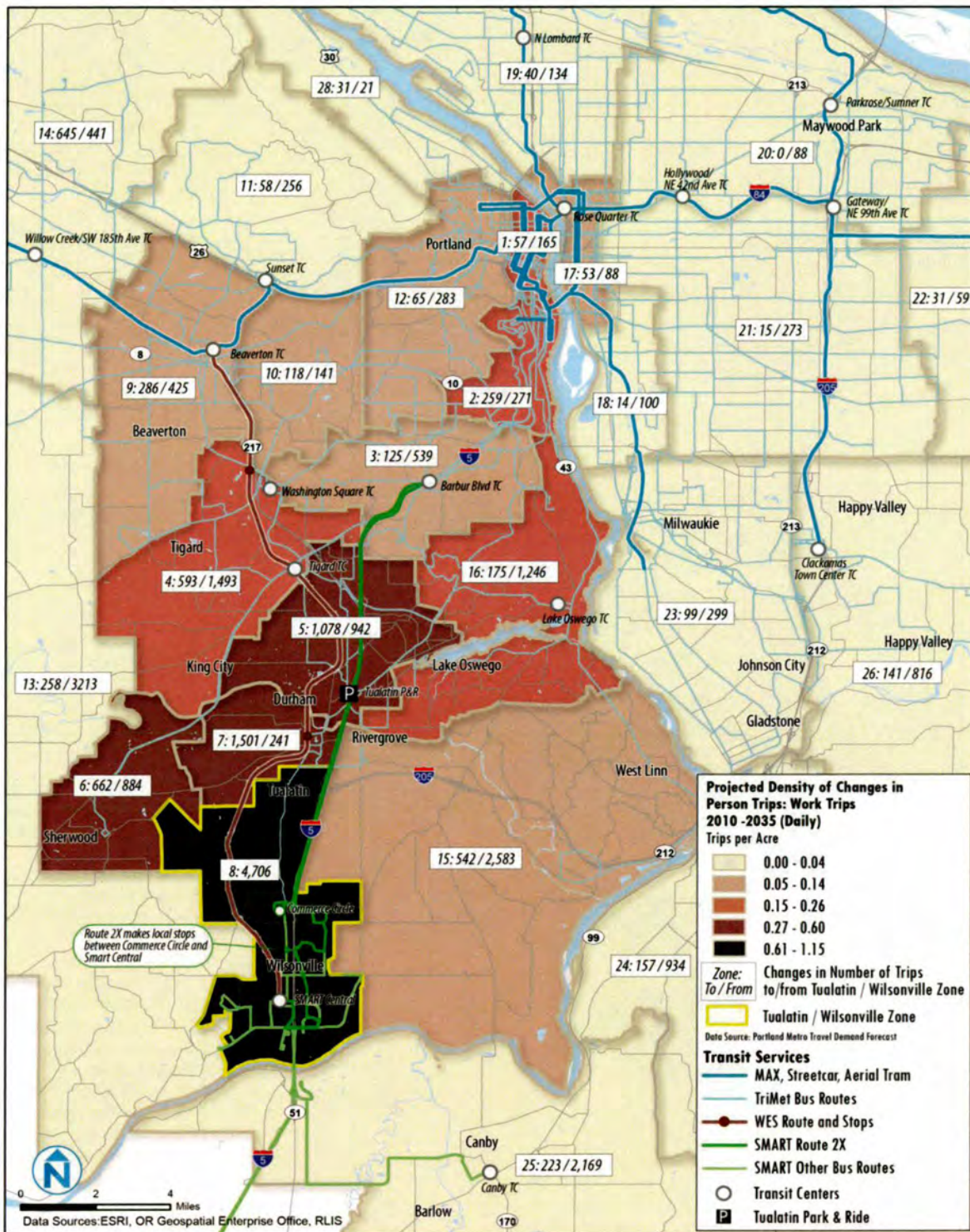
Source: Nelson\Nygaard, analysis of Metro 2035 Travel Demand Model data by Southwest Corridor District

Figure 5-16 Projected Density of Home-based Work Person Trips, 2035



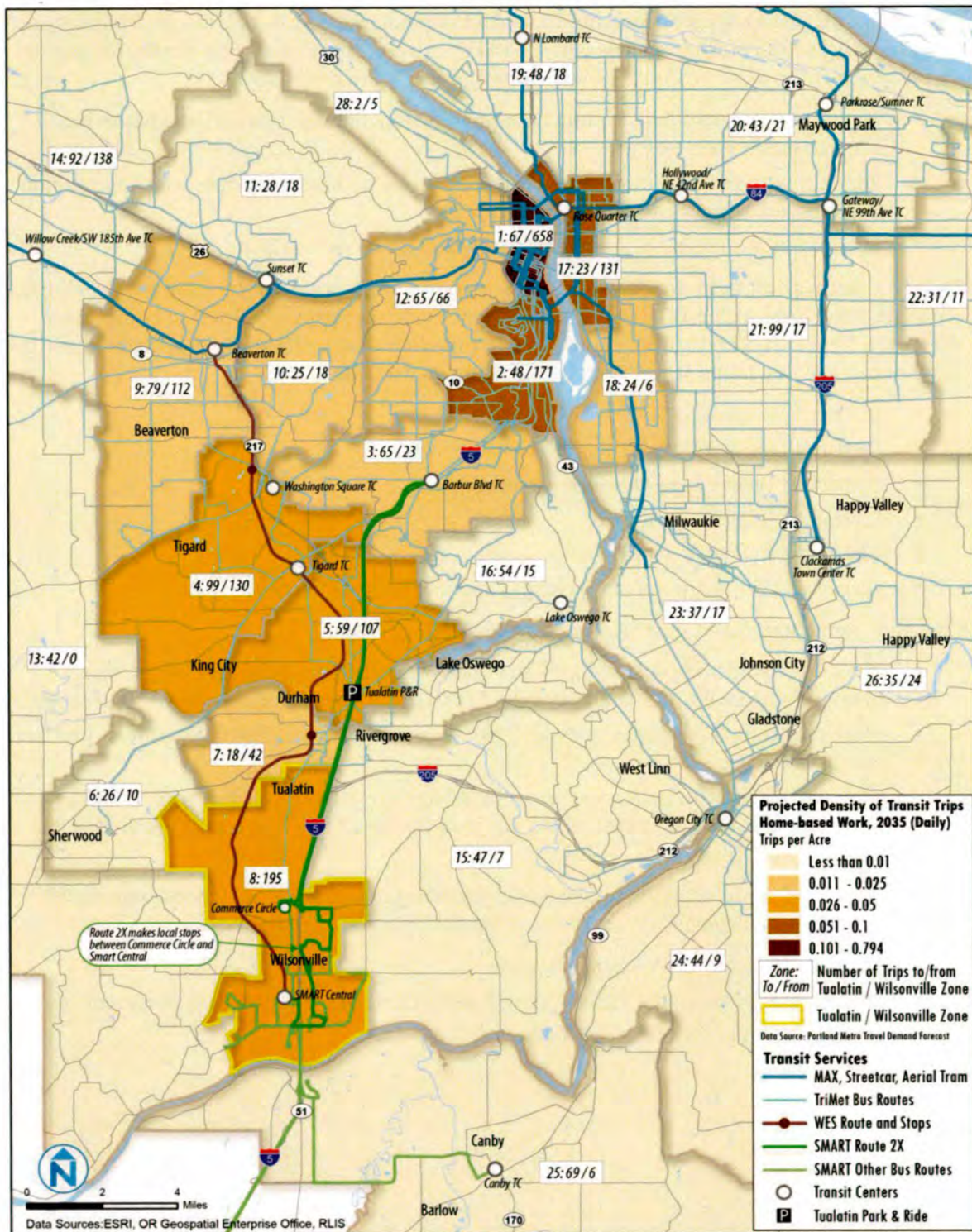
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Figure 5-17 Projected Density of Change in Home-based Work Person Trips, 2010-2035



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Figure 5-18 Projected Density of Home-based Work Transit Trips, 2035



Non Home-based Work Trips in 2035

Metro separates analysis between home-based and non home-based work trips. Non home-based work trips include all other trip purposes, such as to run an errand from work during the day or on the way to/from work or trips between home and non-work destinations.

- Figure 5-19 provides data for non home-based work person trips and non home-based work transit trips in 2035
- Figure 5-20 provides data for the change in non home-based work person trips and non home-based work transit trips from 2010-2035.
- Figure 5-21 illustrates the change in non-home-based work trips.

Based on Metro's 2035 travel model for non home-based work person trips about 49% of all trips are anticipated to be within District 8, with a transit mode share of 1.2%. For non home-based work trips from District 8 to/from another district the following districts are expected to have the largest shares of non home-based work trips to/from Wilsonville:

- District 15 (Tigard): 8%
- District 15 (east of Wilsonville, West Linn): 7.2%
- District 5 (Tigard, Lake Oswego/Tualatin): 5.9%
- District 4 (Tigard): 4.2%
- District 7 (Tualatin): 4.1%
- District 13 (Unincorporated Clackamas and Washington Counties): 4.0%

Change in non home-based work person trips includes:

- The most significant projected growth in non-work travel includes non-work trips between Wilsonville and Tualatin/Tigard (Districts 5 and 7) and Sherwood (District 6).
- More moderate increases in non-work travel include to/from Tigard, Southwest Portland, and Lake Oswego.
- Although dispersed over a broad area, significant growth is projected from District 13 (Unincorporated Clackamas and Washington Counties) and moderate growth from the Canby area (District 25).

Metro's 2035 model forecasts that transit will capture the largest share of all non home-based work trips between Wilsonville (District 8) and the following districts:

- District 1 (Downtown Portland): 8.4%
- District 3 (SW Portland – Barbur Transit Center and Barbur Boulevard Corridor): 3.3%
- District 17 (Inner Eastside/Lloyd District): 1.9%

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Figure 5-19 Non-Work Trips, 2035: All Trips, Transit Trips, and Transit Share of All Trips

District	All Non Home-Based Work Person Trips						Non Home-Based Work Transit Trips						Transit Share of Non Home-Based Work Trips		
	From 8 to:		To 8 from:		To/from 8:		From 8 to:		To 8 from:		To/from 8:		From 8 to:	To 8 from:	To/from 8:
	#	%	#	%	#	%	#	%	#	%	#	%			
1	745	0.5%	477	0.3%	1,223	0.4%	84	6.8%	18	2.1%	103	4.9%	11.3%	3.9%	8.4%
2	1,821	1.2%	851	0.6%	2,672	0.9%	26	2.1%	16	1.9%	43	2.0%	1.5%	1.9%	1.6%
3	5,331	3.4%	1,687	1.2%	7,018	2.4%	206	16.5%	24	2.8%	230	10.9%	3.9%	1.4%	3.3%
4	8,158	5.2%	4,249	3.1%	12,407	4.2%	69	5.6%	35	4.0%	104	4.9%	0.8%	0.8%	0.8%
5	12,331	7.8%	5,270	3.8%	17,601	5.9%	81	6.5%	38	4.5%	120	5.7%	0.7%	0.7%	0.7%
6	4,986	3.2%	4,755	3.4%	9,741	3.3%	16	1.3%	14	1.6%	29	1.4%	0.3%	0.3%	0.3%
7	8,570	5.4%	3,679	2.7%	12,249	4.1%	42	3.4%	24	2.8%	66	3.1%	0.5%	0.6%	0.5%
8	72,970	46.3%	72,970	52.7%	145,940	49.3%	483	38.7%	483	56.1%	967	45.8%	0.7%	0.7%	0.7%
9	3,579	2.3%	1,518	1.1%	5,097	1.7%	37	3.0%	22	2.5%	59	2.8%	1.0%	1.4%	1.2%
10	1,700	1.1%	694	0.5%	2,394	0.8%	10	0.8%	7	0.8%	17	0.8%	0.6%	1.0%	0.7%
11	967	0.6%	707	0.5%	1,673	0.6%	5	0.4%	5	0.6%	11	0.5%	0.6%	0.8%	0.6%
12	1,556	1.0%	709	0.5%	2,265	0.8%	18	1.5%	13	1.6%	32	1.5%	1.2%	1.9%	1.4%
13	3,741	2.4%	7,969	5.8%	11,710	4.0%	11	0.8%	16	1.9%	27	1.3%	0.3%	0.2%	0.2%
14	2,953	1.9%	1,991	1.4%	4,944	1.7%	24	1.9%	16	1.9%	40	1.9%	0.8%	0.8%	0.8%
15	8,662	5.5%	12,627	9.1%	21,289	7.2%	33	2.7%	44	5.1%	77	3.6%	0.4%	0.3%	0.4%
16	3,817	2.4%	4,073	2.9%	7,890	2.7%	22	1.8%	19	2.2%	41	1.9%	0.6%	0.5%	0.5%
17	1,126	0.7%	262	0.2%	1,388	0.5%	20	1.6%	6	0.7%	26	1.2%	1.8%	2.3%	1.9%
18	473	0.3%	265	0.2%	738	0.2%	3	0.2%	4	0.5%	8	0.4%	0.7%	1.7%	1.0%
19	954	0.6%	505	0.4%	1,458	0.5%	8	0.7%	9	1.0%	17	0.8%	0.9%	1.8%	1.2%
20	869	0.6%	442	0.3%	1,311	0.4%	8	0.6%	6	0.7%	13	0.6%	0.9%	1.3%	1.0%
21	1,554	1.0%	623	0.4%	2,177	0.7%	13	1.1%	14	1.7%	27	1.3%	0.8%	2.3%	1.3%
22	608	0.4%	348	0.3%	956	0.3%	5	0.4%	4	0.5%	8	0.4%	0.7%	1.1%	0.9%
23	2,059	1.3%	1,356	1.0%	3,415	1.2%	5	0.4%	8	0.9%	13	0.6%	0.2%	0.6%	0.4%
24	2,082	1.3%	1,971	1.4%	4,053	1.4%	4	0.3%	3	0.4%	7	0.3%	0.2%	0.2%	0.2%
25	2,674	1.7%	6,677	4.8%	9,351	3.2%	4	0.3%	9	1.0%	12	0.6%	0.1%	0.1%	0.1%
26	2,347	1.5%	1,491	1.1%	3,838	1.3%	7	0.5%	3	0.4%	10	0.5%	0.3%	0.2%	0.3%
27	128	0.1%	183	0.1%	311	0.1%	0	0.0%	0	0.0%	0	0.0%	0.0%	0.1%	0.0%
28	176	0.1%	114	0.1%	290	0.1%	1	0.1%	0	0.1%	1	0.1%	0.5%	0.4%	0.5%
29	496	0.3%	112	0.1%	608	0.2%	2	0.1%	1	0.1%	2	0.1%	0.3%	0.6%	0.4%
TOTAL	157,433	100.0%	138,573	100.0%	296,007	100.0%	1,247	100.0%	862	100.0%	2,109	100.0%	0.3%	0.6%	0.7%

Source: Nelson\Nygaard, analysis of Metro 2035 Travel Demand Model data by Southwest Corridor District

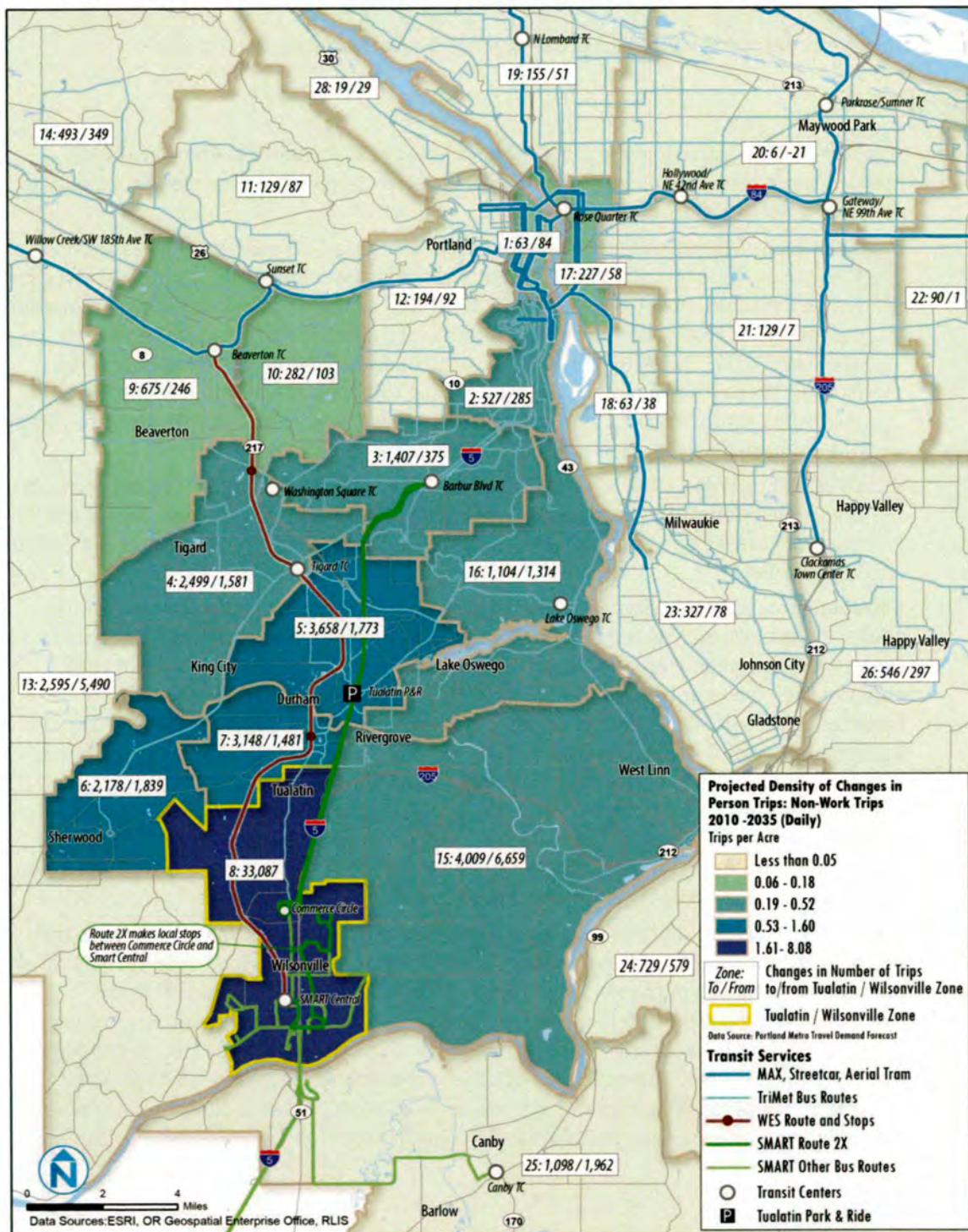
Figure 5-20 Change in Non-Work Trips, 2010-2035: All Trips and Transit Trips

District	Change in Non-Work Person Trips, 2010-2035						Change in Non-Work Transit Trips, 2010-2035					
	From 8 to:		To 8 from:		To/from 8:		From 8 to:		To 8 from:		To/from 8:	
	#	%	#	%	#	%	#	%	#	%	#	%
1	63	9.3%	84	21.4%	148	13.7%	10	13.3%	8	69.8%	18	20.6%
2	527	40.7%	285	50.4%	812	43.7%	7	38.5%	9	112.9%	16	59.9%
3	1,407	35.8%	375	28.6%	1,782	34.0%	116	129.4%	13	111.0%	129	127.3%
4	2,499	44.2%	1,581	59.2%	4,080	49.0%	40	137.6%	20	131.1%	60	135.4%
5	3,658	42.2%	1,773	50.7%	5,431	44.6%	44	120.1%	22	140.8%	67	126.4%
6	2,178	77.6%	1,839	63.1%	4,017	70.2%	7	73.4%	4	46.2%	11	59.7%
7	3,148	58.1%	1,481	67.3%	4,629	60.7%	23	126.5%	12	106.9%	36	119.0%
8	33,087	83.0%	33,087	83.0%	66,174	83.0%	205	73.7%	205	73.7%	410	73.7%
9	675	23.3%	246	19.3%	921	22.1%	18	93.9%	11	99.0%	29	95.7%
10	282	19.9%	103	17.5%	386	19.2%	5	80.9%	3	94.5%	8	86.1%
11	129	15.3%	87	14.0%	215	14.8%	1	34.5%	2	63.9%	3	47.9%
12	194	14.2%	92	15.0%	286	14.4%	5	41.8%	6	82.3%	11	56.5%
13	2,595	226.3%	5,490	221.4%	8,084	223.0%	6	135.4%	7	71.6%	13	92.3%
14	493	20.1%	349	21.3%	843	20.6%	8	52.0%	6	53.7%	14	52.7%
15	4,009	86.1%	6,659	111.6%	10,667	100.4%	19	136.3%	19	76.8%	38	98.3%
16	1,104	40.7%	1,314	47.6%	2,418	44.2%	14	174.3%	8	77.4%	22	119.3%
17	227	25.2%	58	28.6%	285	25.9%	7	49.9%	3	102.1%	10	59.4%
18	63	15.3%	38	16.6%	100	15.7%	0	4.9%	2	70.6%	2	35.7%
19	155	19.3%	51	11.2%	205	16.4%	1	7.2%	4	69.1%	4	32.1%
20	6	0.6%	(21)	-4.5%	(15)	-1.2%	(0)	-1.8%	1	30.1%	1	9.8%
21	129	9.0%	7	1.2%	136	6.7%	(1)	-8.2%	4	41.3%	3	12.3%
22	90	17.3%	1	0.4%	91	10.5%	0	11.8%	0	12.1%	1	12.0%
23	327	18.9%	78	6.1%	405	13.5%	1	29.7%	1	22.3%	3	25.1%
24	729	53.8%	579	41.6%	1,308	47.7%	1	55.0%	(0)	-1.0%	1	21.5%
25	1,098	69.6%	1,962	41.6%	3,060	48.6%	2	79.2%	(1)	-13.1%	0	2.5%
26	546	30.3%	297	24.9%	843	28.1%	2	41.0%	0	3.8%	2	26.4%
27	32	33.6%	(12)	-6.3%	20	6.9%	0	19.4%	(0)	-4.5%	0	0.7%
28	19	12.3%	29	33.6%	48	19.8%	1	159.7%	0	100.0%	1	134.0%
29	49	10.9%	(21)	-16.1%	27	4.7%	0	20.1%	0	26.0%	0	21.8%
TOTAL	59,516	60.8%	57,890	71.8%	117,406	65.7%	543	77.1%	369	74.9%	912	76.2%

Source: Nelson\Nygaard, analysis of Metro 2035 Travel Demand Model data by Southwest Corridor District

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Figure 5-21 Projected Density of Change in Non-Work Person Trips, 2010-2035



MARKET AND NEEDS ASSESSMENT SUMMARY

Key findings from the market assessment are described at local and regional scales.

Local

- A relatively high share of the age 20-30 population, a high rate of renter-occupied housing units, and a relatively low rate of vehicle access point to increased propensity to use transit among Wilsonville residents:
 - The share of Wilsonville residents between the ages of 20 and 30 is higher than Clackamas County or the state. Recent studies and statistics have pointed to trends of less driving and increased use of transit (as well as walking, and bicycling) among this demographic group. For example, the share of miles driven by people age 21-30 decreased from 20.8% in 1995 to just 13.7% in 2009,¹⁵ while 20-somethings grew from 13.3% of the population to 13.9% during this time.¹⁶ According to the Federal Highway Administration, 25% of “Millennials” (persons born between 1979 and 1996) did not have a driver’s license in 2010, compared to 20% in 2000.¹⁷
 - Over half of Wilsonville housing units are renter-occupied, significantly higher than Clackamas County or the state, and over 9% of households do not have access to a vehicle. SMART fixed-routes serve most major multi-family housing developments in Wilsonville.
- Several factors may contribute to lower use of SMART fixed-route transit among older adults. About 13% of Wilsonville’s population is 65 or older, comparable to Clackamas County and the state. However the poverty rate among this population is lower than either of these geographies. Although most of the senior housing or assisted living facilities in Wilsonville are located near transit, the concentrations of seniors in the eastern portion of the Charbonneau area do not have transit service in close proximity. Marquis Vintage Suites is also located about a third of a mile from a bus stop (straight-line distance), which is beyond a comfortable walking distance for some seniors. In addition, seniors who may not have used transit previously may be more comfortable using Dial-A-Ride service when they are unable or choose not to drive, particularly given that this service is available to the general public.
- The need to transfer (and perceived inconvenience of those transfers) may make transit less attractive for local work commutes to employment areas on either side of I-5. Travel to employment areas in the northern part of Wilsonville (either side of I-5) from residential areas concentrated in southern parts of the city typically requires a transfer. Because local routes are timed to WES trains during peak periods, the transfer requires a nearly 15-minute wait. This makes SMART less convenient for local work trips. Off-peak, when WES is not running, the wait is just over 5-minutes, which is likely more tolerable for passengers. Local origin-destination patterns from the on-board survey indicate that

¹⁵ U.S. Department of Transportation, Federal Highway Administration, National Household Travel Survey

¹⁶ U.S. Census, 2010

¹⁷ America’s Generation Y not driven to drive. Reuter’s 7/1/2012. Retrieved from: <http://news.yahoo.com/americas-generation-y-not-driven-drive-145632280--sector.html>

most local use of Route 2X is for access to destinations located directly along the route; only 8% of respondents transferred to SMART local routes (Route 4).

Regional

- Route 2x is convenient for regional work trips serving employment areas east of I-5, but at the expense of faster, more direct regional access to other destinations in Wilsonville including the city center. Data from the LEHD illustrates that there is significant regional work travel demand to employment sites located along Route 2X in Wilsonville (northern part of the city east of I-5), and Route 2X provides convenient access to these employment sites from Portland or Tualatin Park & Ride. However, there are also major concentrations of employment west of I-5 and along Wilsonville Road for which Route 2X is a less attractive travel option. While Route 2X provides a direct trip between Barbur TC and Commerce Circle (about 20 minutes, compared to a driving time of about 13 minutes), there are 20 stops between Commerce Circle (or Argyle Square off-peak) and Wilsonville Civic Center. The southbound travel time on Route 2X is about 18 minutes between I-5 at Elligsen Road and the Civic Center stop, which is up to three times longer than a more direct driving trip between these points. For workers along 95th Avenue (west of I-5), a timed connection between Route 2X or TriMet Line 96 and SMART Route 5 provides service to west of I-5 work travel markets; southbound Route 5 departs Commerce Circle within about 5-15 minutes of Line 96 arrivals. Some but not all Route 2X trips have timed connections with Route 5, which only operates during peak periods. Route 5 also provides a faster travel time and direct route to SMART Central, about 7 minutes, for regional trips that do have a timed connection with it.
- Portland is the largest single market for work commute travel to and from Wilsonville (11.6% and 22.1%, respectively, based on LEHD data) but in aggregate other cities along the Hwy 217 and I-5 corridors (Beaverton, Tigard, Tualatin, Hillsboro, and Lake Oswego) represent a comparable-size travel market. WES serves the Hwy 217 corridor during peak hours but does not provide off-peak service (midday, early morning, or evening) needed for work shifts that start and/or end outside of peak commute periods or travel for non-work purposes. Connections with other TriMet routes, e.g., Line 76, are important for serving Hwy 217 corridor travel markets when WES is not in operation.
- Metro staff indicated that regional travel patterns show significant movement from South Hillsboro in an arc down to Tualatin-Sherwood and on into Wilsonville. Surveys conducted for the Southwest Corridor Plan show strong cross corridor (east-west) demand for services, and also indicate a greater demand for local service than for downtown service.
- Route 2X appears to be serving travel demand to destinations in the vicinity of Barbur Transit Center, but there appears to be strong potential to increase ridership with better access to transit connections and walking access to destinations. The majority of respondents indicate they are able to walk to access Route 2X and/or their destination, although over a third of respondents require another transit trip to access the route and/or their destination. The regional travel demand model indicates that there is stronger density of travel demand in districts north of the current Route 2X terminus than in the district where Barbur TC is located. This includes OSHU/Marquam Hill, downtown Portland, and the Inner Eastside/Lloyd District. The Route 2X onboard survey indicates that some passengers are also accessing Route 2X from other surrounding Portland districts, and the model confirms work travel demand between these zones and

Wilsonville. The model projects high 2035 transit mode shares for trips between these districts and Wilsonville. The transit projections assume only enhanced bus service (but not BRT or light rail) in Southwest Corridor (Tigard/Sherwood to Portland), but do assume future connections such as the MAX orange line and Eastside Streetcar Loop (which will serve South Waterfront).

- For travel south of Wilsonville, the Woodburn commute market is comparable in size to the Salem commute market, and may increase other market opportunities (such as to Woodburn factory outlets from Wilsonville or the Portland region). Based in LEHD data, nearly as many workers commute to Wilsonville from Woodburn (2.5% of Wilsonville workers) as commute to Wilsonville from Salem (3.2% of Wilsonville workers). Similarly, comparable shares of Wilsonville residents work in Woodburn and Salem (1.8% and 1.7%, respectively). Providing a Woodburn stop on the 1X route is an element of the Wilsonville TMP (2008), and providing a Woodburn stop on 1 out of 4 trips on the 1X (those that do not have a timed connection with WES) is a proposed element of the draft Salem-Keizer Transit long-range plan.
- Given current passenger demand, the small buses currently used on most Route 2X trips provide appropriate capacity for Route 2X trips, but may limit its appeal to new riders. And possible increased demand from Stream Global, Oregon Tech, and other locations may create problems with passenger loading on trips served by smaller busses. The quality of the ride on cutaway vehicles is not ideal for attracting passengers on longer, regional trips, although only relatively small shares of current Route 2X and Line 96 riders cite these factors as among the most important Route 2X improvements, although a large share of Route 2X riders identify “motor coach seats” as a key improvement were those in higher income brackets.
- Based on analysis of current medical trip destinations on SMART Dial-A-Ride service, the largest concentrations of regional medical trips are to medical destinations in the Tualatin area, followed by OHSU and the VA Hospital on Marquam Hill in Portland. For passengers able to use fixed-route service, some of these trips within the Tualatin area could be met with improved connections to existing TriMet service (Line 76) or expanded local stops provided by SMART Route 2X or another route. Similarly, medical trips to Portland and/or Marquam Hill could be served for some passengers by providing better connections to existing transit service such as the Portland Aerial Tram or TriMet Line 8.

6 PARATRANSIT AND FIXED-ROUTE TRANSIT INTEGRATION STRATEGIES

Introduction

There are a host of operational, cost, and social reasons to better integrate paratransit and fixed-route transit services. As the population of Wilsonville grows both in number and median age, stresses to the out-of-town medical service program will increase. The benefits of integration are manifold and include cost savings and program consolidation for SMART and social integration and independence for the customer. Disadvantages include the possibility of inconvenience or increased travel times for customers (including fixed-route passengers), difficulties of scheduling, and negative community reaction. This section outlines some of the integration options available and offers an assessment of the benefits and disadvantages of each option.

The following are important concerns for potential paratransit and fixed-route integration approaches:

- All alternative services and program options should consider the implications of integration on any special needs of those currently using demand response services and the necessary training of fixed-route operators.
- No program should be utilized to inappropriately steer customers toward other services when specialized transportation options are better suited. Programs should be offered as a palette of options available and utilizing any additional programs should be a benefit, not an exclusion from other services.
- Most of the options listed require a functional eligibility screening program. A strengthened screening program benefits the customer and SMART. Screening allows proper assessment of the customer's ability to walk or roll certain distances unassisted from their home to a transit stop (1/8 mile versus 1/4 mile, for example), the distance between the stop and common locations, the quality of the built environment along common routes, and other mitigating factors.

While an integrated paratransit and fixed-route system will not be an option for all current Dial-a-Ride customers, it will provide additional convenience to many customers while offering significant cost-savings to the overall transit program.

Conditional Eligibility and Trip Screening

Through accurate assessment of eligibility, SMART may determine the conditions under which a consumer is best suited to use the higher-cost specialized services. Some customers will be considered conditionally eligible, meaning they are eligible to use paratransit service under certain conditions such as weather, night-time travel, long or difficult walks to destinations, and environmental barriers. While service must be streamlined, it is important to not negatively

impact those in need of paratransit. In order to best serve those conditionally eligible, an enhanced eligibility process would complete one-on-one trip screening and path of travel reviews to identify any barriers a customer would encounter getting to and from a bus stop or rail station.¹⁸

Fare Free or Reduced Fare Programs

To encourage current paratransit eligible customers to utilize fixed-route service a number of service providers offer fare free or reduced fare programs. These programs are offered to all ADA paratransit eligible customers; without limiting access to paratransit they offer increased options and flexibility. Customers may use whichever service fits their needs and ability.¹⁹ Some systems limit the reduced or free fares for eligible customers to non-peak service hours to shift ridership to service hours when there is available capacity.

Feeder Service

Feeder service integrates a fixed-route trip with one or two paratransit trips. Depending on the customers' conditional eligibility status and ability to walk or roll short distances, a paratransit vehicle will bring them to a fixed-route bus stop or rail station and they will walk or roll to their destination. Alternatively, a paratransit vehicle may be employed on both ends of the fixed-route segment if the bus or train is not within easy access of the trip's final destination.²⁰ The enhanced eligibility process and trip-by-trip screening is typically required to implement feeder service.

Point/Route Deviation

Point or route deviation service allows transit to follow a standard route like traditional fixed-route service unless customers request a specific deviation. These deviations may be reserved exclusively for ADA eligible customers or be open to any customer. This allows the service to accommodate many trips that were previously provided by paratransit.²¹ This may not be an option on all routes due to the need to make timed connections with WES trains and other services, but may be an option at certain times of the day, where additional time is available in the schedule, or in designing circulator type services (see below).

General Public Demand-Responsive Circulator/ Connector

Providing increased local access to shopping, medical visits, entertainment, and other connections, general public circulators circulate around a community, most often making scheduled stops at designated locations. These services can provide more efficient service

¹⁸ For more information, see: Sapper, D., J. Goodwill, and H. Carapella. "Impacts of More Rigerous ADA Paratransit Eligibility Assessments on Riders with Disabilities." National Center for Transit research, Center for Urban Transportation Research, Tampa, FL, 2009. Accessed online: <http://www.nctr.usf.edu/pdf/77721.pdf>

¹⁹ For more information see: Weiner, R. "TCRP Synthesis 76: Integration of Paratransit and Fixed-Route Transit Service: A Synthesis of Transit Practice." Transportation Research Board, National Academy of Sciences, Washington, DC, 2008. Accessed online: http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_syn_76.pdf

²⁰ For more information, see: Mistretta, J., et al. "Best Practices in Transit Service Planning." National Center for Transit research, Center for Urban Transportation Research, Tampa, FL, 2009. Accessed online: <http://www.nctr.usf.edu/pdf/77720.pdf>

²¹ For more information, see: TCRP "TCRP Web Doc 2: Evaluating Transit Operations for Individuals with Disabilities, Final Report." Transportation Research Board, National Research Council, Washington, DC, 1997. Accessed online: http://www.nap.edu/openbook.php?record_id=6348&page=125

(carrying more riders at the same time) when serving popular destinations. Some circulators offer general public “flag-stop” service where a customer can beckon a pick-up or drop-off anywhere along the line. Similar to point/route deviation service, demand response service may be added to a circulator to meet the needs of paratransit users. Such a service is most often scheduled in advance; the circulator will deviate from the set route to pick up the customer, from there the vehicle returns to the standard route and often drops the customer off at established stops along the route.²² This form of community transit service is typically used for shorter distance “routes” to shopping and medical destinations. The SMART Shopper Shuttle is an example of this type of service.

Travel Training and Promotion

Helping individuals who can ride fixed-route service make appropriate trips on this mode will help SMART reduce costs by shifting passengers to the lower cost service. Beyond costs, there are tangible social benefits of riding fixed-route service including social integration. A daunting first step for customers with mobility or cognitive impairments may be learning safe and comfortable access to transit. Through one-on-one coaching, travel training aids paratransit eligible customers in navigating safe routes to and from transit for their common destinations. Training can include: reading schedules, wayfinding, and other information; emergency and service disruption education; and travel safety instruction. Promotion of the program is key to its success. Ideally, training and outreach takes places before a customer applies for paratransit, SMART currently provides elements of travel training and Ride Connection has a regional program.²³

Transit Host

Transit host programs can be coupled well with robust travel training program. A transit host is a transfer facilitator who is prescheduled to support customers in transfers between paratransit and fixed-route service at transit nodes, such as a transit center. Lane Transit District (LTD) partners with a local non-profit, Alternative Work Concepts (AWC) to provide this program. AWC employees are present at transit nodes to ensure the safe and comfortable transfer of customers from one service to another; these transit hosts are also qualified travel trainers, dovetailing programs to both facilitate the transfer and, if appropriate, educating the customer about how to safely make the transfer on their own.²⁴

²² For more information, see: URBITRAN Associates, Inc., et al “TCRP Report 55: Guidelines for Enhancing Suburban Mobility using Public Transportation.” Transportation Research Board, National Research Council. Washington, DC, 1999. Accessed online: http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_55-b.pdf

²³ For more information, see the RideWise Program: <http://www.ndeconnection.org/ride/Services/RideWise.aspx>

²⁴ For more information, see: Alternative Work Concepts, “Travel Training and Transit Host Program” online fact sheet, accessed online: http://www.travelinstruction.org/2007_Conference_Presentations/Travel%20Training%20&%20Transit%20Host%20Program%201.pdf

Figure 6-1 Benefits and Disadvantages of Paratransit and Fixed-Route Integration

Program	Benefits	Disadvantages
Conditional Eligibility and Trip Screening	<ul style="list-style-type: none"> Supports feeder services and other paratransit demand reduction strategies. May be bundled with travel training to provide customers with increased knowledge of safe and convenient access to transit. Cost saving potential for the service provider. 	<ul style="list-style-type: none"> If improperly employed, customers may incur onerous conditions and barriers to access. Short-term screening program costs may be high or require new organizational structures.
Fare Free or Reduced Fare Programs	<ul style="list-style-type: none"> Increased flexibility for customers. Lower costs for providers to offer passes than to provide paratransit trips. 	<ul style="list-style-type: none"> Can result in loss of fixed-route half-fare revenues from customers who would not otherwise be riding paratransit May not be well received by other transit customers. Without conditional eligibility, may not be well utilized.
Feeder Service	<ul style="list-style-type: none"> Provides door-to-door service as needed to customers able to ride fixed-route service for part of a trip. Cost saving potential for the service provider. 	<ul style="list-style-type: none"> Additional time may be required because of transfers. Paratransit-eligible customers may experience longer travel times. Arranging feeder trips at out-of-district destinations may be difficult.
Point/Route Deviation	<ul style="list-style-type: none"> Works well in elongated, physically constrained geography like Wilsonville with a width of about 1 mile. Cost saving potential for the service provider. 	<ul style="list-style-type: none"> May decrease productivity and on-time percentage on fixed-route services. May make transit less attractive to other customers, especially choice riders.
General Public Demand-Responsive Circulator / Connector	<ul style="list-style-type: none"> Provides increased access to shopping and local trips for all customers. Cost saving potential for the service provider. 	<ul style="list-style-type: none"> Depending on level of service freed up from paratransit service, may require additional operators and vehicles.
Travel Training and Promotion	<ul style="list-style-type: none"> Improved confidence and social integration for customers. Cost saving potential for the service provider. 	<ul style="list-style-type: none"> Without proper promotion program may be underutilized and not financially sustainable.
Transit Host	<ul style="list-style-type: none"> A positive conduit between paratransit and fixed-route service. 	<ul style="list-style-type: none"> Staffing and training may be expensive and difficult to schedule.



SMART
SOUTH METRO AREA REGIONAL TRANSIT

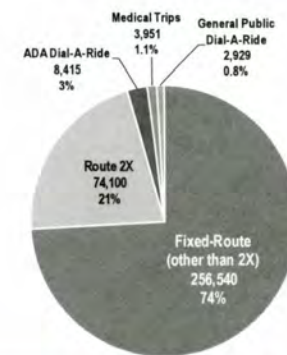
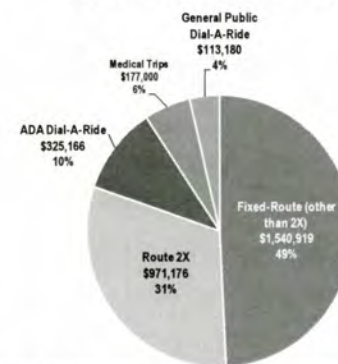
I-5 Corridor Transit Integration Project Project Summary and Service Concepts

City Council Meeting, 10/20/2014

N
NELSON
NYGAARD
COGAN
OWENS
COGAN

Study Goals

- Study Goals: Develop strategies to improve efficiencies on Route 2X (I-5 corridor service) and Out-of-Town Medical service
- Operating Costs, FY 2012-2013
- Ridership, FY 2012-2013

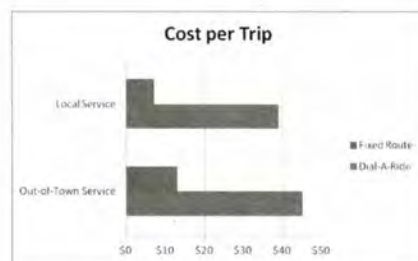


SMART Transit Integration Project

N NELSON
NYGAARD
COGAN
OWENS
COGAN

Study Motivations/Key Challenges

- Limited funding, but increasing costs and demand
 - Door-to-door services cost 5 times as much as fixed-route service on a per passenger basis
 - Both Route 2X and out-of-town medical trips are expensive due to long distances
 - Growing demand for out-of-city medical trips but fixed resources



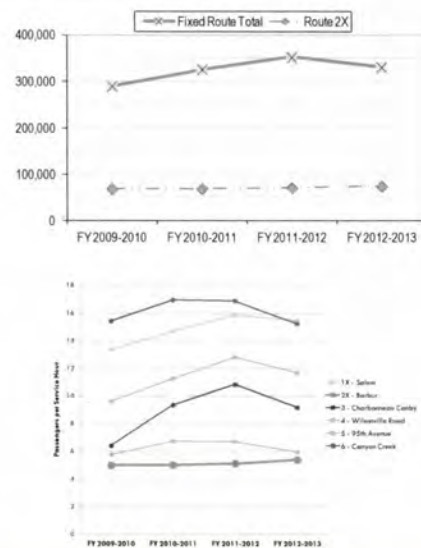
Regional Fixed-Route Transit Services and Connections

- SMART Route 2X connects to TriMet services at Tualatin Park & Ride and terminates at Barbur Transit Center
- TriMet Line 96 serves Tualatin P&R and terminates in Downtown Portland
 - No service midday
 - Only select trips serve Commerce Circle
- WES and TriMet local routes serve Tigard, Tualatin, Beaverton & SW Portland



Route 2X Trends

- Route 2X ridership flat while system ridership growing
- Route 2X productivity of lowest among fixed-route services



Out-of-Town Medical Service

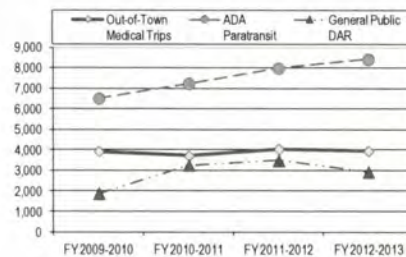
- Door-to-Door On-Demand service
- Two Vans
 - One Special Transportation Fund funded
 - One SMART funded
- Largest cluster of destinations is in Tualatin
- Less frequent requests for service elsewhere in the region

October 2013



Out-of-Town Medical Service Trends

- Demand flat while ADA Paratransit demand growing
- Capacity constraints limiting access to all who may want service



Potential Route 2X Solutions

- Connect with regional transit network closer to Wilsonville
- Work with TriMet to fill in Line 96 schedule and service gaps
- Provide service to downtown Portland
 - All-day service provided by SMART
 - Fill in midday gap in Line 96 service

Proposed Route 2X Solution

- Option 1: Direct, all-day service to Portland
 - No transfers
 - Access to OHSU/VA via TriMet transfer downtown
 - Increased costs
- Option 2: Serve Portland only when Line 96 does not
 - AM/PM Peak: transfers to Line 96 at Tualatin P&R
 - Midday: downtown Portland with potential to stop at tram to OHSU/VA (and future MAX and streetcar loop)
 - Cost neutral to savings

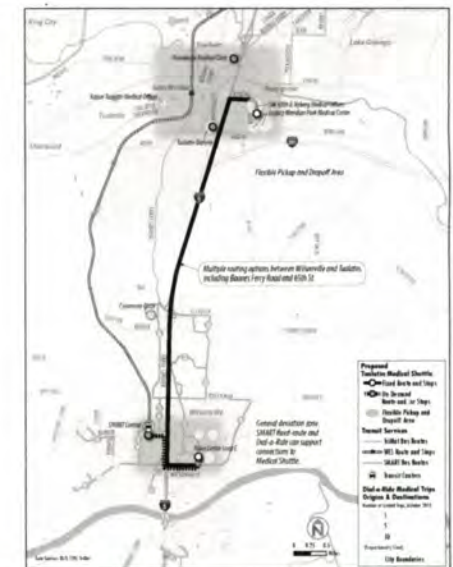


Potential Out-of-Town Medical Solutions

- Shift Out-of-Town Medical Dial-A-Ride trips to fixed route
- Demand response feeder service to/from fixed route
- Scheduled medical shuttle service to most popular destinations in Tualatin

Proposed Out-of-Town Medical Solution

- Scheduled service to most popular destinations in Tualatin
- On-demand deviations to nearby, but less popular destinations
- Increase coverage in Wilsonville with local DAR connections
- Could operate daily, or service other locations on alternate days



Public Outreach Activities

- Two Phases of Outreach
 - Needs Assessment
 - Proposed Solutions
- Informational Materials
 - Project flyer and web site
 - *Boones Ferry Messenger*
 - Mobile Display Boards
 - On-Bus channel cards
- Targeted Outreach
 - In-person or telephone interview with key partners and stakeholders, including major employers
- Group Presentations/Workshops
 - Wilsonville Community Seniors, Inc
 - City of Wilsonville development staff
- Rider and General Public Surveys
- Community Web Survey and Online Open House

Inside SMART

About the Project
Existing Services
Strategies Evaluated
What's Proposed - Out-of-Town Medical Shuttle
What's Proposed - 2X Options
Next Steps

Route 2X Feedback

- Interviews with major employers/ 131 surveys
- Employers note low transit ridership among employees
 - Vast majority of their transit riders use WES
 - Challenges for shift workers to access convenient transit service
 - Auto-centric cultural attitude among employees
- Frequency of service is the most desired improvement
- Connectivity to primary transit centers, such as the Barbur TC, is more important than direct service to Portland
 - Significant concern expressed about elimination of Barbur TC service.
- Access to hubs is preferable to expanding SMART's service area

Route 2X Feedback

- 80% of respondents favor Downtown destination over South Waterfront
- Direct all-day service to Portland (Option 1) is favored over trying to better integrate TriMet and SMART services (Option 2).
- Direct all-day service to Portland would be used regularly by almost 45% of respondents, with another 25% using it occasionally
- For 40% of respondents, integrated service (Option 2) would work well or fairly well; with an equal number identifying concerns about its effectiveness
- Low ridership would be expected for mid-day direct routes to Downtown Portland: regular use by only 16% of respondents; occasional use by 24%

Out-of-Town Medical Feedback

- Interviews with social service providers/76 surveys
- During Needs Assessment phase:
 - Increased frequency of service and convenient access to out-of-town medical services identified as desired service improvements
 - Accessing hubs of medical services was identified as more desirable than expanding SMART's service area
 - Demand greatest to Tualatin, Tigard, and Portland, as well as to County health services in Oregon City.
- Strong support among survey respondents for the proposed out-of-town medical shuttle.
 - 75% of respondents likely to use a shuttle bus to access their out-of-town medical trips

Out-of-Town Medical Feedback

- Strong concerns among some service providers to entirely replacing existing out-of-town dial-a-ride service with a shuttle bus system
 - 65% of respondents expect seniors and persons with disabilities to be supportive or able to live with it
- Coordinating schedules with doctors' offices and medical clinics is expected to be the greatest operational challenge
- Monday-Friday service and Tualatin area destinations would be the most desirable
- Expanded and ongoing public education needed:
 - Out-of-town medical transport is a voluntary community service
 - High and growing cost of that service
 - Significant changes in its existing medical dial-a-ride program required in order to continue to provide such service
- Consider phasing in the replacement service over a 1-2 year period and/or investigate the feasibility of replacing the existing dial-a-ride service with a volunteer driver program

Mitigating Public and Stakeholder Concerns

- Barbur TC
 - Could serve at additional cost, but extra travel time will impact customer travel time and schedule reliability
 - Less convenient connections to PCC and other regional destinations are available
- Less popular out-of-town medical trips may be served via:
 - Coordinated services including volunteer driver programs
 - Bus and/or tram transfer for ambulatory passengers
 - Alternate day shuttle service

Tradeoff Discussion

- Service Objectives
 - Mobility
 - Social Service needs
 - Customer convenience
- In-Town vs. Out-of-Town services
- Minimally meet or exceed ADA requirements
- Allocation of SMART resources

Next Steps

- Respond to Council Feedback
- Return with Final Recommendation
- Coordinate with TMP update and other planning efforts

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 20, 2014	Subject: Ordinance No. 750 An Ordinance of the City of Wilsonville Amending Wilsonville Code Chapter 5, Vehicles and Traffic, Section 5.210, Prohibited Parking or Standing Staff Member: Michael Kohlhoff, City Attorney Christopher Griffith, Legal Intern Department: Legal	
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: Unless further defined by objective criteria, the City's current prohibition on living and sleeping in vehicles parked on City streets is probably unconstitutional following a recent Ninth Circuit opinion. The proposed ordinance amends the code provision to protect the City from legal challenge.	
Staff Recommendation: Staff recommends Council adopt Ordinance No. 750.		
Recommended Language for Motion: I move to approve Ordinance No. 750.		
PROJECT / ISSUE RELATES TO:		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Should the City Council amend the City's prohibition of sleeping or living in vehicles on public streets in order to allow the police to retain its enforcement power and avoid legal challenges?

EXECUTIVE SUMMARY:

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.

EXPECTED RESULTS:

The ordinance will clarify what activities are prohibited and better protect the City from legal challenges.

TIMELINE: N/A

CURRENT YEAR BUDGET IMPACTS: N/A

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____CAR_____ Date: _____10/9/14_____

There is no financial impact.

LEGAL REVIEW / COMMENT:

Reviewed by: [MEK] Date: 10/6/14

Approved as to form.

COMMUNITY INVOLVEMENT PROCESS: None

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

The ordinance clarifies the existing ordinance and continues to protect health, safety, and welfare

within Wilsonville.

ALTERNATIVES:

City Council could choose to 1) leave the ordinance in place and risk litigation, or 2) repeal the ordinance. The amendment reduces the risk of legal challenges. The City does not have a large problem with people sleeping in vehicles, but the issue does come up periodically. Camping, sleeping in, or living in vehicles creates health and safety risks as noted in the supporting memorandum.

CITY MANAGER COMMENT:

ATTACHMENTS:

- A. Ordinance No. 750.
- B. Supporting Memorandum

ORDINANCE NO. 750

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

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

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

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

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

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

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

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

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

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

(a) For the purposes of this Section,

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

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

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

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

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

2. The City Recorder is directed to amend Wilsonville Code Section 5.210(12) by replacing the existing text with the text as approved above, and to make such format, style, and conforming changes to match the format and style of the Animal section of the Wilsonville Code.
3. Except as set forth above, Chapter 5 of the Wilsonville City Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 20th day of October, 2014, and scheduled for second reading on _____, commencing at the hour of 7 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

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

Sandra C. King, MMC, City Recorder

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

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

MEMORANDUM AND PROPOSED ORDINANCE

To: Michael E. Kohlhoff, City Attorney

From: Christopher T. Griffith, Legal Intern

Date: July 15, 2014

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

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

I. Issue

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

II. Short Answer

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

III. Discussion

a. Introduction

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

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

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

b. Standard of constitutional vagueness

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

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

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

i. “Camp”

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

ii. “Sleep”

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

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

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

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

iii. “Live”

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

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

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

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

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

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

IV. Conclusion

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

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

Proposed Ordinance

5.210 Prohibited Parking or Standing

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

(a) For the purposes of this section,

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

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

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

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

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

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

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

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

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

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

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

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 20, 2014	Subject: Ordinance No. 751 An Ordinance of the City of Wilsonville Adding Section "10.550 Civil Exclusion" to Chapter Ten of the Wilsonville City Code Staff Member: Michael Kohlhoff, City Attorney Chris Griffith, Legal Intern Department: Legal	
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: Mayor requested that the legal department provide an exclusionary trespass ordinance. After a review of other cities' approaches, legal department staff has drafted an exclusion ordinance.	
Staff Recommendation: Staff recommends Council adopt Ordinance No. 751.		
Recommended Language for Motion: I move to approve Ordinance No. 751		
PROJECT / ISSUE RELATES TO:		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Should the City Staff provide a means for the police to exclude disruptive or dangerous individuals from public places?

EXECUTIVE SUMMARY:

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.

EXPECTED RESULTS:

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.

TIMELINE: N/A

CURRENT YEAR BUDGET IMPACTS: N/A

FINANCIAL REVIEW / COMMENTS:

Reviewed by: CAR Date: 10/9/14
There is no financial impact.

LEGAL REVIEW / COMMENT:

Reviewed by: [MEK] Date: 10/6/14
Approved as to form.

COMMUNITY INVOLVEMENT PROCESS: N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The ordinance gives the police a valuable tool to reduce repeat offenses against public order and safety. Discouraging an individual from returning to public property could reduce the incidence of repeat offenders.

ALTERNATIVES:

City Staff also considered implementing a civil exclusion zone, which would have applied the exclusions to entire areas such as the downtown district. While other cities such as Eugene and Portland have implemented those exclusion zones in the past, Staff determined that Wilsonville does not have a significant enough problem to justify the use of this tool.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Ordinance No.751
- B. Supporting Memorandum

ORDINANCE NO. 751

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

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

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

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

WHEREAS, to protect the safety of those using Wilsonville's parks and other public property from individuals who act in a disruptive, violent, offensive, or unsafe manner; and

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

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

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

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

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

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

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

"10.550 Civil Exclusion

(1) Definitions. For purposes of this provision:

- (a) "Applicable provision of law" includes any applicable provision of this Code, or any City ordinance, or of any rule or regulation promulgated

by the Council under this Title, any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages, or any applicable County ordinance or regulation.

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

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

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

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

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

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

1. Chapter 162 – Offenses Against the State and Public Justice;
2. Chapter 163 – Offenses Against Persons;
3. Chapter 164 – Offenses Against Property, except for ORS 164.805, Offensive Littering;
4. Chapter 165 – Offenses Involving Fraud or Deception;
5. Chapter 166 – Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
6. Chapter 177 – Offenses Against Public Health, Decency and Animals;
7. Chapter 475 – Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or

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

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

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

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

- (a) A hearing shall be held at the next regularly scheduled session of the Wilsonville Municipal Court.
 - 1. The excluded individual may request, in writing, setting forth the reason therefor, that the hearing be postponed, and the Clerk shall grant such a postponement upon a showing of necessity.
- (b) The municipal judge shall dissolve the exclusion upon a showing that:
 - 1. The excluding officer lacked probable cause; or

2. The excluded individual was engaged in the lawful exercise of any right or privilege guaranteed under the United States Constitution, Constitution of the State of Oregon, or any other law.

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

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

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

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

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

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

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

2. The City Recorder is directed to add Wilsonville Code Section 10.550, as approved above, and to make such format, style, and conforming changes to match the format and style of the Offenses section of the Wilsonville Code.
3. Except as set forth above, Chapter 10 of the Wilsonville City Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 20th day of October, 2014, and scheduled for second reading on _____, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

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

Sandra C. King, MMC, City Recorder

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

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Goddard

Councilor Fitzgerald

Councilor Stevens

MEMORANDUM

TO: Michael E. Kohlhoff, City Attorney

FROM: Christopher T. Griffith, Law Clerk

DATE: September 22, 2014

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

I. Statement

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

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

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

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

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

II. Legal Issues

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

III. Short Answers

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

IV. Discussion

A. Introduction

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

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

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

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

B. Approaches to Exclusion/Trespass

1. Exclusion Specified by Activity Within a Zone or Area

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

¹ CLACKAMAS COUNTY SHERIFF, NOTICE OF EXCLUSION/TRESPASS.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ WC 10.430.

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

⁷ PCC 14B.30.020; PCC 14B.020.

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

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

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

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

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

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

⁹ See e.g. PCC 14B.30.30(c).

¹⁰ *Id.*

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

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

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

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

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

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

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

C. Legal Questions Surrounding Exclusion/Trespass Ordinances

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

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

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

¹⁷ *Id.*

¹⁸ CLACKAMAS COUNTY, OR., 6.09.

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

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

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

²² *See, e.g.*, PCC 20.12.265(D).

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

²⁴ PCC 20.12.265.

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

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

1. First Amendment

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

i. Violation of individual's free speech?

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

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

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

²⁸ *Yeakle*, 322 F.Supp. at 1127.

²⁹ *Id.* at 1122–1123.

³⁰ *Id.* at 1123.

³¹ *Id.* at 1127.

³² *Id.* at 1124.

³³ *Id.*

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

³⁵ *Id.*

³⁶ *Id.* at 1122.

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

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

ii. Overbreadth

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

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

³⁸ *Id.* at 1124-1125.

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

⁴⁰ *Id.* at 1125.

⁴¹ *Id.*

⁴² *Id.*

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

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

⁴⁵ *Id.* at 1125.

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

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

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

iii. Public meetings

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

⁴⁶ *Id.* at 1125–1126.

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

⁴⁸ PCC 20.12.265(B).

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

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

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

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

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

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

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

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

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

2. Substantive Due Process

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

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

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

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

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

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

⁶⁰ *Id.*

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

3. Procedural Due Process

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

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

⁶¹ *Id.* at 1129.

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

⁶³ *Id.*

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

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

⁶⁶ *Id.* at 77.

⁶⁷ *Id.* at 79.

⁶⁸ *Id.*

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

4. Individual Substantive Requirements

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

5. Double Jeopardy

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

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

⁷⁰ PCC 20.12.265(D).

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

⁷² *Id.*

⁷³ *Id.* at 514.

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

⁷⁵ *Id.* at 547.

⁷⁶ *Id.* at 548.

⁷⁷ *Id.*

⁷⁸ *Id.* at 556.

D. Political Controversy Surrounding Exclusion/Trespass

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

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

E. Summary of Recommendations Wilsonville’s Ordinance

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

1. Scope of Wilsonville’s exclusion ordinance

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

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

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

⁸¹ *Id.* at 4–5.

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

⁸³ *Id.* at 15–16.

2. Addressing First Amendment issues

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

3. Exceptions

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

4. Variances/Waivers

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

5. Appeals

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

V. Conclusion

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

att.

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

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: Oct. 20, 2014	Subject: Ordinance No. 752 Adding Water Safety Regulations to Chapter 3 of W.C. Staff Member: Michael Kohlhoff, City Attorney Stan Sherer, Parks & Recreation Direction Todd Blankenship, Parks Supervisor Chris Griffith, Legal Intern Departments: Legal and Parks and Recreation
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: The State Marine Board and the Parks and Recreation Department would like to prohibit fishing, swimming, and diving at the boat dock in Memorial Park.
Staff Recommendation: Staff recommends that Council adopt Ordinance No. 752	
Recommended Language for Motion: I move to approve Ordinance No. 752	
PROJECT / ISSUE RELATES TO:	
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)
<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

This ordinance would allow City Staff to prohibit swimming, fishing, and diving at the Memorial Park boat dock and on other public property upon a finding that such activity is unsafe or inappropriate.

EXECUTIVE SUMMARY:

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-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.

EXPECTED RESULTS:

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.

TIMELINE: N/A

CURRENT YEAR BUDGET IMPACTS: N/A

FINANCIAL REVIEW / COMMENTS:

Reviewed by: CAR Date: 10/9/14

No financial impact expected.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 10/12/2014
Ordinance approved as to form

COMMUNITY INVOLVEMENT PROCESS: N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY

Allowing the Parks & Recreation Department to prohibit swimming, fishing, and diving would allow the City to better protect public safety.

ALTERNATIVES:

Staff also considered 1) leaving the City without the power to prohibit these activities, or 2) only prohibiting the swimming, diving, and fishing at the boat dock rather than giving the City a broader power. As stated in the executive summary, Staff believes that the City should be able to prohibit these activities on public property.

CITY MANAGER COMMENT:**ATTACHMENTS:**

A. Ordinance No. 752

ORDINANCE NO. 752

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

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

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

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

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

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

“3.022 Water Safety Regulations

(1) No person shall swim, dive, or fish in a prohibited area in any park or on any other City property.

(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 20th day of October, 2014, and scheduled for second reading on

commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

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

Sandra C. King, MMC, City Recorder

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

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

**CITY OF WILSONVILLE
EMPLOYMENT AGREEMENT
2013-14**

This Employment Agreement ("Agreement") is made and entered into on the 1st day of October 2013, by and between the City of Wilsonville of Oregon, a municipal corporation ("City") and Michael Kohlhoff ("Employee"), both of whom understand and agree as follows:

WITNESSETH:

WHEREAS, City desires to continue the employment of Michael Kohlhoff as City Attorney of the City of Wilsonville; and

WHEREAS, it is the desire of the Governing Body, hereinafter called "Council," to establish certain conditions of employment, to establish certain benefits, and to set working conditions of said Employee; and

WHEREAS, Employee desires to continue employment as City Attorney of the City of Wilsonville;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties and Work Hours

City hereby agrees to employ Employee as City Attorney of the City of Wilsonville. Employee agrees to devote his full-time efforts to performing the functions and duties of City Attorney, as set for in the job description on file with the Human Resources Department, and to perform other legally permissible and proper duties and functions as the Wilsonville City Council ("Council") assigns to him.

Section 2. Hours of Work – Administrative Time Adjustment

It is recognized that Employee must devote a great deal of time outside the normal office hours to business of the City and, to that end, Employee will be allowed to make reasonable adjustments as he shall deem appropriate during said normal office hours. Any extended reasonable adjustments shall be subject to consultation with the Mayor. Employee shall not receive monetary compensation for work in excess of normal office hours.

Section 3. Employment Date and Status

Employment is at all times AT WILL, meaning Employee can resign and City can terminate Employee's employment at any time, with or without cause, subject to the severance benefits described below. Employee has been employed as City Attorney since August 1981; however, Employee was employed as an employee as of October 1, 1990, and October 1 should be referred to as employee's employment anniversary date.

Section 4. Compensation and Car Allowance

Employee will receive annual base compensation of \$131,102.40 ("Salary"), effective October 1, 2013. Thereafter, Salary will be reviewed by Council annually as a part of Employee's annual performance review, as described in Section 8. In addition to Salary, because Employee is required to use his personal vehicle to travel to attend to City business, Employee will receive a Four Hundred Dollar (\$400) per month (\$4,800 annually) car allowance. In addition to the foregoing, Employee will receive the standard benefits offered to City employees, as outlined in Section 5 below.

Section 5. Other Benefits

City will provide Employee with a standard benefit package, as is offered all other administrative full-time City employees, including health, dental and life insurance, PERS benefits, and sick leave. In addition, Employee will earn twenty (20) days of vacation annually. The employee has the option to cash out five days (40 hours) of vacation time at the employee's hourly rate of \$63.03. In addition to the standard City benefits, management employees, including the City Attorney, are also enrolled in a 401(a) retirement plan after six (6) months of employment, into which City contributes four percent (4%) of the Employee's base Salary. This plan vests over a six (6) year period. Details on all benefits are available through the Human Resources Department. Employee is vested in this plan.

Section 6. Dues and Subscriptions

City agrees to budget and to pay for the professional dues and subscriptions of Employee necessary for his continuation and full participation in the Oregon State Bar, governmental law section of the Oregon State Bar, land use section of the Oregon State Bar and other relevant county bar associations, the Oregon City Attorney's Association, and the National Institute of Municipal Legal Officers, which are necessary and desirable for his continued professional participation, growth, and advancement, and for the good of the City.

Section 7. Professional Development

City hereby agrees to, in accordance with City travel and expense guidelines and policies, budget and to pay for the travel expenses of Employee for: professional and official travel; meetings and occasions adequate to continue the professional development of Employee; and meetings and occasions adequate to pursue necessary official and other functions for the City. These shall include the Oregon State Bar and sections of government law and land use, the City Attorney's Association, and the International Municipal Law Officer's Association, and other national, regional, state, and local governmental groups and committees thereof on which Employee may serve as a member and/or have been approved by the City.

City also agrees to budget and to pay for the necessary continued legal educational expenses of Employee for short courses, institutes, and seminars that are necessary for his continued licensing as a member of the Oregon State Bar.

City agrees to maintain the necessary legal library as agreed upon by Employee and Employer.

Section 8. Performance Evaluations

Council shall review and evaluate the performance of Employee annually, at or about the employment anniversary date, or more frequently than annually if performance issues exist. Said review and evaluation shall be in accordance with the specific criteria developed jointly by City and Employee for City Attorney review. Said criteria may be added to or deleted from as Council may from time to time determine. In conjunction with such review, Council and Employee shall define such goals and performance objectives which they determine necessary for the proper operation of City and attainment of Council's policy objectives. Council and Employee shall work together to establish priorities among those various goals and objectives. Once determined and agreed upon by Employee and Council, the goals and objectives will be reduced to writing and will be used to evaluate Employee's performance throughout that goal year. The goals will be set to generally be attainable within the time limitations specified and within the annual operating and capital budgets and appropriations provided for.

Section 9. Termination and Severance Pay

In the event Employee is terminated by Council, and at such time of termination Employee remains willing and able to perform his duties under this Agreement, then if such termination is not "For Cause," City agrees to pay Employee a severance payment equal to six (6) months' Salary plus reimbursement for health benefits in place at the time of termination ("Severance"). Payment of the Severance is conditioned upon Employee signing a Settlement and Release of Claims Agreement in consideration of such payment. Council may elect to pay the dollars portion of the Severance Payment in a lump sum or in six (6) equal monthly installments. To the extent allowed by law, COBRA medical coverage premiums will be reimbursed after payment by Employee monthly for six (6) months. Severance will not apply if Employee either does not sign the Settlement and Release of Claims Agreement or if Employee is terminated "For Cause." As used herein, "For Cause" shall mean that Employee is terminated because of malfeasance, gross negligence, insubordination, theft, deception (by material untrue statement or material intentional omission), fraud, or a criminal felony conviction.

In the event Employee is unable to work because of disability, the Severance amount set forth in Section 10 shall apply in lieu of the above Severance.

If Employee finds other employment within the six (6) month Severance period, then Severance will cease to be paid as soon as Employee begins such other work, and if it has been paid in advance, it shall be proportionately repaid to City. Similarly, if Employee becomes eligible for other medical coverage associated with other employment within the six (6) month period, he shall notify City and medical coverage reimbursement will cease beginning with the first day of the month during which he begins receiving medical coverage.

In the event Employee voluntarily resigns his position with City, Employee agrees to use good faith efforts to give City three (3) months' notice in advance, unless the parties otherwise

agree. Employee shall not be entitled to Severance if Employee voluntarily resigns, regardless of how and when notice is given.

Section 10. Disability

If Employee is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity, or health for a period that exceeds exhaustion of allowed state and federal family medical leaves, City shall have the option to terminate this Agreement and, in that case, Severance will be equal to three (3) months of wages and health benefits, but will cease to be paid as soon as disability insurance proceeds begin to be received, if such payments occur sooner than the expiration of the three (3) month Severance period.

Section 11. Suspension in Lieu of Termination or Immediate Termination

City may suspend Employee with full pay and benefits at any time during the term of this Agreement, but only if a majority of Council vote to suspend Employee pending an investigation into allegations of malfeasance, gross negligence, insubordination, theft, deception, fraud, or a criminal felony charge. Suspension discussion shall occur in executive session, to the extent permitted under Oregon public meetings laws. The action to suspend will be taken in a public meeting, to the extent required by Oregon law. Employee shall be given written notice setting forth any allegations that could lead to suspension at least five (5) days prior to such executive session and shall be given the opportunity to present defenses or provide a statement during executive session, but Employee shall not be allowed to be present during Council deliberations that follow. During that five (5) day or more interim period before the matter can be heard by Council, City may temporarily suspend Employee with pay. Nothing contained herein shall be construed to require a suspension before termination.

Section 12. Indemnification

City shall defend, save harmless, and indemnify Employee against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Attorney. City may compromise and settle any such claim or suit and shall pay the amount of any settlement or judgment rendered thereon. No indemnification shall apply to acts done outside the course and scope of employment.

Section 13. Other Terms and Conditions of Employment

Council, in consultation with Employee, shall fix any such other terms and conditions of employment as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter, or any other law.

Section 14. General Provisions

This Agreement shall constitute the entire agreement between the parties.

This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and affect.

This Agreement may only be amended in writing, signed by both City and Employee.

Waiver of any provision of this Agreement, either by City or Employee, shall not constitute a future waiver of that or any other provision of this Agreement.

This Agreement shall be construed and interpreted in accordance with the laws of the State of Oregon, and venue for any dispute shall be in Clackamas County.

This Agreement, along with City's employment policies (as they may be amended and expanded from time to time) which have been or will be provided to and signed by Employee, sets forth the entire Agreement between the parties with respect to the subject matter contained herein and supersedes all prior agreements, negotiations, promises, or communications that are not contained herein.

IN WITNESS WHEREOF, the City of Wilsonville has caused this Agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Recorder. Employee has signed and executed this Agreement. This Agreement may be signed in counterpart and with duplicate originals so that City and Employee will both have an original copy of this Agreement.

DATED: _____

CITY OF WILSONVILLE

By: _____

Tim Knapp
As Its: Mayor

EMPLOYEE

Michael Kohlhoff

ATTEST:

Sandra C. King, MMC, City Recorder



HOW DO WE MOVE FORWARD?

We're stronger together. Local, regional, state and federal partnerships and legislative support are needed to secure adequate funding for transportation investments and address other barriers to implementation.

Building on existing local, regional and statewide activities and priorities, the project partners have developed a draft toolbox of actions with meaningful steps that can be taken in the next five years. This is a menu of actions that can be locally tailored to best support local, regional and state plans and visions. Reaching the state target can best be achieved by engaging community and business leaders as part of ongoing local and regional planning and implementation efforts.

WHAT CAN LOCAL, REGIONAL AND STATE PARTNERS DO?

Everyone has a role. Local, regional and state partners are encouraged to review the draft toolbox to identify actions they have already taken and prioritize any new actions they are willing to consider or commit to as we move into 2015.

WHAT'S NEXT?

The Metro Policy Advisory Committee and the Joint Policy Advisory Committee on Transportation are working to finalize their recommendation to the Metro Council on the draft approach and draft implementation recommendations.

September 2014 Staff reports results of the analysis and draft implementation recommendations to the Metro Council and regional advisory committees

Sept. 15 to Oct. 30 Public comment period on draft approach and draft implementation recommendations

Nov. 7 MPAC and JPACT meet to discuss public comments and shape recommendation to the Metro Council

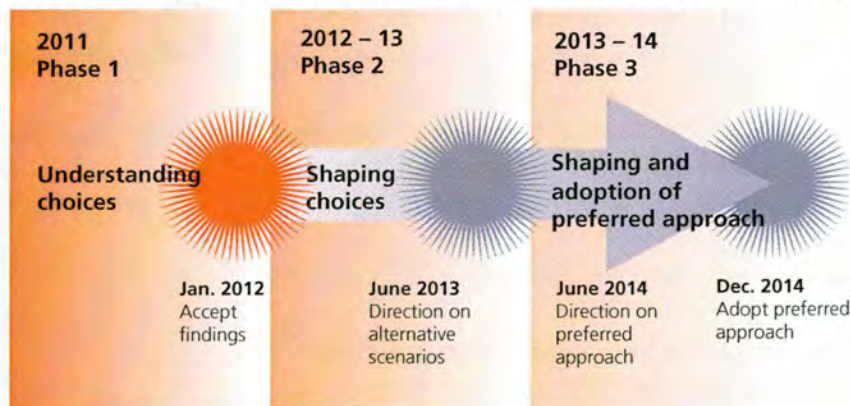
December 2014 MPAC and JPACT make recommendation to Metro Council

December 2014 Metro Council considers adoption of preferred approach

January 2015 Metro submits adopted approach to Land Conservation and Development Commission for approval

2015 and beyond Ongoing implementation and monitoring

Climate Smart Communities Scenarios Project timeline



WHERE CAN I FIND MORE INFORMATION?

The draft toolbox and other publications and reports can be found at oregonmetro.gov/climatescenarios.

For email updates, send a message to climatescenarios@oregonmetro.gov.



KEY RESULTS

The Climate Smart Communities Scenarios Project responds to a state mandate to reduce greenhouse gas emissions from cars and small trucks by 2035. Working together, community, business and elected leaders are shaping a strategy that meets the goal while creating healthy and equitable communities and a strong economy. On May 30, 2014, Metro's policy advisory committees unanimously recommended a draft approach for testing that relies on policies and investments that have already been identified as priorities in communities across the region. **The results are in and the news is good.**

WHAT DID WE LEARN?

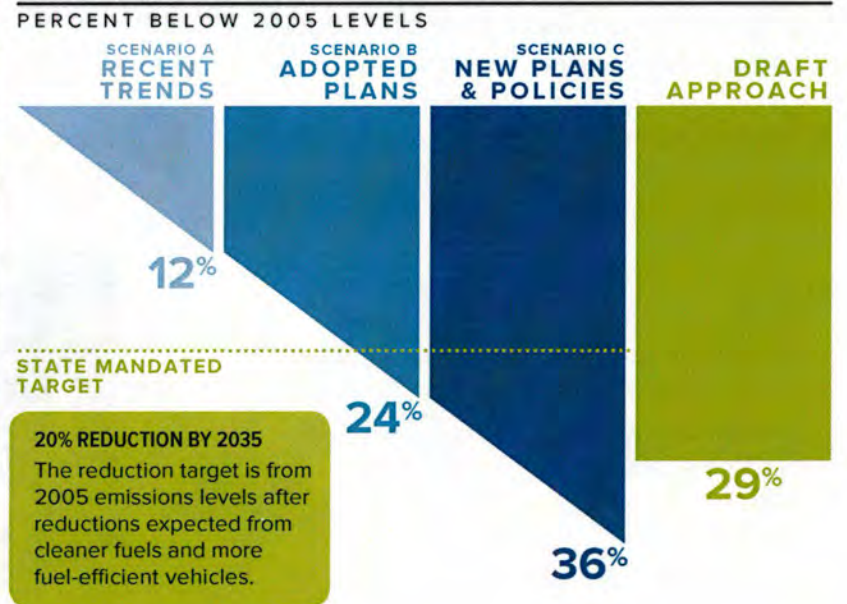
We can meet the 2035 target if we make the investments needed to build the plans and visions that have already been adopted by communities and the region. However, we will fall short if we continue investing at current levels.

The region has identified a draft approach that does more than just meet the target. It supports many other local, regional and state goals, including clean air and water, transportation choices, healthy and equitable communities, and a strong regional economy.

WHAT KEY POLICIES ARE INCLUDED IN THE DRAFT APPROACH?

- Implement adopted plans
- Make transit convenient, frequent, accessible and affordable
- Make biking and walking safe and convenient
- Make streets and highways safe, reliable and connected
- Use technology to actively manage the transportation system
- Provide information and incentives to expand the use of travel options
- Manage parking to make efficient use of land and parking spaces

Reduced greenhouse gas emissions



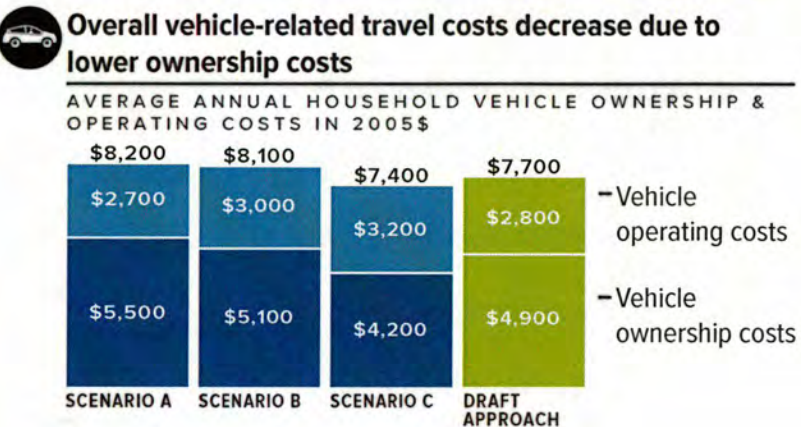
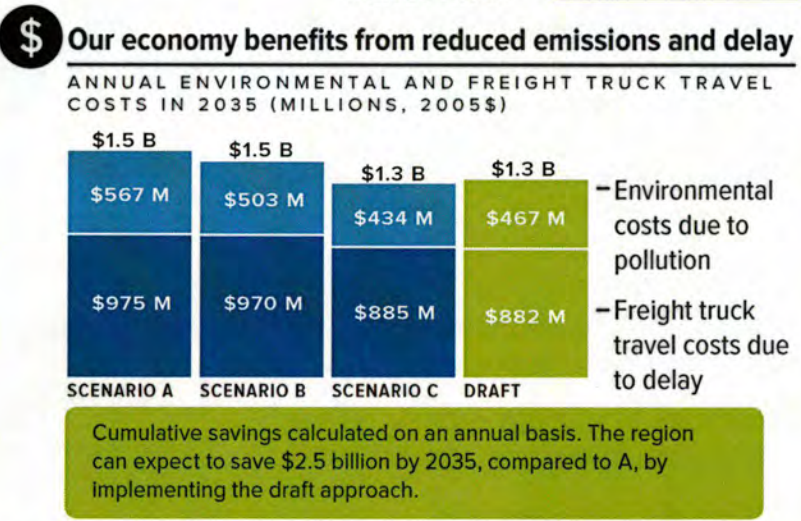
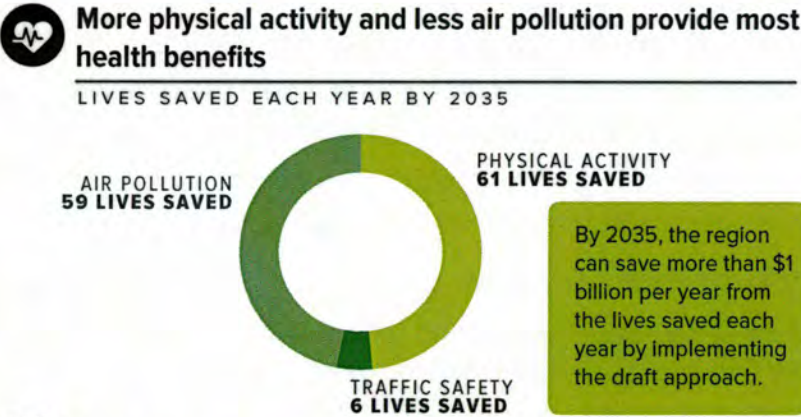
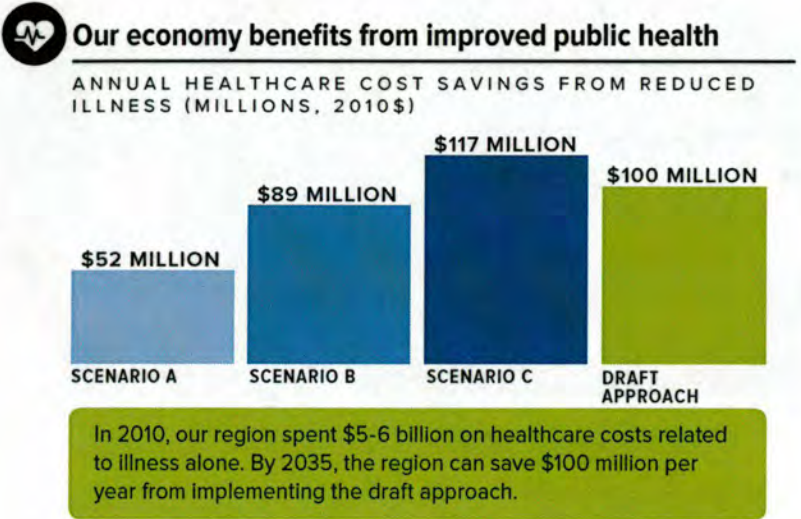
After a four-year collaborative process informed by research, analysis, community engagement and deliberation, the region has identified a draft approach that achieves a 29 percent reduction in per capita greenhouse gas emissions and supports the plans and visions that have already been adopted by communities and the region.

oregonmetro.gov/climatescenarios

WHAT ARE THE PUBLIC HEALTH AND ECONOMIC BENEFITS?

By 2035, the draft approach can help people live healthier lives and save businesses and households money through benefits like:

- Reduced air pollution and increased physical activity can help **reduce illness and save lives**.
- Reducing the number of miles driven results in **fewer traffic fatalities and severe injuries**.
- Less air pollution and run-off of vehicle fluids means **fewer environmental costs**. This helps save money that can be spent on other priorities.
- Spending less time in traffic and reduced delay on the system **saves businesses money, supports job creation**, and promotes the efficient movement of goods and a strong regional economy.
- **Households save money** by driving more fuel-efficient vehicles fewer miles and walking, biking and using transit more.
- Reducing the share of household expenditures for vehicle travel **helps household budgets** and allows people to spend money on other priorities; this is particularly important for households of modest means.

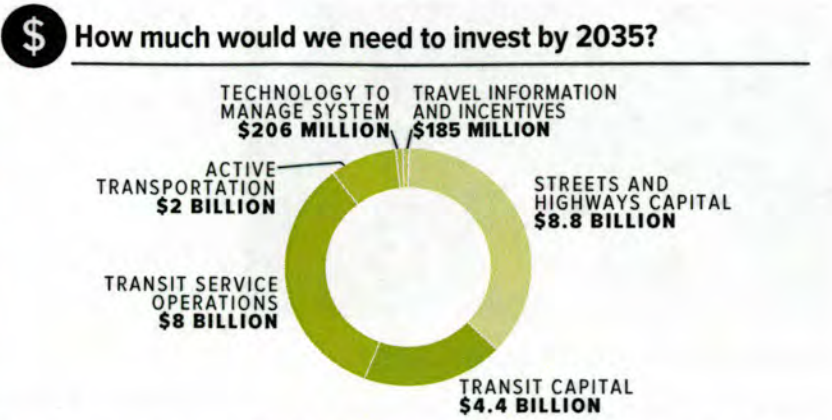


WHAT IS THE RETURN ON INVESTMENT?

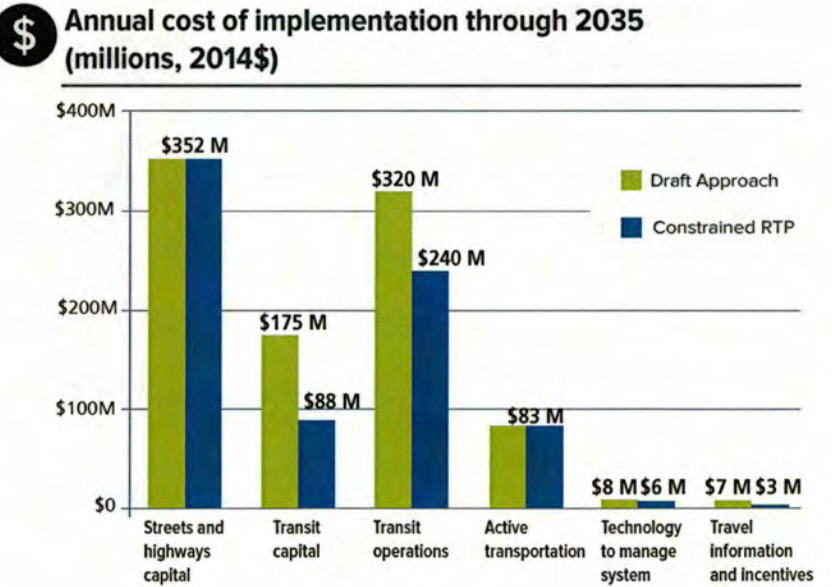
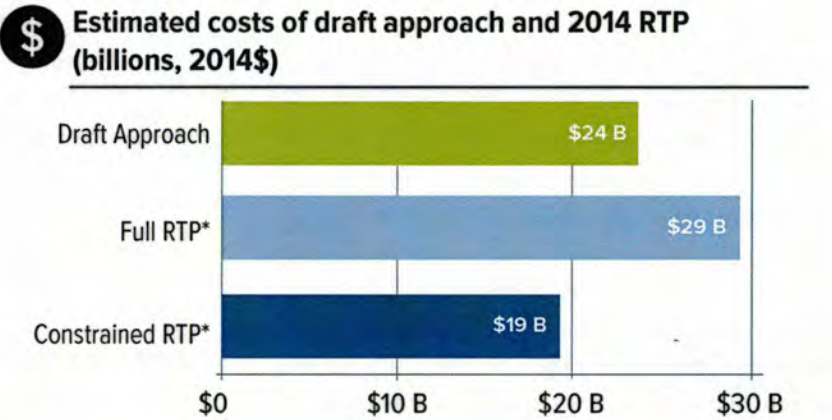
Local and regional plans and visions are supported. The draft approach reflects local and regional investment priorities adopted in the 2014 Regional Transportation Plan (RTP) to address current and future transportation needs in the region. At \$24 billion over 25 years, the overall cost of the draft approach is less than the full 2014 RTP (\$29 billion), but about \$5 billion more than the financially constrained 2014 RTP (\$19 billion).*

More transportation options are available. As shown in the chart to the right, investment levels assumed in the draft approach are similar to those in the adopted financially constrained RTP, with the exception of increased investment in transit capital and operations region-wide. Analysis shows the high potential of these investments to reduce greenhouse gas emissions while improving access to jobs and services and supporting other community goals.

Households and businesses experience multiple benefits. The cost to implement the draft approach is estimated to be \$945 million per year, plus an estimated \$480 million per year needed to maintain and operate our road system. While this is about \$630 million more than we currently spend as a region, analysis shows multiple benefits and a significant return on investment. In the long run, the draft approach can help people live healthier lives and save households and businesses money.



Investment costs are in 2014\$. The total cost does not include road-related operations, maintenance and preservation (OMP) costs. Preliminary estimates for local and state road-related OMP needs are \$12 billion through 2035.



* The financially constrained 2014 RTP refers to the priority investments that can be funded with existing and anticipated new revenues identified by federal, state and local governments. The full 2014 RTP refers to all of the investments that have been identified to meet current and future regional transportation needs in the region. It assumes additional funding beyond currently anticipated revenues.

CLIMATE SMART COMMUNITIES STRATEGY SCOPING | DRAFT TOOLBOX OF POSSIBLE EARLY ACTIONS (2015-2020)

BACKGROUND | The 2009 Oregon Legislature required the Portland metropolitan region to reduce per capita greenhouse gas emissions from cars and small trucks by 20 percent below 2005 levels by 2035. The region has identified a comprehensive strategy that meets the target while also supporting many other state, regional and local goals, including clean air and water, transportation choices, healthy and equitable communities, and a strong regional economy. The strategy relies on ten policies and a toolbox of early actions that the State of Oregon, Metro, local governments, TriMet, the South Metro Area Rapid Transit (SMART) district and the Port of Portland can choose from as the state and region move forward together to begin implementation in a manner that builds on and advances adopted local and regional plans, social equity and leadership on climate change. The policies and actions are the result of a four-year collaborative process informed by research, analysis, community engagement, and deliberation and will be subject to public review from Sept. 15 to Oct. 30 before being considered by regional policy advisory committees and the Metro Council in December 2014.

HOW TO USE THE TOOLBOX | The toolbox is a comprehensive set of policy, program and funding actions that are focused on specific steps that can be taken in the next five years. The non-binding actions build on existing local, regional and state activities and reflect a menu of actions that can be locally tailored. Local, state and regional partners are encouraged to review the toolbox and identify actions they have already taken and any new actions they are willing to consider or commit to moving forward in 2015. The actions will be considered for incorporation in the Regional Transportation Plan as part of the 2018 RTP update in addition to other medium and longer-term actions identified during the update.

POLICY	TOOLBOX OF POSSIBLE EARLY ACTIONS (2015-2020)			
	WHAT CAN THE STATE DO?	WHAT CAN METRO DO?	WHAT CAN CITIES AND COUNTIES DO?	WHAT CAN TRIMET, SMART AND THE PORT OF PORTLAND DO?
1. Support Oregon's transition to cleaner, low carbon fuels, more fuel-efficient vehicles and private vehicle insurance paid by miles driven	Immediate (2015-16) <ul style="list-style-type: none"> <input type="checkbox"/> Reauthorize Oregon Clean Fuels Program <input type="checkbox"/> Implement Oregon Zero Emission Vehicle Program and Multi-State Zero Emission Vehicle Action Plan in collaboration with California and other states <input type="checkbox"/> Lead by example by increasing public electric vehicle fleet <input type="checkbox"/> Continue to provide funding to Drive Oregon to advance electric mobility <input type="checkbox"/> Work with insurance companies to offer and encourage private insurance paid by the miles driven 	Immediate (2015-16) <ul style="list-style-type: none"> <input type="checkbox"/> Support reauthorization of the Oregon Clean Fuels Program through Legislative agenda, testimony, endorsement letters or similar means <input type="checkbox"/> Support the Oregon Zero Emission Vehicle Program through Legislative agenda, testimony, endorsement letters or similar means 	Immediate (2015-16) <ul style="list-style-type: none"> <input type="checkbox"/> Support reauthorization of the Oregon Clean Fuels Program through Legislative agenda, testimony, endorsement letters or similar means <input type="checkbox"/> Support the Oregon Zero Emission Vehicle Program through Legislative agenda, testimony, endorsement letters or similar means 	Immediate (2015-16) <ul style="list-style-type: none"> <input type="checkbox"/> Support reauthorization of the Oregon Clean Fuels Program through Legislative agenda, testimony, endorsement letters or similar means <input type="checkbox"/> Support the Oregon Zero Emission Vehicle Program through Legislative agenda, testimony, endorsement letters or similar means
	Near-term (2017-20) <ul style="list-style-type: none"> <input type="checkbox"/> Provide consumer and business incentives to purchase new electric vehicles <input type="checkbox"/> Expand communication efforts about the cost savings of driving more fuel-efficient vehicles <input type="checkbox"/> Promote and provide information, funding and incentives to encourage the provision of electric vehicle charging stations and infrastructure in residences, work places and public places <input type="checkbox"/> Encourage private fleets to purchase, lease or rent electric vehicles <input type="checkbox"/> Develop model code for electric vehicle infrastructure and partnerships with businesses <input type="checkbox"/> Continue to remove barriers to electric vehicle charging and fueling station installations <input type="checkbox"/> Promote electric vehicle infrastructure planning and investment by public and private entities <input type="checkbox"/> Provide clear and accurate signage to direct 	Near-term (2017-20) <ul style="list-style-type: none"> <input type="checkbox"/> Lead by example by increasing public electric vehicle fleet <input type="checkbox"/> Support state efforts to build public acceptance of private vehicle insurance paid by the miles driven <input type="checkbox"/> Expand communication efforts about the cost savings of driving more fuel-efficient vehicles <input type="checkbox"/> Partner with state agencies to hold regional planning workshops to educate local governments on electric vehicle opportunities <input type="checkbox"/> Develop electric vehicle readiness strategy for region in partnership with local governments, state agencies, Drive Oregon, electric utilities, non-profits and others 	Near-term (2017-20) <ul style="list-style-type: none"> <input type="checkbox"/> Lead by example by increasing public electric vehicle fleet <input type="checkbox"/> Expand communication efforts about the cost savings of driving more fuel-efficient vehicles <input type="checkbox"/> Pursue grant funding and partners to expand the growing network of electric vehicle fast charging stations <input type="checkbox"/> Partner with local dealerships, Department of Energy (DOE) Clean Cities programs, non-profit organizations, businesses and others to incorporate electric vehicle outreach and education events for consumers in conjunction with such events as Earth Day celebrations, National Plug-In Day and the DOE/Drive Oregon Workplace Charging Challenge <input type="checkbox"/> Adopt policies and update development codes to support private adoption of electric vehicles, such as streamlining permitting for alternative fueling stations, planning for access to charging stations, allowing charging stations in residences, work places and public places, and providing preferential parking for electric vehicles <input type="checkbox"/> Update development codes and encourage new 	Near-term (2017-20) <ul style="list-style-type: none"> <input type="checkbox"/> Provide electric vehicle charging stations in public places (e.g., park-and-rides, parking garages) <input type="checkbox"/> Provide preferential parking for electric vehicles and vehicles using alternative fuels

REGIONAL ADVISORY COMMITTEE REVIEW DRAFT

TOOLBOX OF POSSIBLE EARLY ACTIONS (2015-2020)

POLICY	WHAT CAN THE STATE DO?	WHAT CAN METRO DO?	WHAT CAN CITIES AND COUNTIES DO?	WHAT CAN TRIMET, SMART AND THE PORT OF PORTLAND DO?
	<p>electric vehicle users to charging and fueling stations and parking</p> <ul style="list-style-type: none"> <input type="checkbox"/> Expand communication efforts to promote electric vehicle tourism activities <input type="checkbox"/> Continue participation in the Pacific Coast Collaborative, Western Climate Initiative, and West Coast Green Highway Initiative and partner with members of Energize Oregon coalition <input type="checkbox"/> Track and report progress toward adopted state goals related to greenhouse gas emissions reductions and electric vehicle deployment <input type="checkbox"/> Provide incentives and information to expand use of pay-as-you-drive insurance and report on progress 		<p>construction to include necessary infrastructure to support use of electric and alternative fuel vehicles</p>	
2. Implement the 2040 Growth Concept and local adopted land use and transportation plans	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Repeal the statewide ban on inclusionary zoning to allow local communities to customize a housing policy that meets the needs of their residents <input type="checkbox"/> Reauthorize Oregon Brownfield Redevelopment Fund <input type="checkbox"/> Support brownfield redevelopment-related legislative proposals <input type="checkbox"/> Begin implementation of the Statewide Transportation Strategy Vision and short-term implementation plan to support regional and community visions <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Seek opportunities to leverage local, regional, state and federal funding to achieve local visions and the region's desired outcomes <input type="checkbox"/> Provide increased funding and incentives to local governments, developers and non-profits to encourage brownfield redevelopment and transit-oriented development to help keep urban areas compact 	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Continue to implement policies and investments that align with regional and community visions to focus growth in designated centers, corridors and employment areas <input type="checkbox"/> Support repealing ban on inclusionary zoning through Legislative agenda, testimony, endorsement letters or similar means <input type="checkbox"/> Support reauthorization of Oregon Brownfield Redevelopment Fund through Legislative agenda, testimony, endorsement letters or similar means <input type="checkbox"/> Continue to facilitate regional brownfield coalition to develop legislative proposals and increase resources available in the region for brownfield redevelopment <input type="checkbox"/> Continue to maintain a compact urban growth boundary <input type="checkbox"/> Review functional plans and amend as needed to implement Climate Smart Strategy <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Seek opportunities to leverage local, regional, state and federal funding to achieve local visions and the region's desired outcomes <input type="checkbox"/> Expand on-going technical assistance and grant funding to local governments, developers and others to incorporate travel information and incentives, transportation system management and operations strategies, parking management approaches and transit-oriented development in local plans and projects <input type="checkbox"/> Continue to convene regional brownfield coalition and strengthen regional brownfields program by providing increased funding and 	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Continue to implement policies and investments that align with community visions, focus growth in designated centers, corridors and employment areas <input type="checkbox"/> Support repealing ban on inclusionary zoning through Legislative agenda, testimony, endorsement letters or similar means <input type="checkbox"/> Support reauthorization of Oregon Brownfield Redevelopment Fund through Legislative agenda, testimony, endorsement letters or similar means <input type="checkbox"/> Participate in regional brownfield coalition to develop legislative proposals and increase resources available in the region for brownfield redevelopment <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Pursue opportunities to locate higher-density residential development near activity centers such as parks and recreational facilities, commercial area, employment centers, and transit <input type="checkbox"/> Locate new schools, services, shopping, and other health promoting resources and community destinations close to neighborhoods <input type="checkbox"/> Seek opportunities to leverage local, regional, state and federal funding to achieve local visions and the region's desired outcomes <input type="checkbox"/> Develop brownfield redevelopment plans and leverage local funding to seek state and federal funding and create partnerships that leverage the investment of private and non-profit developers <input type="checkbox"/> Review air filtration system design guidance and 	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Continue to implement policies and investments that align with community visions, focus growth in designated centers, corridors and employment areas <input type="checkbox"/> Support repealing ban on inclusionary zoning through Legislative agenda, testimony, endorsement letters or similar means <input type="checkbox"/> Support reauthorization of Oregon Brownfield Redevelopment Fund through Legislative agenda, testimony, endorsement letters or similar means <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Seek opportunities to leverage local, regional, state and federal funding to achieve local visions and the region's desired outcomes <input type="checkbox"/> Share brownfield redevelopment expertise with local governments and expand leadership role in making brownfield sites development ready

REGIONAL ADVISORY COMMITTEE REVIEW DRAFT

TOOLBOX OF POSSIBLE EARLY ACTIONS (2015-2020)

POLICY	WHAT CAN THE STATE DO?	WHAT CAN METRO DO?	WHAT CAN CITIES AND COUNTIES DO?	WHAT CAN TRIMET, SMART AND THE PORT OF PORTLAND DO?
		technical assistance to local governments to leverage the investment of private and non-profit developers	incentives for new residential development along transit corridors and in designated growth areas	
3. Make transit more convenient, frequent, accessible and affordable	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Begin update to Oregon Public Transportation Plan <input type="checkbox"/> Increase state funding for transit service <input type="checkbox"/> Maintain existing intercity passenger rail service and develop proposals for improvement of speed, frequency and reliability <input type="checkbox"/> Provide technical assistance and funding to help establish local transit service <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adopt Oregon Public Transportation Plan with funding strategy to implement <input type="checkbox"/> Begin implementation of incremental improvements to intercity passenger rail service <input type="checkbox"/> Make funding for access to transit a priority 	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> • Build a diverse coalition that includes elected officials and community and business leaders at local, regional and state levels working together to: <ul style="list-style-type: none"> ◦ Seek and advocate for new, dedicated funding mechanism(s) ◦ Seek transit funding from Oregon Legislature ◦ Consider local funding mechanism(s) for local and regional transit service ◦ Support state efforts to consider carbon pricing ◦ Fund reduced fare programs and service improvements for youth, older adults, people with disabilities and low-income families • Consider local funding mechanism(s) for local and regional transit service • Update High Capacity Transit System Plan in 2015 <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> • Support reduced fares and service improvements for low-income families and individuals, youth, older adults and people with disabilities through testimony, endorsement letters or similar means • Make funding for access to transit a priority • Research and develop best practices that support equitable growth and development near transit without displacement and strategies that provide for the retention and creation of businesses and affordable housing near transit • Update Regional Transportation Plan by 2018 	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Support and/or participate in efforts to build transportation funding coalition <input type="checkbox"/> Participate in development of TriMet Service Enhancement Plans (SEPs): <ul style="list-style-type: none"> ◦ Provide more community to community transit connections ◦ Identify community-based public and private shuttles that link to regional transit service ◦ Link service enhancements to transit-supportive development, areas with communities of concern¹, and other locations with high ridership potential ◦ Consider ridership demographics in service planning <input type="checkbox"/> Consider local funding mechanism(s) for local and regional transit service <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Make funding for access to transit a priority <input type="checkbox"/> Continue to complete gaps in pedestrian and bicycle access to transit <input type="checkbox"/> Expand partnerships with transit agencies to implement capital improvements in frequent bus corridors (including dedicated bus lanes, stop/shelter improvements, and intersection priority treatments) to increase service performance <input type="checkbox"/> Continue to implement policies and zoning that direct higher density, mixed-use zoning and development near transit <input type="checkbox"/> Partner with transit providers and school districts to seek resources to support youth pass program and expanding reduced fare program to low-income families and individuals <input type="checkbox"/> Support reduced fares and service improvements for low-income families and individuals, youth, older adults and people with disabilities through testimony, endorsement letters or similar means 	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Support and/or participate in efforts to build transportation funding coalition <input type="checkbox"/> Expand transit payment options (e.g., electronic e-fare cards) to increase affordability, convenience and flexibility <input type="checkbox"/> Seek state funding sources for transit and alternative local funding mechanisms <input type="checkbox"/> Complete development of TriMet Service Enhancement Plans (SEPs): <ul style="list-style-type: none"> ◦ Provide more community to community transit connections ◦ Identify community-based public and private shuttles that link to regional transit service ◦ Link service enhancements to transit-supportive development, areas with communities of concern, and other locations with potential high ridership potential ◦ Consider ridership demographics in service planning <input type="checkbox"/> Consider local funding mechanism(s) for local and regional transit service <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Expand partnerships with cities, counties and ODOT to implement capital improvements in frequent bus corridors (including dedicated bus lanes, stop/shelter improvements, and intersection priority treatments) to increase service performance <input type="checkbox"/> Partner with local governments and school districts to seek resources to support youth pass program and expanding reduced fare program to low-income families and individuals <input type="checkbox"/> Expand transit service to serve communities of concern, transit-supportive development and other potential high ridership locations, etc. <input type="checkbox"/> Continue to improve and increase the availability of transit route and schedule information

¹ The 2014 Regional Transportation Plan defines communities of concern as people of color, people with limited English proficiency, people with low-income, older adults, and young people.

REGIONAL ADVISORY COMMITTEE REVIEW DRAFT
TOOLBOX OF POSSIBLE EARLY ACTIONS (2015-2020)

POLICY	WHAT CAN THE STATE DO?	WHAT CAN METRO DO?	WHAT CAN CITIES AND COUNTIES DO?	WHAT CAN TRIMET, SMART AND THE PORT OF PORTLAND DO?
4. Use technology to actively manage the transportation system	<p>Immediate (2015-26)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Integrate transportation system management and operations strategies into project development activities <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Expand deployment of intelligent transportation systems (ITS), including active traffic management, incident management and traveler information programs <input type="checkbox"/> Partner with cities, counties and TriMet to expand deployment of transit signal priority along corridors with 15-minute or better transit service 	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Seek Metro Council/JPACT commitment to invest more in transportation system management and operations (TSMO) projects using regional flexible funds <input type="checkbox"/> Advocate for increased state commitment to fund more investment using state funds <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Build capacity and strengthen interagency coordination <input type="checkbox"/> Provide technical assistance and grant funding to support integrate transportation system management operations strategies in local plans, project development, and development review activities <input type="checkbox"/> Update Regional TSMO Strategic Plan by 2018 	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Advocate for increased regional and state commitment to invest more in TSMO projects using regional and state funds <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Expand deployment of intelligent transportation systems (ITS), including active traffic management, incident management and travel information programs and coordinate with capital projects <input type="checkbox"/> Partner with TriMet to expand deployment of transit signal priority along corridors with 15-minute or better transit service 	<p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Partner with cities, counties and ODOT to expand deployment of transit signal priority along corridors with 15-minute or better transit service
5. Provide information and incentives to expand the use of travel options	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adopt Statewide Transportation Options Plan with funding strategy to implement <input type="checkbox"/> Deploy statewide eco-driving educational effort, including integration of eco-driving information in driver's education training courses, Oregon Driver's education manual and certification programs <input type="checkbox"/> Review EcoRule to identify opportunities to improve effectiveness <input type="checkbox"/> Increase state capacity and staffing to support on-going EcoRule implementation and monitoring <input type="checkbox"/> Deploy video conferencing, virtual meeting technologies and other communication technologies to reduce business travel needs <input type="checkbox"/> Partner with TriMet, SMART and media partners to link the Air Quality Index to transportation system information outlets <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Promote and provide information, recognition, funding and incentives to encourage commuter programs and individualized marketing to provide employers, employees and residents information and incentives to use travel options <input type="checkbox"/> Integrate transportation demand management practices into planning, project development, and development review activities <input type="checkbox"/> Establish a state vanpool strategy that addresses urban and rural transportation needs 	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Seek Metro Council/JPACT commitment to invest more regional flexible funds to expand direct services and funding provided to local partners (e.g., local governments, transportation management associations, and other non-profit and community-based organizations) to implement expanded education, recognition and outreach efforts in coordination with other capital investments <input type="checkbox"/> Provide funding and partner with community-based organizations to develop culturally relevant information materials <input type="checkbox"/> Develop best practices on how to integrate transportation demand management in local planning, project development, and development review activities <input type="checkbox"/> Integrate transportation demand management practices into planning, project development and development review activities <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Expand on-going technical assistance and grant funding to local governments, transportation management associations, business associations and other non-profit organizations to incorporate travel information and incentives in local planning and project development activities and at worksites <input type="checkbox"/> Establish an on-going individualized marketing program that targets deployment in conjunction with capital investments being made in the 	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Advocate for increased state and regional funding to expand direct services provided to local partners (e.g., local governments, transportation management associations, and other non-profit organizations) to support expanded education, recognition and outreach efforts in coordination with other capital investments <input type="checkbox"/> Host citywide and community events like Bike to Work Day and Sunday Parkways <p>Near-term (2017-20)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Integrate transportation demand management practices into planning, project development, and development review activities <input type="checkbox"/> Provide incentives for new development over a specific trip generation threshold to provide travel information and incentives to support achievement of EcoRule and mode share targets adopted in local and regional plans <input type="checkbox"/> Partner with businesses and/or business associations and transportation management associations to implement demand management programs in employment areas and centers served with active transportation options, 15-minute or better transit service, and parking management <input type="checkbox"/> Expand local travel options program delivery through new coordinator positions and partnerships with business associations, transportation management associations, and 	<p>Immediate (2015-16)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Expand employer program capacity and staffing to support expanded education, recognition and outreach efforts

REGIONAL ADVISORY COMMITTEE REVIEW DRAFT

TOOLBOX OF POSSIBLE EARLY ACTIONS (2015-2020)

POLICY	WHAT CAN THE STATE DO?	WHAT CAN METRO DO?	WHAT CAN CITIES AND COUNTIES DO?	WHAT CAN TRIMET, SMART AND THE PORT OF PORTLAND DO?
		region <input type="checkbox"/> Begin update to Regional Travel Options Strategic Plan in 2018	other non-profit and community-based organizations	
6. Make biking and walking safe and convenient	Immediate (2015-16) <ul style="list-style-type: none"> <input type="checkbox"/> Adopt Oregon Bicycle and Pedestrian Plan with funding strategy <input type="checkbox"/> Adopt Vision Zero strategy <input type="checkbox"/> Seek and advocate for new, dedicated funding mechanism(s) for active transportation projects <input type="checkbox"/> Advocate for use of Connect Oregon funding for active transportation projects <input type="checkbox"/> Review driver's education training materials and certification programs and make changes to increase awareness of bicycle and pedestrian safety <input type="checkbox"/> Complete Region 1 Active Transportation Needs inventory <input type="checkbox"/> Maintain commitment to funding Safe Routes to School programs statewide <input type="checkbox"/> Fund Safe Routes to Transit programs <input type="checkbox"/> Adopt a complete streets policy <input type="checkbox"/> Partner with local governments to conduct site-specific evaluations from priority locations identified in the ODOT Pedestrian and Bicycle Safety Implementation Plan <input type="checkbox"/> Improve bicycle and pedestrian crash data collection <input type="checkbox"/> Support local and regional health impact assessments Near-term (2017-20) <ul style="list-style-type: none"> <input type="checkbox"/> Continue to provide technical assistance and expand grant funding to support development and adoption of complete streets policies and designs <input type="checkbox"/> Expand existing funding for active transportation investments 	Immediate (2015-16) <ul style="list-style-type: none"> <input type="checkbox"/> Adopt Vision Zero strategy <input type="checkbox"/> Continue to fund construction of active transportation projects as called for in air quality transportation control measures <input type="checkbox"/> Advocate for use of Connect Oregon funding for active transportation projects <input type="checkbox"/> Build a diverse coalition that includes elected officials and community and business leaders at local, regional and state levels working together to: <ul style="list-style-type: none"> o Build local and state commitment to implement Active Transportation Plan and Safe Routes to Schools and Safe Routes to Transit programs o Seek and advocate for new, dedicated funding mechanism(s) o Advocate to maintain eligibility in federal formula programs (i.e., NHPP, STP, CMAQ) and discretionary programs (New Starts, Small Starts, TIFIA, TIGER) <input type="checkbox"/> Seek opportunities to implement Regional Transportation Safety Plan recommendations in planning, project development and development review activities Near-term (2017-20) <ul style="list-style-type: none"> <input type="checkbox"/> Provide technical assistance and planning grants to support development and adoption of complete streets policies <input type="checkbox"/> Provide technical assistance and funding to support complete street designs in local planning and project development activities <input type="checkbox"/> Review the regional transportation functional plan and make amendments needed to implement the Regional Active Transportation Plan <input type="checkbox"/> Update and fully implement the Regional Transportation Safety Plan <input type="checkbox"/> Update best practices in street design and complete streets, including: <ul style="list-style-type: none"> o develop a complete streets checklist o provide design guidance to minimize air pollution exposure for bicyclists and pedestrians 	Immediate (2015-16) <ul style="list-style-type: none"> <input type="checkbox"/> Adopt Vision Zero strategy <input type="checkbox"/> Support and/or participate in efforts to build transportation funding coalition <input type="checkbox"/> Advocate for use of Connect Oregon funding for active transportation projects <input type="checkbox"/> Continue to leverage local funding with development for active transportation projects <input type="checkbox"/> Seek opportunities to coordinate local investments with investments being made by special districts, park providers and other transportation providers <input type="checkbox"/> Seek and advocate for new, dedicated funding mechanism(s) <input type="checkbox"/> Seek opportunities to implement Regional Transportation Safety Plan recommendations in planning, project development and development review activities Near-term (2017-20) <ul style="list-style-type: none"> <input type="checkbox"/> Develop and maintain a city/county-wide active transportation network of sidewalks, on- and off-street bikeways, and trails to provide connections between neighborhoods, schools, civic center/facilities, recreational facilities, transit centers, bus stops, employment areas and major activity centers <input type="checkbox"/> Build infrastructure and urban design elements that facilitate and support bicycling and walking (e.g., completing gaps, crosswalks and other crossing treatments, wayfinding signs, bicycle parking, bicycle sharing programs, lighting, separated facilities) <input type="checkbox"/> Invest to equitably complete active transportation network gaps in centers and along streets that provide access to transit stops, schools and other community destinations <input type="checkbox"/> Link active transportation investments to providing transit and travel information and incentives <input type="checkbox"/> Partner with ODOT to conduct site-specific evaluations from priority locations identified in the ODOT Pedestrian and Bicycle Safety Implementation Plan <input type="checkbox"/> Expand Safe Routes to Schools programs to 	Immediate (2015-16) <ul style="list-style-type: none"> <input type="checkbox"/> Adopt Vision Zero strategy <input type="checkbox"/> Support and/or participate in efforts to build transportation funding coalition <input type="checkbox"/> Advocate for use of Connect Oregon funding for active transportation projects <input type="checkbox"/> Complete Port of Portland 2014 Active Transportation Plan <input type="checkbox"/> Seek grant funding to prepare a TriMet Bicycle Plan Near-term (2017-20) <ul style="list-style-type: none"> <input type="checkbox"/> Invest in trails that increase equitable access to transit, services and community destinations

REGIONAL ADVISORY COMMITTEE REVIEW DRAFT

TOOLBOX OF POSSIBLE EARLY ACTIONS (2015-2020)

POLICY	WHAT CAN THE STATE DO?	WHAT CAN METRO DO?	WHAT CAN CITIES AND COUNTIES DO?	WHAT CAN TRIMET, SMART AND THE PORT OF PORTLAND DO?
			include high schools and Safe Routes to Transit <input type="checkbox"/> Adopt “complete streets” policies and designs to support all users <input type="checkbox"/> Establish local funding pool to leverage state and federal funds	
7. Make streets and highways safe, reliable and connected	Immediate (2015-16) <input type="checkbox"/> Continue to maintain existing highway network <input type="checkbox"/> Increase state gas tax (indexed to inflation and fuel efficiency) <input type="checkbox"/> Update the Oregon Transportation Safety Action Plan <input type="checkbox"/> Review driver’s education training materials and certification programs and make changes to increase awareness of safety for all system users Near-term (2017-20) <input type="checkbox"/> Work with Metro and local governments to consider alternative performance measures <input type="checkbox"/> Integrate multi-modal designs in road improvement and maintenance projects to support all users	Immediate (2015-16) <input type="checkbox"/> Build a diverse coalition that includes elected officials and community and business leaders at local, regional and state levels working together to: <ul style="list-style-type: none"> o Ensure adequate funding of local maintenance and support city and county efforts to fund maintenance and preservation needs locally o Support state and federal efforts to increase gas tax (indexed to inflation and fuel efficiency) o Support state and federal efforts to implement mileage-based road usage charge program <input type="checkbox"/> Seek opportunities to implement Regional Transportation Safety Plan recommendations in planning, project development and development review activities Near-term (2017-20) <input type="checkbox"/> Work with ODOT and local governments to consider alternative performance measures <input type="checkbox"/> Provide technical assistance and grant funding to support integrated transportation system management operations strategies in local plans, projects and project development activities <input type="checkbox"/> Update and fully implement Regional Transportation Safety Plan	Immediate (2015-16) <input type="checkbox"/> Continue to maintain existing street network <input type="checkbox"/> Support and/or participate in efforts to build transportation funding coalition <input type="checkbox"/> Seek opportunities to implement Regional Transportation Safety Plan recommendations in planning, project development and development review activities Near-term (2017-20) <input type="checkbox"/> Work with ODOT and Metro to consider alternative performance measures <input type="checkbox"/> Support railroad grade separation projects in corridors to allow for longer trains and less delay/disruption to other users of the system <input type="checkbox"/> Invest in making new and existing streets “complete” and connected to support all users <input type="checkbox"/> Integrate multi-modal designs in road improvement and maintenance projects to support all users	Near-term (2017-20) <input type="checkbox"/> Support and/or participate in efforts to build transportation funding coalition <input type="checkbox"/> Support railroad grade separation projects in corridors to allow for longer trains and less delay/disruption to other users of the system
8. Manage parking to make efficient use of parking resources	Immediate (2015-16) <input type="checkbox"/> Provide technical assistance and grant funding to support development of parking management plans at the local and regional level <input type="checkbox"/> Distribute “Parking Made Easy” handbook and provide technical assistance, planning grants, model code language, education and outreach <input type="checkbox"/> Increase safe, secure and convenient bicycle parking Near-term (2017-20) <input type="checkbox"/> Provide preferential parking for electric vehicles, vehicles using alternative fuels and carpools <input type="checkbox"/> Prepare inventory of state-owned public parking spaces and usage	Immediate (2015-16) <input type="checkbox"/> Build a diverse coalition that includes elected officials and community and business leaders at local, regional and state levels working together to: <ul style="list-style-type: none"> o Discuss priced parking as a revenue source to help fund travel information and incentives programs, active transportation projects and transit service Near-term (2017-20) <input type="checkbox"/> Expand on-going technical assistance to local governments, developers and others to incorporate parking management approaches in local plans and projects	Immediate (2015-16) <input type="checkbox"/> Consider charging for parking in high usage areas served by 15-minute or better transit service and active transportation options Near-term (2017-20) <input type="checkbox"/> Prepare community inventory of public parking spaces and usage <input type="checkbox"/> Adopt shared and unbundled parking policies <input type="checkbox"/> Require or provide development incentives for developers to separate parking from commercial space and residential units in lease and sale agreements <input type="checkbox"/> Provide preferential parking for electric vehicles, vehicles using alternative fuels and carpools	Near-term (2017-20) <input type="checkbox"/> Provide preferential parking for electric vehicles, vehicles using alternative fuels and carpools <input type="checkbox"/> Increase safe, secure and convenient bicycle parking

REGIONAL ADVISORY COMMITTEE REVIEW DRAFT

TOOLBOX OF POSSIBLE EARLY ACTIONS (2015-2020)

POLICY	WHAT CAN THE STATE DO?	WHAT CAN METRO DO?	WHAT CAN CITIES AND COUNTIES DO?	WHAT CAN TRIMET, SMART AND THE PORT OF PORTLAND DO?
	<input type="checkbox"/> Provide monetary incentives such as parking cash-out and employer buy-back programs	<input type="checkbox"/> Pilot projects to develop model parking management plans and model ordinances for different development types <input type="checkbox"/> Research and update regional parking policies to more comprehensively reflect the range of parking approaches available for different development types and to incorporate goals beyond customer access, such as linking parking approaches to the level of transit service and active transportation options provided <input type="checkbox"/> Amend Title 6 of Regional Transportation Functional Plan to update regional parking map and reflect updated regional parking policies	<input type="checkbox"/> Require or provide development incentives for large employers to offer employees a parking cash-out option where the employee can choose a parking benefit, a transit pass or the cash equivalent of the benefit <input type="checkbox"/> Increase safe, secure and convenient bicycle parking <input type="checkbox"/> Reduce requirements for off-street parking and establish off-street parking supply maximums, as appropriate, enacting and adjusting policies to minimize spillover impacts in adjacent areas <input type="checkbox"/> Prepare parking management plans tailored to 2040 centers served by high capacity transit (existing and planned)	
9. Secure adequate funding for transportation investments	Immediate (2015-16) <input type="checkbox"/> Seek and advocate for new, dedicated funding mechanism(s) for active transportation and transit <input type="checkbox"/> Research and consider carbon pricing models to generate new funding for clean energy, transit and active transportation, alleviating regressive impacts to businesses and communities of concern <input type="checkbox"/> Increase state gas tax (indexed to inflation and fuel efficiency) <input type="checkbox"/> Implement a mileage-based road usage charge program as called for in Senate Bill 810 Near-term (2017-20) <input type="checkbox"/> Expand funding available for active transportation and transit investments <input type="checkbox"/> Broaden implementation of the mileage-based road usage charge	Immediate (2015-16) <input type="checkbox"/> Update research on regional infrastructure gaps and potential funding mechanisms to inform communication materials that support engagement activities and development of a funding strategy to meet current and future transportation needs <input type="checkbox"/> Build a diverse coalition that includes elected officials and community and business leaders at local, regional and state levels working together to: <ul style="list-style-type: none"> ○ Seek and advocate for new, dedicated funding mechanism(s) for transit and active transportation ○ Seek transit and active transportation funding from Oregon Legislature ○ Consider local funding mechanism(s) for local and regional transit service ○ Support state efforts to research and consider carbon pricing models ○ Build local and state commitment to implement Active Transportation Plan, and Safe Routes to Schools (including high schools) and Safe Routes to Transit programs ○ Ensure adequate funding of local maintenance and safety needs and support city and county efforts to fund safety, maintenance and preservation needs locally ○ Support state and federal efforts to increase gas tax (indexed to inflation and fuel efficiency) ○ Support state and federal efforts to implement road usage charge program 	Immediate (2015-16) <input type="checkbox"/> Support and/or participate in efforts to build transportation funding coalition <input type="checkbox"/> Support state efforts to implement a mileage-based road usage charge program <input type="checkbox"/> Support state efforts to research and consider carbon pricing models <input type="checkbox"/> Consider local funding mechanism(s) for local and regional transportation needs, including transit service and active transportation Near-term (2017-20) <input type="checkbox"/> Work with local, regional and state partners, including elected officials and business and community leaders, to develop a funding strategy to meet current and future transportation needs	Immediate (2015-16) <input type="checkbox"/> Support and/or participate in efforts to build transportation funding coalition <input type="checkbox"/> Seek and advocate for new, dedicated funding mechanism(s) for active transportation and transit <input type="checkbox"/> Support state efforts to research and consider carbon pricing models Near-term (2017-20) <input type="checkbox"/> Work with local, regional and state partners, including elected officials and business and community leaders, to develop a funding strategy to meet current and future transportation needs

REGIONAL ADVISORY COMMITTEE REVIEW DRAFT
TOOLBOX OF POSSIBLE EARLY ACTIONS (2015-2020)

POLICY	TOOLBOX OF POSSIBLE EARLY ACTIONS (2015-2020)			
	WHAT CAN THE STATE DO?	WHAT CAN METRO DO?	WHAT CAN CITIES AND COUNTIES DO?	WHAT CAN TRIMET, SMART AND THE PORT OF PORTLAND DO?
		<ul style="list-style-type: none"> Discuss priced parking as a revenue source for travel information and incentives programs, active transportation projects and transit service 		
10. Demonstrate leadership on climate change	Near-term (2017-20) <ul style="list-style-type: none"> Update statewide greenhouse gas emissions inventory and track progress toward adopted greenhouse gas emissions reduction goals Report on the potential greenhouse gas emissions impacts of policy, program and investment decisions 	Near-term (2017-20) <ul style="list-style-type: none"> Update regional greenhouse gas emissions inventory and track progress toward adopted greenhouse gas emissions reduction target Report on the potential greenhouse gas emissions impacts of policy, program and investment decisions Encourage development and implementation of local climate action plans 	Near-term (2017-20) <ul style="list-style-type: none"> Sign U.S. Mayor's Climate Protection Agreement Prepare and periodically update community-wide greenhouse gas emissions inventory Report on the potential greenhouse gas emissions impacts of policy, program and investment decisions Develop and implement local climate action plans 	Near-term (2017-20) <ul style="list-style-type: none"> Prepare and periodically update greenhouse gas emissions inventory of transportation operations Report on the potential greenhouse gas emissions impacts of policy, program and investment decisions

OTHER ACTIONS PROPOSED FOR CONSIDERATION AS PART OF FUTURE EFFORTS TO IMPLEMENT CLIMATE SMART STRATEGY

	WHAT CAN THE STATE DO?	WHAT CAN METRO DO?	WHAT CAN CITIES AND COUNTIES DO?	WHAT CAN TRIMET, SMART AND THE PORT OF PORTLAND DO?
	<ul style="list-style-type: none"> Develop and implement an action plan for ODOT'S Climate Change Adaptation Strategy Report Support local government and MPO planning for resilience, targeting natural hazards and climate change mitigation Periodically update Oregon Natural Hazard Mitigation Plan Expand urban tree canopy to support carbon sequestration and use green street designs that include tree plantings Pilot new pavement and hard surface materials proven to help reduce heat gain associated with infrastructure 	<ul style="list-style-type: none"> Assess potential risks and identify strategies to address potential climate impacts to transportation infrastructure and operations, including critical needs for emergency response and community access Expand urban tree canopy to support carbon sequestration and encourage green street designs that include tree plantings Partner with DEQ to convene a work group to identify regional actions during "moderate" and "unsafe for sensitive groups" air quality episodes 	<ul style="list-style-type: none"> Expand urban tree canopy to support carbon sequestration and use green street designs that include tree plantings Pilot new pavement and hard surface materials proven to help reduce heat gain associated with infrastructure 	<ul style="list-style-type: none"> Identify strategies to address potential climate impacts to transportation infrastructure and operations, including critical needs for emergency response and community access

CLIMATE SMART STRATEGY SCOPING

DRAFT PERFORMANCE MONITORING AND REPORTING APPROACH

BACKGROUND | The 2009 Oregon Legislature required the Portland metropolitan region to reduce per capita greenhouse gas emissions from cars and small trucks by 20 percent below 2005 levels by 2035. The region has identified an approach that meets the target while also substantially contributing to many other state, regional and local goals, including clean air and water, transportation choices, healthy and vibrant communities and a strong economy.

OAR 660-044 directs Metro to identify performance measures and targets to monitor and guide implementation of the preferred approach selected by the Metro Council. The purpose of performance measures and targets is to enable Metro and area local governments to monitor and assess whether key elements or actions that make up the preferred approach are being implemented, and whether the preferred approach is achieving the expected outcomes. The rule allows for reporting to occur as part of existing procedures for coordinated regional planning in the Portland metropolitan area.

PERFORMANCE MONITORING AND REPORTING APPROACH | Rely on existing regional performance monitoring and reporting processes to the extent possible, including future RTP updates, Urban Growth Report updates and reporting in response to Oregon State Statutes ORS 197.301 and ORS 197.296.

POLICY	HOW WILL PROGRESS BE MEASURED?	
	PERFORMANCE MEASURE	PERFORMANCE TARGET
1. Support Oregon's transition to cleaner, low carbon fuels, more fuel-efficient vehicles and pay-as-you-drive private vehicle insurance	a. Share of registered light duty vehicles in Oregon that are low emission and zero emission vehicles (<i>new</i>) b. Share of Oregon households using pay-as-you-drive private vehicle insurance (<i>new</i>)	a. By 2035, 8% of light duty vehicles are low emission or zero emission vehicles compared to 2010 (<i>new</i>) b. By 2035, 40% of households in the region have pay-as-you-drive private vehicle insurance compared to 2010 (<i>new</i>)
2. Implement the 2040 Growth Concept and local adopted land use and transportation plans	a. New residential units built through infill and redevelopment in the urban growth boundary (<i>existing</i>) b. New residential units built on vacant land in the urban growth boundary (<i>existing</i>) c. Acres of urban reserves added to the urban growth boundary (<i>existing</i>) d. Daily vehicle miles traveled per capita (<i>existing</i>)	a. No target identified b. No target identified c. No target identified d. By 2035, reduce daily vehicle miles traveled per capita by 10% compared to 2010 (<i>existing</i>)
3. Make transit more convenient, frequent, accessible and affordable	a. Transit mode share (<i>existing</i>) b. Transit service daily revenue hours (<i>new</i>)	a. By 2035, triple transit mode share compared to 2010 (<i>existing</i>) b. By 2035, increase daily revenue hours by 80% compared to 2010 service levels (<i>new</i>)
4. Use technology to actively manage the transportation system	a. Share of regional transportation system covered with transportation system management and operations (TSMO) strategies (<i>new</i>)	a. By 2035, TSMO strategies are deployed on all freeways and arterials in the region (<i>new</i>)
5. Provide information and incentives to expand the use of travel options	a. Households participating in individualized marketing programs (<i>existing</i>) b. Workforce participating in commuter programs (<i>existing</i>)	a. By 2035, 45% of households in the region participate in individualized marketing programs (<i>new</i>) b. By 2035, 30% of employees in the region participate in commuter programs (<i>new</i>)
6. Make biking and walking safe and convenient	a. Biking and walking mode shares (<i>existing</i>) b. Bike and pedestrian fatalities and severe injuries (<i>existing</i>) c. Active transportation network completion (<i>existing</i>)	a. By 2035, triple biking and walking mode shares compared to 2010 modeled mode shares (<i>existing</i>) b. By 2035, reduce the number of fatal and severe injury crashes for bicyclists and pedestrians by 50% compared to 2007-2011 average (<i>existing</i>) c. By 2035, increase by 50% the miles of sidewalk, bikeways and trails compared to the regional active transportation network in 2010 (<i>existing</i>)
7. Make streets and highways safe, reliable and connected	a. Motor vehicle fatalities and severe injuries (<i>existing</i>) b. Reliability measure TBD in 2018 RTP update (<i>new</i>)	a. By 2035, reduce the number of fatal and severe injury crashes for motor vehicle occupants by 50% compared to 2007-2011 average (<i>existing</i>) b. TBD in 2018 RTP update
8. Manage parking to make efficient use of parking resources	a. Parking measure TBD in 2018 RTP update (<i>new</i>)	a. TBD in 2018 RTP update
9. Secure adequate funding for transportation investments	a. Progress in addressing local, regional and state transportation funding gap (<i>new</i>)	a. TBD in 2018 RTP update
10. Demonstrate leadership on climate change	a. Changes in roadway greenhouse gas emissions per capita (<i>new</i>)	a. By 2035, reduce roadway greenhouse gas emissions per capita by 20 percent compared to 2005 levels (<i>new</i>)

Metro update

Wilsonville City Council

Councilor Craig Dirksen

October 20th, 2014

Let's talk about land use



- Do we have enough developable land in our region to accommodate 20 years worth of growth?

A balanced approach to the UGB



- We have to comply with state law.
- Protect as much farm and forestland as we can
- A variety of housing choices
- Enough land to accommodate 20 years worth of growth

3

Population and employment forecasts

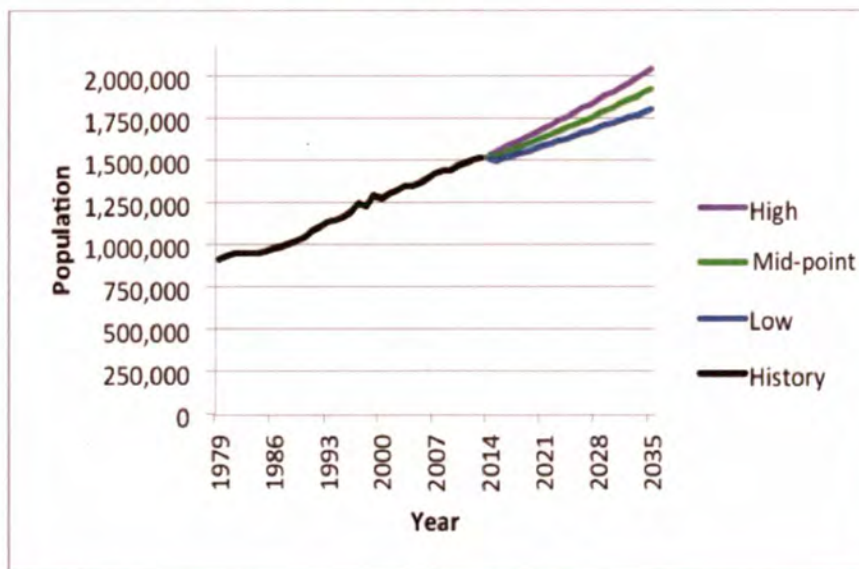


Figure 4 Population history and forecast for Metro UGB 1979 - 2035

- Low-end estimate: 300,000 new residents by 2035
- High-end estimate: 485,000 new residents by 2035
- The lower number if the economy grows slowly, the higher number if it grows quickly

4

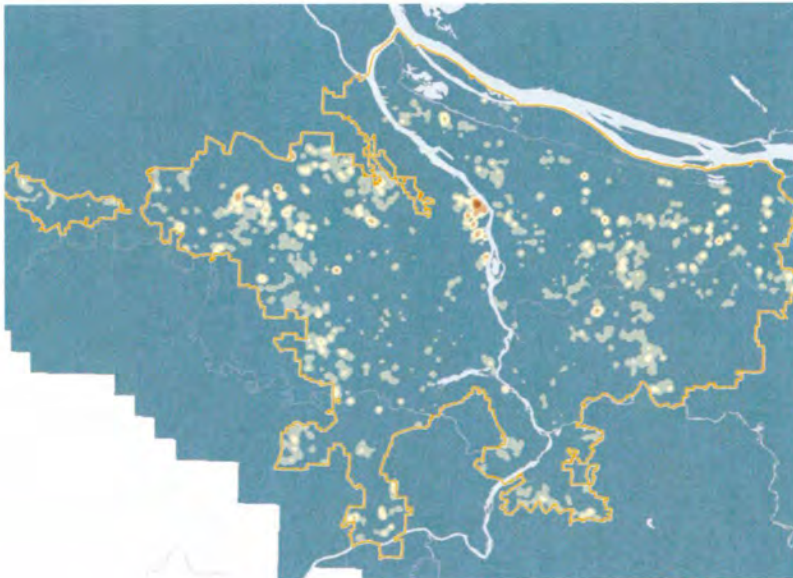
Growth forecast decision



- By the end of this year, the Metro Council will decide what kind of growth the region can expect in the coming decades.
- It's not just about data – it's about priorities, costs and return on public investments.

5

The past as a guide



- From 1998-2012, 94 percent of new homes were built within the original 1979 UGB.
- Only 6,500 new homes were built on areas we added to the UGB.

6

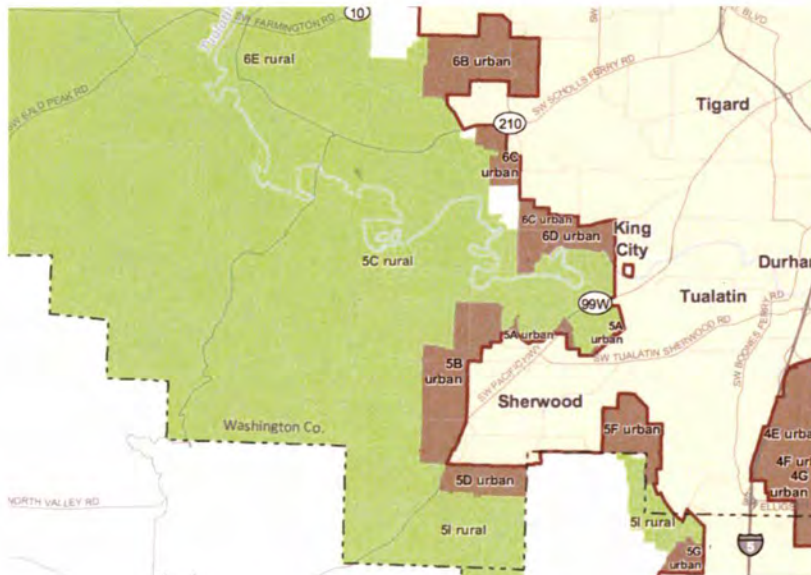
Local planning has helped



- Cities have focused energy on a variety of homes built in areas that support livability and local economies.
- Metro's Planning and Development grants help support planning in areas inside and outside the UGB

7

We might need to expand



- If we need to add land, we'll go first onto urban reserves.
- Focus on areas that make sense – places that have plans to manage growth and resources to pay for it.

8

A decision by late 2015



- UGB decision must be wrapped up by the end of 2015.
- The decision will be reviewed by the Oregon Land Conservation and Development Commission.
- Questions?

9

Southwest Corridor



- More refinement underway before formal environmental review begins
- Hope by November, Steering Committee will have enough info to decide on moving to DEIS

10

Oxbow and Glendoveer



- Salmon Homecoming is Oct. 19 at Oxbow Regional Park
- Haunted Forest at Glendoveer
- Free children's golf & tennis clinics

11

Scouters Mountain



- Scouters Mountain Nature Park opened on Aug. 28
- 100 acres of forests, trails and great view of Mt. Hood
- Nature walk at 10a.m. on Nov. 15

12

Nature in Neighborhoods



- \$99,450 toward restoring a wetland and oak habitat near Cook Park
- \$25,000 to restore riparian habitat and forest along the Tualatin River

13

Solid waste roadmap

Long-term look at region's solid waste system

Let's Talk Trash Film Contest

- Engaging filmmakers in creating short features
- Gala event with NW Film Center, November 10

More events to come

oregonmetro.gov/letstalktrash



14

Portland's 5 Centers for Arts



SCHNITZER

- Tony Bennett, Nov. 5

KELLER

- Bob Dylan, Oct. 21
- World Beard & Moustache Championships, Oct. 25

15

Expo Center



- Antique and Collectible Show, Oct. 25-26
- Portland's Largest Garage Sale, Nov. 1
- Fall RV Show of Shows, Nov. 6-9
- America's Largest Christmas Bazaar, Nov. 28-30 and Dec. 5-7

16

Your questions...

Craig Dirksen

Metro Councilor, District 3

503-797-1549

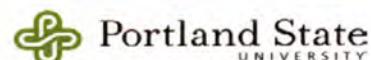
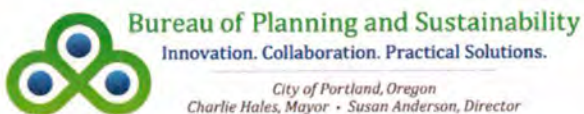
craig.dirksen@oregonmetro.gov

optin

PORTLAND-VANCOUVER AREA ONLINE PANEL



www.oregonmetro.gov/connect



August 27, 2014

Executive summary: Preliminary results of a residential preference study for the Portland region



Introduction

We all make choices when buying or renting a home. Some of the factors we weigh include price, proximity to work, size of the home, size of the yard, and the type of neighborhood. Understanding what's important to residents of the metro area can inform local and regional policies, as well as public and private investment decisions.

In the spring of 2014, a partnership of public and private sector interests conducted an innovative residential preference study for the four-county Portland metropolitan area.¹ The study seeks to develop a better understanding of:

- Preferences for different housing, community, and location characteristics
- How factors such as income, number of household members, presence of kids, the age of the householder, and lifestyle relate to residential preferences

¹ Clackamas, Clark, Multnomah, and Washington counties

The project partners consider this a first effort at gaining a better understanding of a complex topic and intend to conduct this study periodically in the future to gauge whether and how preferences may be changing. This document summarizes the study's preliminary findings. The project partners have also identified possible topics for research and plan to continue investigating trends in the data. Additional detail about the partnership, survey methods, and survey results can be found in the full report.

Survey design

This study seeks to go beyond typical opinion survey methods in order to gain a better understanding of how people make choices when faced with real-life tradeoffs. The survey presented respondents with two types of preference questions. In the first type, respondents were asked straightforward questions about their preferences. In the second type, respondents were asked with words and images to make tradeoffs like those they would consider when choosing where to live. For this tradeoffs section, respondents were asked to choose one of two housing situations that differed by housing type, commute time, house size, renting vs. owning, neighborhood type, and price. Repetition of those choices by thousands of respondents allows us to understand how important each of these factors is for people from different market segments.

This study used an online survey tool. To ensure that the study produced valid results, the survey was completed by a managed representative panel of 800 respondents (200 respondents for each of the four counties – Clackamas, Clark, Multnomah, and Washington). In order to collect enough data for in-depth statistical analysis, the survey was also distributed via e-mail advertisement, including to Metro's Opt In panel, resulting in an additional 5,700 responses (the "public engagement panel"). In total, more than 6,500 people responded to the survey. For both panels, the survey responses were weighted by respondent county, age, and tenure (whether they currently rent or own) to ensure that the sample was representative of the region's population distributions as described in the 2010 U.S. Census.² A comparison of survey responses from the managed panel and the public engagement panel indicates that the demographic profile is comparable enough that the full data set can be used for analysis, but that there are some differences that warrant additional study.

For any survey, the phrasing of questions and selection of images play a critical role in producing meaningful results. The project partners brought diverse perspectives to this study and sought to use words and images in the survey that clearly describe different housing and neighborhood types without introducing bias. Over the course of about six months, the project partners worked together to refine those words and images to describe the following housing and neighborhoods types for use in the survey. A description of these housing and neighborhood types can be found in the full report.

Housing types

Three different housing types were described in the survey:

² For example, before weighting, both panels under-represent renters and don't reflect the proportions of people living in each of the four counties. Weighting techniques such as these are standard practices used on any sample, including the U.S. Census.

- Single-family detached
- Single-family attached
- Condo or apartment

Neighborhood types

Four different neighborhood types that illustrate a variety of activity and density levels were described in the survey:

- Urban central or downtown
- Urban neighborhood or town center
- Outer Portland or suburban
- Rural

Even with a deliberate effort to use clear text descriptions and images, people will understand these neighborhood types differently, perhaps more so than housing types. Additional work could be done to understand how differing interpretations may influence responses.

Preliminary results

Overall, most respondents live in and prefer single-family detached homes³

When asked simple questions about their preferences, most respondents live in and prefer single-family detached housing.

Single-family detached homes

65 percent of respondents currently live in a single-family detached home. 87 percent of the respondents living in a single-family detached home prefer this housing type. 80 percent of all respondents prefer this housing type.

Single-family attached homes

8 percent of respondents currently live in a single-family attached home. 11 percent of the respondents living in a single-family attached home prefer this housing type. 7 percent of all respondents prefer this housing type.

Key takeaways:

Most respondents live in a single-family detached home and this is the most preferred housing type, not just for those that live in this type of home, but also for respondents who currently live in single-family attached homes, condos and apartments.

³ Results for this section are reported for the managed panel only. See the full report for a description of survey results from public engagement.

Condos or apartments

28 percent of respondents currently live in a condo or apartment. 26 percent of the respondents living in a condo or apartment prefer this housing type. 13 percent of all respondents prefer this housing type.

Respondents typically live in their preferred neighborhood type⁴

When asked simple questions about preferences, most respondents prefer their current neighborhood type. Since the majority of respondents live in the *outer Portland or suburban* neighborhood type, this is the most preferred neighborhood type overall. However, current residents of *outer Portland or suburban neighborhoods* report the lowest level of satisfaction with their current neighborhood type, followed by residents of *urban central or downtown* neighborhoods. Residents of *rural* neighborhoods, followed by *urban neighborhood or town center* residents are most satisfied with their current neighborhoods.

- 11 percent of respondents currently live in an *urban central or downtown* neighborhood. 55 percent of the respondents living in this neighborhood type prefer this neighborhood type. 13 percent of all respondents prefer this neighborhood type.
- 25 percent of respondents currently live in an *urban neighborhood or town center*. 62 percent of the respondents living in this neighborhood type prefer this neighborhood type. 27 percent of all respondents prefer this neighborhood type.
- 56 percent of respondents live in an *outer Portland or suburban* neighborhood type. 51 percent of the respondents living in this neighborhood type prefer this neighborhood type. 34 percent of all respondents prefer this neighborhood type.
- 8 percent of respondents live in a *rural* neighborhood. 70 percent of the respondents living in this neighborhood type prefer this neighborhood type. 26 percent of all respondents prefer this neighborhood type.

Key takeaways:

Most respondents identified their neighborhood type as outer Portland or suburban and about half of those residents prefer this neighborhood type. Though a smaller share of respondents lives in urban central or downtown neighborhood types, about half of them prefer that neighborhood type.

Key takeaways:

Current residents of rural neighborhoods, which account for 8 percent of respondents, are most satisfied with their neighborhood.

⁴ Results for this section are reported for the managed panel only. See the full report for a description of survey results from public engagement.

Controlling for other factors such as commute time and price, people are most likely to choose their current neighborhood type

This survey went beyond typical questions about preferences to collect information about how various factors affect housing choices. The next section of the survey presented respondents with multiple housing option choice sets where factors such as price, commute time, housing type, neighborhood type, size of residence, and tenure (own vs. rent) varied. All 6,500 plus survey responses (weighted to match Census distributions) are used for reporting the results of these choice sets. The larger number of responses makes it possible to conduct more complex analysis.

To understand the importance of neighborhood type when people make housing choices, statistical analyses were conducted on the response data. Those analyses held all other factors such as price, commute time, and housing type constant. If respondents could pay the same price, have the same type of housing, same commute distance, etc. but in different neighborhood types, they are most likely to choose the neighborhood type that they currently live in. However, in no case is there a majority of respondents that would be likely to choose their current neighborhood type. Residents of *urban central or downtown* neighborhoods have the highest likelihood of choosing their current neighborhood type (44 percent probability) and residents of *outer Portland or suburban neighborhoods* have the lowest likelihood (31 percent probability). Controlling for other factors, residents of the *urban central or downtown* neighborhood type have a secondary likelihood (32 percent) that they will choose an *urban neighborhood or town center*. As a secondary choice, respondents living in *urban neighborhood or town center* locations were split on whether to choose more or less urban neighborhoods. As a secondary choice, those living in *outer Portland or suburban* neighborhoods were twice as likely to choose more urban as opposed to rural neighborhood types.

Key takeaways:

All other things being equal, people are most likely (though not a majority) to choose to live in their current neighborhood type. As a secondary choice, respondents living in urban neighborhood or town center locations are split on whether to choose more or less urban neighborhoods. As a secondary choice, those living in outer Portland or suburban neighborhoods are twice as likely to choose more urban as opposed to more rural neighborhood types.

Controlling for other factors, the importance of owning vs. renting varies by neighborhood choice

Respondents that choose *urban central or downtown* neighborhoods are more likely to prefer renting their home. Respondents that choose *rural* neighborhoods are more likely to prefer owning their home. These preferences are less clear for respondents that choose the other two neighborhood types, *urban neighborhood or town center* and *outer Portland or suburban* neighborhoods.

Some people's neighborhood choices change when they are asked to consider other factors

Though people are generally satisfied with their current housing and neighborhood types, some make different choices when they consider other factors. To understand how respondents make tradeoffs regarding neighborhoods, statistical techniques were used to test a series of "what if" scenarios. These "what if" scenarios are not intended to be policy recommendations. They are used for illustrative purposes only to help understand how people make housing choices. Different "what if" scenario assumptions would produce different results.

What if housing prices increase?

Some people may change their neighborhood choices if housing prices go up by one-third in their current neighborhood type. Current residents of the *outer Portland or suburban* neighborhood type are most sensitive to increased housing prices; 11 percent would choose different neighborhood types under this scenario. Of these suburban respondents that shift neighborhood choices based on price, the most common response is to shift to more urban neighborhoods, but a portion would also switch to a *rural* neighborhood (3 percent shift to *urban central or downtown*, 5 percent to *urban neighborhood or town center*, and 3 percent to *rural*).

What if ownership of single-family detached homes is more limited?

Some people may choose a different neighborhood type if they are unable to own a single-family detached home in their current neighborhood type. Current residents of *rural* neighborhoods place the most importance on owning a single-family detached home and there is a 27 percent probability that they will shift to a more urban neighborhood type to accommodate that housing preference. On the other hand, current residents of *urban central or downtown* neighborhoods place the least importance on owning a single-family detached home; most would rather choose a different housing type than

Key takeaways:

People are most likely to choose their current neighborhood type regardless of tradeoffs in price, commute time, square footage, and ownership.

Additional context:

Relatively small percentages of the region's population represent large numbers of people. Seemingly minor shifts in housing or neighborhood choices can thus have a large impact on housing demand and traffic. For perspective, there are likely to be about 820,000 households inside the urban growth boundary in 2035. Just five percent of that is 41,000 households.

Key takeaways:

Residents of rural neighborhoods feel strongly about owning a single-family detached home. Over a quarter of them would choose a more urban neighborhood type if that was their only option to own a single-family detached home.

leave their current neighborhood type. 6 percent would choose a different neighborhood type.

What if commute times increase?

Some people may choose a different type of neighborhood if commute times go up by ten minutes in their current neighborhood type.⁵ Current residents of the *urban neighborhood or town center* type are most sensitive to commute times. 7 percent of *urban neighborhood or town center* respondents would shift neighborhood choices based on increased commute time.

3 percent would choose an *urban central or downtown* neighborhood, 2 percent would choose an *outer Portland or suburban* neighborhood, and 1 percent would choose a *rural* neighborhood.⁶ Current residents of *rural* neighborhoods are least sensitive to increased commute times, with 3 percent shifting their neighborhood choice when faced with increased commute time.

Key takeaways:

Most respondents don't change their neighborhood preference when faced with longer commutes.

What if residences are smaller?

Some people may choose a different neighborhood type if the size of residences in their current neighborhood type decrease by 500 square feet.⁷ Current residents of the *urban central or downtown* neighborhood type are most sensitive to decreases in residence size. Making up the 12 percent of urban central respondents that shift neighborhood choices based on decreased home size, 7 percent choose an *urban neighborhood or town center*, 4 percent choose an *outer Portland or suburb*, and 2 percent would choose a *rural* neighborhood.⁸

Other factors that people consider when deciding where to live⁹

In addition to asking respondents to weigh potential tradeoffs, the survey also included traditional opinion polling to address other factors that may influence residential choices, but that are not possible to quantify to present as tradeoffs. Safety of neighborhoods and public school quality are two such factors that were addressed with more traditional survey techniques.

Respondents say that housing price, safety of the neighborhood, and characteristics of the house, in that order, are the most important factors when choosing a home.

- 44 percent rank housing price as their top influencer when choosing a home.

⁵ That increase is about a third of the average commute time.

⁶ Numbers don't add up to 7 percent because of rounding.

⁷ This would represent a decrease by about a third of average residence size.

⁸ Numbers don't add up to 12 percent because of rounding.

⁹ Results for this section are reported for the managed panel only. See the full report for a description of survey results from public engagement.

- Safety of the neighborhood (19 percent choose this as their top priority) and characteristics of the house (19 percent) are the next most influential factors.
- Quality of public schools was the number one influencer for just 3 percent of respondents and was ranked in the top three by 11 percent.

A majority of respondents prefer neighborhoods with a moderate amount of foot and vehicle traffic.

- 55 percent prefer moderate foot and vehicle traffic during the day with some activities within a 15 minute walk.
- Those living in Multnomah County were twice as likely to desire "heavy foot and vehicle traffic" than those in Clackamas, Clark, and Washington counties.

Key takeaways:
Most respondents want to live in neighborhoods where they can enjoy activities such as shopping and entertainment within a 15 minute walk

The largest share of respondents, though not a majority, prefer a medium-sized yard.

- 32 percent of respondents prefer a medium sized yard separating their home from a neighbor.
- Owners are more likely than renters to prefer a medium sized or large yard.
- Renters are more likely than owners to prefer no yard or little private outdoor space.

Next steps

This study provides initial insight into the complex topic of how people decide where to live. Together, we hope this work can inform public and private sector efforts, such as the upcoming regional growth management decision, to provide the diversity of housing and neighborhood choices that people desire. The project partners hope to improve upon and update this study to understand how preferences may change over time. The project partners have identified several topics that warrant additional research:

- Even with text descriptions and images, people may have different perceptions about what is meant by the various housing and neighborhood types. How might this affect survey responses? How might we improve the survey instrument?
- Every survey sample has limitations in its ability to represent the full population. This study attempts to account for that by weighting for housing tenure, age, and county of residence of the respondents. However, as with any sample, there are some variables that cannot be validated (for example, how to balance residents of different neighborhood types when there is no objective way to define neighborhood types).
- This study relies on different respondent sources. Are there significant differences in how respondents from the different panels make choices?
- What are the best methods for incorporating these survey results into forecast models?
- This study represents a snapshot of preferences today. How might they change in the future?

CITY OF WILSONVILLE

CITY COUNCIL MEETING MINUTES

A special meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 5:30 p.m. on Monday, September 29, 2014. Mayor Knapp called the meeting to order at 5:30 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
Mike Kohlhoff, City Attorney
Sandra King, City Recorder
Jon Gale, Community Relations Coordinator

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.

CONTINUING BUSINESS

- A. **ORDINANCE NO. 748** – Second reading.
An Ordinance Of The City Of Wilsonville Establishing A Tax On The Sale Of Marijuana And Marijuana-Infused Products In The City Of Wilsonville And Adding A New Wilsonville Municipal Code Section. (staff – Kohlhoff)

Mr. Kohlhoff read the title of Ordinance No. 748 on second reading and stated at the first reading of the Ordinance, the public hearing had been held open to September 29, 2014 to allow any additional testimony or public comment to be submitted.

To provide clarity, an excerpt of the Staff Report prepared for Ordinance No. 748 is appended at the end of these minutes.

Mayor Knapp invited the public to testify, hearing nothing he closed the public hearing at 5:35 p.m.

Motion: Councilor Fitzgerald moved to adopt Ordinance No. 748 on second reading. Councilor Stevens seconded the motion.

Mr. Kohlhoff commented in the staff report there was mention of the proposed City of Ashland ordinance which showed that City had enacted a five percent gross sale amount to be paid by the seller or registry identification card holders; however at the last minute their council changed the tax rate from the five percent to zero percent.

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

Mayor Knapp asked if any research had been done on the range of taxes being adopted by the cities that are enacting a similar ordinance, including Tigard, Tualatin, Hillsboro, and Gresham.

Mr. Kohlhoff indicated at the recent League of Oregon Cities conference the Oregon City Attorney's Association discussed this topic. The speakers said most cities were enacting either a five and 10 percent tax, or zero and ten percent tax.

The Mayor asked if all cities were allowing the establishments to keep a portion of the tax for administrative purposes.

Mr. Kohlhoff said retaining a portion of the tax for administrative purposes was standard and turns out to be five percent of the tax collected, similar to the collection of the hotel/motel tax.

Should Ballot Measure 91 pass in November the Mayor wanted to know whether cities would have the authority to alter the percentage amount of the tax.

Mr. Kohlhoff thought that would be in question, if a tax is imposed that gives the City the right to the tax imposed by the ordinance. They did not address the issue of collection of the tax. He suggested Council consider adding a percentage now that the Council felt is justified; and add language giving Council the ability, by resolution, to establish a different tax rate for the sale of such products in the future.

Councilor Starr explained he had not been at the Council meeting for the first vote, however, he has read the materials and feels confident he can make a decision. He asked if the ordinance would be jeopardized if the Council included the phrase "up to" so there is a moveable ceiling for the tax, but start the tax at 10 percent.

Mr. Kohlhoff thought that option was less defensible than if a rate was established along with the authority to change the rate in the future. It may be said the Council was imposing a different tax at a later date with a moveable rate. Mr. Kohlhoff suggested adding an additional Section 3 under Section 7.510 Levy of Tax which would read, "The City Council may by resolution establish a different tax rate for the sale of such products in the future." This language would allow changing the tax rate by resolution rather than by ordinance.

Councilor Starr asked whether the Council wanted to consider an adjustment to the tax rather than 10 percent, something more like 12 percent, to be in line with where most cities are but not quite the lowest number; more of a subtle discouragement to locating in Wilsonville.

Councilor Goddard commented Washington County entertained the idea of a tax but decided not to impose the tax, and asked if staff could explain the County's logic. He asked if there were other cities that did not impose a tax.

Mr. Kohlhoff responded the City of Roseburg thought Measure 91 would win and they didn't want to get involved in it. The City Attorney explained the League of Oregon Cities had taken two positions – the home rule issue; and that federal criminal law preempts the Oregon law.

Councilor Goddard commented he is not inclined to support the ordinance the way it has been laid out for the following reasons: first, the voters will decide in November whether they support this type of business or not; so it seems the City should let the voters decide whether they think these businesses should be legal businesses or not. He thought it was a matter for the state, and it was not a City issue, if the voters in the State are going to decide we ought to let them. Then the solution to that needs to be a State solution as well. He did not believe individual cities that are considering a tax ought to feel like

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

they have to craft their own solution – we should be looking to the Attorney General's office to help all cities decide how they are going to respond and what tools they have available to them to respond if they choose that these are businesses they do not want in their community.

Mr. Kohlhoff pointed out Ashland allows dispensaries, so they are taxing what they allow.

Councilor Goddard thought the issue also raises the question of what is the purpose of the ordinance. Is it to generate revenue? Or is it because we do not want these businesses in Wilsonville and we think this tax is a tool for shifting the businesses to an adjacent community. If the issue is one of revenue, then it raises a moral question, are we stating these businesses are bad and we don't support them, but we are willing to look the other way if we can skim ten percent off the top of their sales and support the general fund. He felt that put the City in an awkward position of defending a business because the City has become accustomed to having the revenue in the general fund. If the issue is that we don't want businesses of that type in Wilsonville then the City ought to just say those types of businesses are not welcome in the City of Wilsonville and be up front about it.

Mr. Cosgrove said the City has done what Council Goddard suggested with the Business License, but that is a hold status quo until the State determines what they will do with both medical marijuana and the general election will determine the outcome of recreational marijuana use.

Mr. Kohlhoff thought the issue was more one of uncertainty; should marijuana dispensaries become legitimate businesses under Federal law, and the recreational marijuana ballot measure passes, there is the question of administrative actions the City has to deal with and the social arena and whether or not a tax would be helpful to raise money to take care of that from an administrative point of view. Staff is proposing the tax to provide income to deal with future administrative issues, and the ordinance provides the option to that.

Councilor Goddard's final argument was that in November, if the voters determine these are legal businesses does the City set a precedence of imposing arbitrary taxes on some legal businesses and not on tobacco or alcohol. He suggested the City should be having a discussion with the State regarding the taxation of tobacco and alcohol at the local level.

Councilor Starr thought the impact of the use of marijuana was not known and it was up to the Council to be proactive and set down some ground rules which may or may not be relevant depending on the results of the November vote. He thought Wilsonville should be consistent with other cities in the area that are instituting a tax and to a degree, make it less enticing to locate in Wilsonville by the amount of tax charged.

Councilor Stevens believed this was an opportunity to raise some revenue to aid in law enforcement issues that may be caused due to the legalization of marijuana. The proposed ordinance gave the City the ability to increase or decrease the fee as necessary.

Councilor Fitzgerald commented if Ballot Measure 91 passed, perhaps the Attorney General would find a way to give cities revenue to manage the burden; however, that is an unknown as well. One of the benefits of passing the ordinance is to give the City the option of imposing a tax, which may deter a marijuana business from locating in Wilsonville.

Mayor Knapp stated he believed citizens have the right to vote on the Ballot Measure; however, individual cities will be impacted, not just the State as a whole. Regulations contained in the ordinance about where the appropriate locations for marijuana outlets will require management that will fall to local municipalities. It is likely Wilsonville will be incurring costs for management and supervision and how

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

interactions take place with students and children, general oversight and when necessary enforcement. All of these items cost money, personnel time and City resources and Wilsonville needs to be prepared to do what is responsible if Ballot Measure 91 is passed statewide. He thought it was responsible to have a structure prepared ahead of time. Wilsonville has a home rule charter and is responsible to uphold that charter in the strongest way we can and having Ordinance 748 on the books is a strong step to uphold the ability of Wilsonville to control its own destiny.

The Mayor thought charging a tax on marijuana was a responsible way to prepare for what potential costs may be. There are uncertainties but the City should prepare to be in the strongest position to handle any uncertainty and the ordinance will help to do so. The Mayor felt the City needed to be aware, ready, and position itself to handle the possible legalization. He thought establishing a 15% tax for recreational use and 7.5% for medical uses was reasonable and the wording suggested by Mr. Kohlhoff giving Council the authority to make adjustments to the tax with a resolution was appropriate.

A brief discussion on the penalties of not paying the City imposed tax followed, with staff noting sections of the ordinance that dealt with that issue, and that the penalties and interest were prescribed by City Code and State law.

Councilor Goddard asked if any analysis had been done on the increase in law enforcement costs and the amount of revenue that would be collected should Measure 91 pass.

Mr. Cosgrove responded no analysis had been done. When the ordinance was brought to Council on first reading it was explained there was a certain time in which frame to bring the ordinance to Council for adoption. Staff has no way of knowing how much, if any, additional law enforcement costs will be, or how much revenue will be generated. The purpose was to give Council a placeholder should Measure 91 pass so Council has it in place and was not preempted by State law. Councilor Fitzgerald wanted to be sure the additional language about imposing a different rate in the future was fair and did not present an element of weakness to the ordinance.

Mr. Kohlhoff thought the fact that the Council is able to establish a different rate is something the Council can do with other fee structures in the City. He believed staff would come to Council with a proposed rate change, should it be necessary, and that Council would not act in an arbitrary or unreasonable way. The ordinance contains a provision stating if any part of the ordinance is deemed illegal or unconstitutional that portion would be severed, and the rest would remain.

Councilor Starr asked if the phrase 'a different rate' in Section 7.510(3) would jeopardize the entire section because it is ambiguous. Section 7.510(3) reads "Council can establish by resolution a different rate for the sale of such products in the future."

Mr. Kohlhoff explained putting it in now with a given rate and the ability to change is a better defensible position than not establishing a rate now.

Councilor Fitzgerald liked the concept of using the hotel/motel tax as a general guideline. She asked why cities would adopt a similar ordinance with a zero percent.

Mr. Kohlhoff thought there was an argument to be made that by putting in zero percent, they have imposed a tax that they can change later by resolution. But they have a placeholder, and zero is a placeholder.

Mayor Knapp asked Council if they wanted to make any amendments to the ordinance.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Motion to amend Section 7.510(2)(b): Councilor Fitzgerald moved to amend Section 7.510(2)(b) to read Twelve (12%) percent rather than 10%. Councilor Starr seconded the motion.

Vote on motion to amend: Motion carried 4-1. Councilor Goddard voted no.

Motion to amend Section 7.510(2)(a): Councilor Starr moved to amend Section 7.510(2)(a) to read 7.5% rather than 5%. Councilor Fitzgerald seconded the motion.

Councilor Goddard reiterated his belief the tax was arbitrary and referred to the language in the proposed measure that would repeal conflicting charters and ordinances and if this tax were viewed to be conflicting it would get thrown out. He thought imposing a tax on an illegal product for the revenue was disingenuous, particularly if these businesses are not wanted in Wilsonville.

Councilor Fitzgerald stated if Council assumes Measure 91 passes and the City is allowed to impose the tax she did not agree imposing such a tax signals the City is welcoming the business. She noted it was uncertain whether the earlier ordinance adopted banning medical marijuana businesses in Wilsonville would be upheld overtime. If the sale of marijuana turns out to be a legal business in the State of Oregon and the City of Wilsonville has no power to prevent that business from locating in the City, then the Council is not welcoming or unwelcoming the business, the City is complying with State law. The discussion she supported is the reasonable taxing amount of the hotel/motel taxes does this send a signal that if the City is to allow having these businesses in Wilsonville, the City will be able to collect a small amount of revenue to help manage any negative or burdensome consequences.

Mayor Knapp offered if the City was in a situation where it could not prohibit and it is up to the City to manage these outlets, he was skeptical a medical registry sale will only take half the amount of supervision that a recreational sale might take. how do you judge dealing with the supervision, oversight, location factors, dealing with schools, those are all affected by the sale of marijuana, not just by the sale of recreational marijuana, I think there is a certain logic to say if the Council were to decide to implement taxes in order to offset those anticipated costs that anticipating some costs for medical marijuana is a reasonable corollary to that.

Councilor Stevens was concerned that taxing medical marijuana may be seen as punitive for someone who uses it as a medicine and she was more comfortable with the five percent tax. She thought there would be some costs incurred with the recreational marijuana use.

Vote on amendment: Motion carried 3-2. Councilors Goddard and Stevens voted no.

Motion to Amend: Councilor Starr moved to amend the Ordinance by creating Section 7.510(3) to read, "The City Council can by resolution a different rate for the sale of such products in the future." Councilor Stevens seconded the motion.

Mr. Kohlhoff suggested phrasing the Section as follows: "The City Council may by resolution establish a different rate for the sale of such products in the future."

Both Councilor Starr and Stevens agreed with the City Attorney's suggested language.

Vote on amendment: Motion carried 4-1. Councilor Goddard voted no.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Vote on main motion as amended: Motion carried 4-1

Councilor Starr - Yes
Councilor Goddard - No
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

ADJOURN

The Mayor adjourned the Council meeting at 6:40 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Excerpt of Staff Report

EXECUTIVE SUMMARY:

Oregon voters legalized medical marijuana via initiative petition in 1999. Shortly thereafter, medical marijuana dispensaries began opening around the state. These dispensaries essentially served as a middle-man for marijuana growers and medical marijuana patients. While these dispensaries were at least arguably legal, they were unregulated and the source of controversy in many communities.

The 2013 Oregon Legislature passed House Bill 3460, which created regulatory and licensing requirements for medical marijuana dispensaries. To date, there are approximately 198 approved and 115 provisionally approved dispensaries in Oregon. The City of Wilsonville passed Ordinance No. 740, which effectively bans medical marijuana dispensaries in Wilsonville during the legislatively allowed moratorium period, which ends May 1, 2015. Additionally, the City's business license Ordinance remains in effect and prohibits the operation of any business in Wilsonville that by its very nature violates federal law. This Ordinance therefore effectively bans all marijuana businesses from Wilsonville, with no sunset date, as long as sale and possession of marijuana remains illegal under federal law.

Signature-gathering is currently underway for a ballot measure that would legalize the sale of recreational marijuana in Oregon and prohibit local jurisdictions from taxing its sale. This measure is likely to appear on the November ballot. At this point in time, however, there is nothing in current Oregon law that prohibits a local government from taxing marijuana.

The Ordinance presented for Council consideration is a gross receipts tax on the sale of recreational marijuana, medical marijuana and marijuana-infused products. A gross receipts tax is applied to the total gross taxable revenues of a business. It is similar to a sales tax except that it is levied on the seller rather than the purchaser. The seller is responsible for maintaining accurate records of its gross revenues from taxable goods and services and then remitting a percentage to the taxing entity. Many businesses that are subject to a gross receipts tax will show the tax on the bill of sale they present to the customer, but it is nonetheless the business that is responsible for paying the tax.

Staff elected not to recommend a taxation scenario in which growers and processors are also taxed, for a number of reasons. First, under Oregon law, growers and grow sites must register with the state, but their locations and identities are confidential. City staff would have no way of identifying them in order to apply a tax. Further, City staff has no experience with administering a value added tax, which is essentially what this would be, and is reluctant to even attempt to create the administrative structure for such a tax. In addition, all taxes, regardless of where they are assessed in the supply chain, are ultimately passed on to the consumer. Therefore, the gross receipts of a business would reflect all of the costs incurred along the supply chain and a gross receipts tax would capture tax revenue from each of those elements. How to disperse that tax liability within the supply chain would be left to the growers, processors, and retailers, rather than to the City. Finally, the proposed ballot measure specifically prohibits a tax on growers. Thus, if our Ordinance contained a tax on growers, it would be in direct conflict with the enacted law and therefore more subject to challenge under the proposed measure's Section 58, which contains language repealing conflicting charters and ordinances.

As stated above, there is nothing in current Oregon law that prohibits the City from taxing marijuana, but it should be noted that the marijuana initiative most likely to be considered by the voters in November contains the following express language:

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

“SECTION 42. State has exclusive right to tax marijuana. No county or City of this State shall impose any fee or tax, including occupation taxes, privilege taxes and inspection fees, in connection with the purchase, sale, production, processing, transportation, and delivery of marijuana items.”

Because the above language does not specifically repeal a local marijuana tax in effect at the time of the measure’s passage, and because this language could be interpreted to read “No county or City of this State shall [after the effective date of this measure] impose any fee or tax...” it can be argued that this language would not be in conflict with the ballot measure and that the ballot measure does not preempt this taxation Ordinance, if the Ordinance is adopted by the Council before passage of the ballot measure.

Alternatively, the language can be interpreted by the Legislature or Courts as “No county or City of this State shall [be allowed at any time to] impose any fee or tax...” As such, absent adjudication in a State court, there is no guarantee that a local tax imposed prior to passage of this initiative would survive beyond the effective date of the initiative, unless the initiative language is modified by the Legislature or the initiative fails.

EXPECTED RESULTS:

Taxing marijuana could limit the number of sellers in the Wilsonville area, with such sellers electing instead to operate in cities without such a tax. On the negative side, taxability has been argued to lead to more black market unlicensed sales and these sellers are harder to catch and tax.

TIMELINE:

Passage must occur before the November election to give the Ordinance a better chance of being upheld as not being in direct conflict with the ballot measure, should it become law.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 8:00 p.m. on Monday, October 6, 2014. Mayor Knapp called the meeting to order at 8:40 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 - excused
Councilor Fitzgerald
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Barbara Jacobson, Assistant City Attorney
Stephan Lashbrook, SMART Director
Nancy Kraushaar, Community Development Director
Jon Gail, Community Relations Coordinator
Mark Ottenad, Public and Government Affairs Director
Sandra King, City Recorder
Eric Mende, City Engineer
Angela Handran, Executive Assistant
Mike Ward, City Engineer

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

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

A. Proclamation for National Manufacturing Month

Mayor Knapp read the Proclamation declaring October as Manufacturing Month for the record.

B. Upcoming meetings were announced, in particular the next City Council meeting set for October 20th. The Mayor reported on the League of Cities conference recently held in Eugene and the education sessions offered on a number of current matters.

COMMUNICATIONS

A. Community Survey Results

Mr. Cosgrove introduced Demema Mann, of The National Citizens Survey which conducted the 2012 and 2014 city-wide citizen surveys measuring how the City is performing in terms of the

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

services the City is providing. The survey also gives the Council feedback on what the community feels is important, helps with Council goal setting, and is considered a best practice for local government. The leadership academy is direct result of the 2012 survey to actively engage citizens.

The results of the 2014 city-wide survey conducted by The National Citizen Survey (NCS) were presented by Demema Mann, Senior Project Manager, NCS. Twelve hundred Wilsonville households received the 2014 survey, with 351 returned or a 31% response rate. Compared to the 2014 National Benchmark comparisons, Wilsonville received 37 higher ratings, 84 similar ratings, and 5 lower ratings. The technical appendices provide the breakdown on the ratings.

Key focus areas include: Safety, built environment, recreation and wellness, education and enrichment, community engagement, economy, natural environment, and mobility. Mobility and the natural environment received higher than national benchmark results, the balance of the focus areas were similar to the national benchmark, with safety and the economy being considered the most important.

Compared to the 2012 ratings, in 2014 nineteen received higher ratings, 61 received similar ratings, while 4 received lower ratings.

Wilsonville continues to have a high quality of life. In response to the open ended question "What do you think is the biggest priority facing the City of Wilsonville over the next five years", the responses list these as the top community priorities:

- Growth – keeping up with rapid growth, urban sprawl
- Housing – affordable housing, limiting apartment building, and
- Economy – bring more businesses to Wilsonville, Jobs

In conclusion, Wilsonville residents feel they have an exceptional quality of life, residents were happy with city services and many services are trending up, economy and safety are key focus areas, and growth remains a top priority and concern for residents.

Mayor Knapp asked for a tutorial on the ways to use the data included in the report.

Ms. Mann stated the information can be used to identify an issue and in finding a way to address the issue, the citizen academy is an example. The Playbook contains examples from communities on how they have used the survey results for strategic planning and community outreach, as well as in budgeting and performance measurement.

Mr. Cosgrove commented the retail leakage study became a Council goal out of the 2012 survey.

Councilor Stevens stated the information is helpful to know how people feel about the community.

Councilor Fitzgerald thought the survey was a great tool and it should be used as much as possible. It could serve to increase citizen participation over time.

CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

Ms. Mann suggested the survey results can evidence what a great community Wilsonville is, and as an aid in attracting businesses to the community.

Councilor Starr was glad to see people talking about local government, and trusting local government, the honesty, and being good stewards of the taxpayer's money. The concern for growth and what the future might look like spoke loudly on how carefully and responsibly the City needs to be in planning and maintaining the 'small town' feel.

Mayor Knapp wondered if the community would be interested in the results of the survey, as an open town hall meeting giving citizens a chance to dialogue on the results. Mr. Cosgrove would be happy to look into that.

B. Wilsonville Leadership Academy

Mr. Cosgrove stated the Wilsonville Leadership Academy is a result of the 2012 survey and how the City could be more proactive in reaching out to citizens and building potential for local government, non-profit organizations, and other areas of the City that need leadership capacity.

Angela Handran, Executive Assistant and Jon Gail, Community Relations Coordinator introduced themselves and explained what the Wilsonville Leadership Academy is.

The Wilsonville Leadership Academy is a six month program, meeting once per month on the third Thursday from 6-9pm here at City Hall. The program will strengthen leadership skills, improve community engagement between city staff and the public, and prepare participants for city leadership position. Applications are being accepted until October 31, 2014, and the program will run from January – June 2015. The program will grow City ambassadors who will be educated in leadership and local government. The participants of the program will have the opportunity to develop their communication skills which will lead to more engaged citizens who are able to effectively connect their thoughts with positive actions for the betterment of the City. The Wilsonville Leadership Academy will create dynamic citizens who actively look for ways to enhance the livability of their Community.

To date there are 12 residents who have applied for the Academy, with 30 seats available. Greg McKenzie is mentoring the City staff through the first year. The curriculum and schedule for the six sessions was introduced. Mr. Gail and Ms. Handran hoped for Council involvement during the Academy, particularly at the first meeting, and to participate in the book study.

Councilors thought the Academy was a good idea. The Mayor hoped a broad range citizens apply for the Academy.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

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

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Theonie Gilmore, Executive Director Wilsonville Arts and Culture Council, presented a letter to the Council explaining October is National Arts and Humanities month throughout the United States.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (*Park & Recreation Advisory Board Liaison*) reported on the meetings he attended on behalf of the City including the Water Consortium where they discussed emergency preparedness and resiliency for the water supply. The Councilor noted the Economic Development Task Force will be sending a recommendation to the City Council in November on the Old Town Escape and on funding for studies on the Town Center.

The Parks and Recreation Advisory Board is working on the Memorial Park Master Plan. The Board will also consider four Opportunity Grant Requests at their next meeting.

Councilor Fitzgerald – (*Development Review Panels A & B Liaison*) encouraged the public to attend the Frog Pond Area Planning open house October 16th. She invited residents to participate in the Harvest Festival on October 18th at the Stein Boozier Barn in Murase Plaza.

The Development Review Board Panel B approved sign plan for Portera at the Grove during their last meeting, and Panel A will not have a meeting October 13th.

Councilor Stevens – (*Planning Commission; CCI; Wilsonville Seniors Liaison*) announced the Planning Commission will be hosting the Frog Pond area planning open house on October 16th, and the next meeting date of the Commission. The Councilor noted the Library Foundation Annual Dinner and Auction scheduled for October 11th; and the Charbonneau Art Festival set for October 25th as well as the Willamette Water Supply Consortium meeting on the 28th.

CONSENT AGENDA

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

A. **Resolution No. 2490**

A Resolution Of The City Of Wilsonville Approving A Design-Build-Operate Agreement Amendment With CH2M Hill To Construct A Temporary Repair To The City's Wastewater Treatment Plant Outfall Pipe. (staff – Mende)

B. Minutes of the September 4 and 15, 2014 Council Meetings. (staff – King)

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

Vote: Motion carried 4-0.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

PUBLIC HEARING

Mr. Kohlhoff read Ordinance No. 749 by title only on first reading.

A. **Ordinance 749** – 1st Reading

An Ordinance Of The City Of Wilsonville Amending Chapter 10 Of The Wilsonville Code By Amending Section 10.240 Control Of Dogs To Adopt 2014 Changes To Clackamas County Code 5.01. (Staff – Kohlhoff)

Mayor Knapp called to order the public hearing on Ordinance No. 749 at 9:40 p.m. and stated the hearing format.

The staff report was presented by Barbara Jacobson, Assistant City Attorney and Police Chief Jeff Smith.

The issue before City Council is whether to adopt the amended Clackamas County Dog Control Ordinance, containing 2014 amendments intended to more precisely address what constitutes excessive dog barking, for which a dog owner may be cited, as well as provide clarification to some definitional terms. The Clackamas County Sheriff has requested that the City re-adopt the revised Ordinance which contains the changes, in order to give Clackamas County law enforcement the authority to enforce these new provisions in Wilsonville.

In 2006, the City adopted the Clackamas County Dog Control Ordinance pursuant to Resolution No. 1977, which contained provisions to address barking dogs. Since adoption, the combination of funding cutback and an unclear definition of what constitutes a continuous barking dog offence have hindered law enforcement officials from enforcing the dog barking portion of the Clackamas County Dog Control Ordinance. As a result, in 2014 Clackamas County amended that Ordinance to more clearly define when a dog's barking constitutes a continuous annoyance that is a citable offense in terms of time and frequency. The Clackamas County Sheriff has therefore asked the City of Wilsonville to re-adopt the Ordinance to incorporate these new amendments. All changes except those related to continuous annoyance (barking dogs) are effective as of October 29, 2014. Changes related to the barking dogs offense, are effective as of January 5, 2015. As with the recently enacted changes to the City's Code regarding leash and scooping, Ordinance No. 737, the Police Chief has stated that the deputies will be instructed to start with warnings and education of the public before issuing any citations and imposing the related fines. Finally, the Ordinance provides that future amendments to the Clackamas County Dog Control Ordinance may be adopted pursuant to Resolution in lieu of the more cumbersome and protracted Ordinance process.

The proposed Ordinance is expected to give law enforcement clearer authority to address continuing barking dog complaints.

Ms. Jacobson stated the ordinance includes a definition for "Continuous Annoyance" which specifically applies to dogs and reads, "Continuous annoyance means any dog that unreasonably causes annoyance, alarm or noise, disturbance to any person by barking, whining, screeching, howling, or making other sounds which may be heard beyond the boundary of the owner's or

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

keeper's property, either as an episode of continuous noise lasting for a minimum period of thirty (30) minutes or repeated episodes of intermittent noise lasting for a minimum period of 45 minutes within a 24-hour period."

Along with this provision, Clackamas County has instituted a new protocol for law enforcement and city/county staff for enforcement of the ordinance when there is a dog deemed to be a continuous annoyance.

Ordinance No.749 will allow Chief Smith's staff to enforce the ordinance in Wilsonville and officers will be able to cite offenders into the City's municipal court or Clackamas County.

Chief Smith stated the County delayed enforcement of the continuous annoyance portion of the ordinance until January 5, 2015. Steps that would be taken prior to issuing a citation include working with the neighbors, then mediation, and enforcement.

Mayor Knapp asked for clarification on citations being filed with Clackamas County in Section 5.01.070(a)(1).

Mr. Kohlhoff said generally speaking the citation can be issued to Clackamas County if it gets that far and it is appropriate.

Ms. Jacobson said offenders can be cited into the City's municipal court, since the City has adopted the County ordinance as a City ordinance to make the enforcement uniform.

Chief Smith thought the language mandated the citation go through the County system, and some language adjustment may be in order.

Mr. Kohlhoff indicated staff could bring additional language amending the ordinance of having the option of the citation going through Wilsonville Municipal Court on second reading.

Ms. Jacobson referred to the protocol that needs to occur before a citation is issued to the owner.

Councilor Stevens wanted to know how a complainant proves the dog has been barking for a half hour.

Chief Smith offered when someone calls the Department to report a continuous barking dog, and if it takes the officer 10-15 minutes to arrive at the scene, and the dog is still barking; the officer can gauge it that way.

Ms. Jacobson added the City was re-adopting the entire Clackamas County package, and every time the County amends it, the City needs to adopt an amendment.

Councilor Fitzgerald appreciated how the ordinance would be enforced from a community perspective and that it is a rare situation where the ordinance would be enforced.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Councilor Stevens asked for an explanation of the term “dog at large” when the City has an ordinance requiring dogs to be kept on a leash.

Ms. Jacobson explained in the City Code there are specific regulations with respect to animal cruelty and dog control and that’s where that last amendment you are referring to is located. It also says the city has adopted the Clackamas County ordinance except as modified by this section. If the City ordinance is more specific on a certain point, then that is how it will be enforced.

Chief Smith said the City’s ordinance is more comprehensive than the County’s.

Mayor Knapp invited public testimony, hearing nothing he closed the public hearing at 9:54 p.m.

Motion: Councilor Stevens moved to approve Ordinance No. 749 on first reading. Councilor Starr seconded the motion.

Mr. Kohlhoff confirmed the maker of the motion and seconder agreed to include the direction to staff to come back with the amendment on second reading.

Vote: Motion carried 4-0.

CITY MANAGER’S BUSINESS

A. Quarterly Goals Update will take place at the next meeting due to the lateness of the hour.

LEGAL BUSINESS – There was no report.

ADJOURN

The Mayor adjourned the Council meeting at 9:55 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor

King, Sandy

From: Jacobson, Barbara
Sent: Wednesday, October 15, 2014 2:56 PM
To: Mayor Tim Knapp
Cc: Smith, Jeff; Kohlhoff, Mike
Subject: FW: Dog Control
Attachments: Suppl SR ISO Ord 749 Amnd Code 10.240(5) Adopt Clk Cty 2014 Changes (bj^).docm; ORD 749 Amended to Clarify Jurisdiction (bj^).doc

Hi Mayor Knapp

Thank you for your careful reading of the Clackamas County Dog Control Ordinance and our proposed Ordinance adopting it at the last Council session. Although our Chapter 10 does give us jurisdiction to issue citations into our court, by incorporating the Clackamas County Ordinance into our Code when we originally adopted it, created a bit of ambiguity on where enforcement should occur. Their added language on the fines brought our attention to that ambiguity. Thus, we have added a couple of short sections to the proposed adoption Ordinance to make things clearer in that regard than in the past. While we could defer all enforcement to Clackamas County I believe I heard a consensus that the Council, City Manager and law enforcement would prefer to prosecute in Wilsonville, when applicable. Please take a look and let me know if this is clearer to you. If so, I can ask Sandy to forward to the rest of the Council.

Barbara

Barbara A. Jacobson
Assistant City Attorney
City of Wilsonville
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Wilsonville OR 97070
503-570-1509
503-682-1015 fax
jacobson@ci.wilsonville.or.us

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From: Callaway, Tamara
Sent: Wednesday, October 15, 2014 2:45 PM
To: Jacobson, Barbara
Subject: Dog Control

CITY COUNCIL MEETING SUPPLEMENTAL STAFF REPORT

Meeting Date: October 20, 2014	Subject: Ordinance No. 749 Dog Control Staff Member: Barbara Jacobson and Chief Jeff Smith Department: Legal	
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: <div style="height: 40px;"></div>	
Staff Recommendation: N/A		
Recommended Language for Motion: I move to approve Ordinance No. 749 on second reading.		
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

On first reading City Council voted to adopt the amended Clackamas County Dog Control Ordinance, containing 2014 amendments, and incorporating those changes into Chapter 10 of the Wilsonville City Code. During Council discussion, Mayor Knapp raised the issue of whether enforcement would be with Clackamas County courts or Wilsonville Municipal Court. This supplemental staff report is written to provide a suggested answer to that question.

EXECUTIVE SUMMARY:

Our Code, as currently written, allows for enforcement of Wilsonville dog control measures, as contained in Chapter 10, in the Wilsonville Municipal Court. Several years ago the City adopted the Clackamas County Dog Control Ordinance because it was comprehensive and dealt with things like licensing, mediation, and impoundment, which the City's Ordinance did not address. The Clackamas County Ordinance, however, did then and still does provide for enforcement in Clackamas County courts. The Clackamas County Ordinance, as part of the 2014 amendment, retained the jurisdictional language but added the following clarifying language with respect to fines. That new language, shown in italics, is as follows: "The citation shall serve as the County's complaint *and may include a fine that is payable to Clackamas County.*" The question was therefore raised as to whether the City would be giving up jurisdiction (and the fines imposed) by adoption. The answer is no, as we have had this dual jurisdiction language since initial adoption. That being said, to avoid understandable confusion for officer and citizens, two short sections have been added to the Ordinance to make it clear that the City may retain jurisdiction as to certain violations but also allow Clackamas County to take jurisdiction over other issues, like dog licensing and dog impoundment, which the City does not have either the resources or ability to regulate. The new language, as shown in italics in the attached Ordinance, addresses when jurisdiction will be with Clackamas County and when jurisdiction will be with the City. Specifically, the City will have jurisdiction with respect to barking dog complaints and other dog control issues unique to the Wilsonville Code, such as our expanded leash and scoop laws. The City will follow the Clackamas County conciliation and mediation process outlined for "Dog as Continuous Annoyance" before issuing a citation into Wilsonville Municipal Court for barking dogs. Clackamas County will have jurisdiction over claims involving animal licensing, dangerous animals, and animal impoundment.

Finally, in the process of revising the Ordinance, legal staff have determined that, although it would be easier to allow for the adoption of future changes to the Clackamas County Dog Control Ordinance by resolution, the issues contained therein may impact many citizens and therefore a public hearing is probably a better avenue. In addition, it will be easier to track such changes and keep our Code consistent.

EXPECTED RESULTS:

The Ordinance will clarify which matters may be heard in Wilsonville Municipal Court and which matters should be cited into Clackamas County Court.

TIMELINE:

Immediate, although the primary changes to the Clackamas County Ordinance will not actually go into effect until January 5, 2015.

CURRENT YEAR BUDGET IMPACTS:

None.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: CAR Date: _____

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 10/15/14

The legal department provides this Ordinance in concert with the Chief of Police.

COMMUNITY INVOLVEMENT PROCESS:

None, other than the Ordinance First and Second Reading process.

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

The goal is that this Ordinance will help to make the community a better place for people and pets.

ALTERNATIVES:

The Council has the following options for consideration of this Ordinance:

- 1) To approve Ordinance No. 749, as written;
- 2) To not approve Ordinance No. 749, thereby not adopting the recent changes to the Clackamas County Dog Control Ordinance.

Option 1 is the recommended option based on citizen complaints and lack of enforcement ability under the Code, as previously written. This change will give Wilsonville officers the ability to educate the public and to enforce the Ordinance, if education fails.

CITY MANAGER COMMENT:**ATTACHMENTS**

- A. Clackamas County Code, Title 5
- B. Ordinance No. 749 (added text addressed shown in italics)

ORDINANCE NO. 749

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING CHAPTER 10 OF THE WILSONVILLE CODE BY AMENDING SECTION 10.240 CONTROL OF DOGS TO ADOPT 2014 CHANGES TO CLACKAMAS COUNTY CODE 5.01

WHEREAS, on October 4, 2010, pursuant to City Council Resolution No. 2255, the City granted consent to Clackamas County to administer the County's dog control and licensing ordinance, Clackamas County Code Chapter 5.01, within the City; and

WHEREAS, the foregoing consent remains in place but Clackamas County recently amended Chapter 5.01 to, among other things, add new provisions regarding control of barking dogs, which is an ongoing issue in the County and the City; and

WHEREAS, the City is in concurrence with the above-referenced changes, a copy of which changes are attached hereto and incorporated by reference herein; and

WHEREAS, to assist Wilsonville law enforcement officers in educating the public and in enforcing responsible dog control, as warranted, the City believes it in the best interest of the public for the City to continue to allow Clackamas County law enforcement to enforce Chapter 5.01 within the City;

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

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

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

“(6) *Citations for violations of this Chapter 10, including the incorporated provisions of Clackamas County Code Chapter 5.01, as amended in 2014, shall generally be prosecuted in Wilsonville Municipal Court; provided, however, that citations concerning animal licensing, dangerous animals, and animal impoundment shall be prosecuted in Clackamas County Court and citations involving a combination of these*

offenses may all be prosecuted in Clackamas County Court to avoid multiple prosecutions in different courts.

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

2. The City Recorder is directed to amend Wilsonville Code **Section 10**, as approved above.

3. Except as set forth above, **Section 10** of the Wilsonville City Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 6th day of October, 2014, and scheduled for second reading on October 20, 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

Attachments: Clackamas County Code, Title 5

ORDINANCE NO. 749

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WHEREAS, on October 4, 2010, pursuant to City Council Resolution No. 2255, the City granted consent to Clackamas County to administer the County's dog control and licensing ordinance, Clackamas County Code Chapter 5.01, within the City; and

WHEREAS, the foregoing consent remains in place but Clackamas County recently amended Chapter 5.01 to, among other things, add new provisions regarding control of barking dogs, which is an ongoing issue in the County and the City; and

WHEREAS, the City is in concurrence with the above-referenced changes, a copy of which changes are attached hereto and incorporated by reference herein; and

WHEREAS, to assist Wilsonville law enforcement officers in educating the public and in enforcing responsible dog control, as warranted, the City believes it in the best interest of the public for the City to continue to allow Clackamas County law enforcement to enforce Chapter 5.01 within the City;

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. **Chapter 10 ANIMALS** is hereby amended by adding the following:

Section 10.240(5) (amended text is shown in *italics*).

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

2. The City Recorder is directed to amend Wilsonville Code **Section 10**, as approved above.
3. Except as set forth above, **Section 10** of the Wilsonville City Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 6th day of October, 2014, and scheduled for second reading on _____, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

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

Sandra C. King, MMC, City Recorder

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

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

Attachments: Clackamas County Code, Title 5

TITLE 5
ANIMALS

Summary

5.01 ANIMAL LICENSING, SERVICES AND ENFORCEMENT1

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TITLE 5
ANIMALS

5.01 ANIMAL LICENSING, SERVICES AND ENFORCEMENT	1
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Table of Contents

5.01 ANIMAL LICENSING, & SERVICES AND ENFORCEMENT	1
5.01.010 Enactment; Authority	1
5.01.020 Definitions; Exclusions; Fines and Fees.....	1
5.01.030 Licensing; Vaccinations	4
5.01.040 Control	6
5.01.050 Biting Dogs; Dangerous Dogs	8
5.01.060 Impoundment; Release; Adoption.....	12
5.01.070 Citation; Complaint; Hearing Process	15
5.01.080 Penalties.....	19
5.01.090 Authority of Dog Services Manager.....	20
5.01.100 Transition.....	21
5.01.110 Severability	21
5.01.120 Enforcement of Other Laws.....	21

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Chapter 5.01

5.01 ANIMAL LICENSING, SERVICES AND ENFORCEMENT

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5.01.010 Enactment; Authority

The County is authorized by Oregon Revised Statutes (ORS) 203.035 to regulate matters of County concern. The Board of County Commissioners finds that dog licensing and services within the County is a matter of County concern that impacts the health and safety of the people of Clackamas County. ORS 609.015, ORS 609.135 and ORS 153.030 recognize the authority of the County to enact and enforce regulations and procedures that vary from related state law provisions. The Board of County Commissioners adopts the following dog licensing and services regulations and procedures pursuant to ORS 203.035. Matters that concern crimes of abuse, neglect, or abandonment of dogs and other animals regulated by this code will be investigated and prosecuted under state law. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10]

5.01.020 Definitions; Exclusions; Fines and Fees

A. Definitions. Terms used but not defined shall have their plain meaning.

1. ANIMAL means any nonhuman mammal, bird, reptile, amphibian or fish as defined in ORS 167.310 or ORS 167.374.
2. ANIMAL RESCUE ENTITY means an individual or organization, including but not limited to an animal control agency, humane society, animal shelter, animal sanctuary or boarding kennel not subject to ORS 167.374, but excluding a veterinary facility, that keeps, houses, and maintains in its custody 10 or more animals and that solicits or accepts donations in any form.
3. BITE, BITING, BITTEN means the breaking of the skin of a person, domestic animal, or livestock by the teeth of a dog.
4. CONDITIONAL RELEASE means a security or non-security release of an impounded dog which imposes regulations and conditions on the activities and keeping of the dog pending final disposition of a violation of this chapter, including appeal.
5. CONTINUOUS ANNOYANCE means any dog that unreasonably causes annoyance, alarm or noise disturbance to any person by barking, whining, screeching, howling or making other sounds which may be heard beyond the boundary of the owner's or keeper's property, either as an episode of continuous noise lasting for a minimum period of thirty (30) minutes or repeated episodes of intermittent noise lasting for a minimum period of 45 minutes within a 24-hour period.
6. COSTS mean any monetary assessment, other than fines and fees ordered by a Hearings Officer, including but not limited to, costs for veterinarian care, restitution, prosecution and attorney fees.
7. DANGEROUS DOG means any dog that menaces, bites, injures or kills a person, domestic animal, or livestock.

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- ~~8.~~ DOG means the common dog (*Canis familiaris*) and ~~also includes~~ any animal claimed by its owner to be a wolf-hybrid unless the owner provides written verification from a licensed veterinarian that the animal is a wolf-hybrid and not a dog. Deleted: 5
- ~~9.~~ DOG AT LARGE means a dog that is off or outside the dog owner's property and not under the immediate control of a person. Deleted: 6
- ~~10.~~ DOG OWNER means the following, however any presumption of ownership raised in this section may be rebutted by proof to the contrary:
- a. Any person in whose name a dog license has been issued;
 - b. Any person who has a possessory property right in a dog;
 - c. Any person who without regard to any ownership interest, shelters a dog or has a dog in that person's care, possession, custody or control, or knowingly permits a dog to remain on property occupied by that person for more than 30 days.
 - d. In all three circumstances described above, it is understood that in a family situation the adult head(s) of household shall be jointly and severally presumed to be the owner(s).
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- ~~11.~~ DOG SERVICES means Clackamas County Dog Services. Deleted: 8
- ~~12.~~ DOG SERVICES OFFICER means a person employed by or contracting with Clackamas County who is authorized to investigate violations and issue citations as provided in this chapter. Deleted: 9
- ~~13.~~ DOMESTIC ANIMAL means any nonhuman mammal, bird, reptile, amphibian or fish as defined in ORS 167.310. Deleted: 0
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- ~~14.~~ ENFORCING AGENCY means Clackamas County.
- ~~15.~~ EUTHANASIA means the putting to death of an animal in any humane manner permitted under ORS 609.405. Deleted: 1
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- ~~16.~~ EXPENSES mean expenditures incurred by Dog Services during impoundment, keeping and disposition of a dog. Deleted: 2
- ~~17.~~ HEARINGS OFFICER means any authority appointed by the Board of County Commissioners to hear and determine violations of this chapter. Deleted: 3
- ~~18.~~ IMPOUND means taking physical or constructive custody of a dog. A dog shall be considered impounded from the time Dog Services staff or a peace officer takes physical custody of the dog or serves an owner with a Notice of Impound and Conditional Release in accordance with this chapter. Deleted: 4
- ~~19.~~ LIVESTOCK has the meaning provided in ORS 609.125. Deleted: 5
- ~~20.~~ MANAGER means the Clackamas County Dog Services Manager or his/her designee. Deleted: 16
- ~~21.~~ MENACE means lunging, growling, snarling, chasing, attacking, or other behavior by a dog that would cause a reasonable person to fear for the person's safety, the safety of another person or the safety of a domestic animal or livestock. Deleted: 17
- ~~22.~~ MINIMUM CARE means care sufficient to preserve the health and well-being of a dog and, except for emergencies or circumstances beyond the reasonable control of the owner, includes but is not limited to, each of the following requirements:
- a. Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.
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- b. ~~Open or adequate~~ access to potable water ~~in sufficient quantity to satisfy the dogs' needs. Access to snow or ice is not adequate access to potable water.~~
- c. ~~Access to adequate shelter. For a dog other than one engaged in herding or protecting livestock, this requires access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun with adequate bedding to protect against cold and dampness.~~
- d. ~~Access to adequate bedding, which is defined as bedding of sufficient quantity and quality to permit a dog to remain dry and reasonably clean and to maintain a normal body temperature.~~
- e. ~~Veterinary care deemed necessary by a reasonably prudent person to relieve the dog's distress from injury, neglect or disease.~~
- f. ~~Continuous access to an area:~~
- ~~with adequate space for exercise necessary for the health of the dog;~~
 - ~~with air temperature suitable for the dog; and~~
 - ~~that is kept reasonably clean and free from excess waste or other contaminants that could affect the dog's health.~~
23. ~~PEACE OFFICER~~ has the meaning provided in ORS 161.015.
24. ~~PHYSICAL INJURY~~ has the meaning provided in ORS 167.310.
25. ~~SECURE ENCLOSURE~~ means any of the following:
- A fully fenced pen, kennel or structure that is in compliance with applicable County codes, that will remain locked with a padlock or combination lock, and which has secure sides at least five feet high. The County may also require that the structure have a secure top and/or floor attached to the sides, or require that the sides be embedded in the ground no less than one foot; or
 - A house or garage that has latched doors kept in good repair to prevent the escape of the dog. A house, garage, patio, porch or any part of the house is not a secure enclosure if the structure would allow the dog to exit the structure of its own will; or
 - For a dangerous dog, a fully fenced pen, kennel or structure at least six feet in height that is either anchored beneath the ground or is in concrete and which prevents the dog from digging under it. The enclosure must be of a design that prevents entry of children or unauthorized persons and also prevents those persons from extending an arm or leg inside the enclosure. The enclosure must remain locked with a padlock or combination lock when occupied by the dog. A County approved sign must remain posted at all entry points of the dog owner's property that informs both children and adults that the dog is dangerous.
26. ~~TETHERING~~ means to restrain a dog by tying the dog to any object or structure by any means. ~~Tethering does not include using a handheld leash for the purpose of walking a dog.~~
27. ~~VIOLATION~~ means any violation of this chapter for which a fine, condition, restriction, or other sanction may be imposed.
28. ~~WOLF-HYBRID~~ means an animal that is either the result of cross-breeding a purebred wolf and a dog, an existing wolf-hybrid with a dog, or any dog declared by its owner to be a wolf-hybrid. A wolf-hybrid will be considered to
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- Deleted:** 19. MULTIPLE DWELLING means any building or portion thereof that is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of two or more families living independently of each other in separate units. ¶
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be a dog under this chapter unless the owner provides written verification from a licensed veterinarian that the animal is a wolf-hybrid and not a dog.

B. Exclusions.

This chapter does not regulate kennel operators or pet shop owners who for a period of not more than 90 days maintain on their property dogs owned by other persons.

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C. Fines and Fees.

All fines and fees associated with this chapter shall be set by the Board of County Commissioners.

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[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05 2010, 7/1/10]

5.01.030 Licensing; Vaccinations

A. License.

1. Individual Dog License.

- a. A person must be at least 18 years old to obtain a license for a dog.
- b. Every dog owner shall license a dog by the time the dog has a set of permanent canine teeth or is six months old, whichever comes first, or within thirty (30) days of acquiring the dog.
- c. A dog owner who has moved to Clackamas County and does not have a current dog license from another Oregon city or county, shall obtain a dog license within thirty (30) days of moving into Clackamas County unless the dog has not yet reached six months of age. A dog with a current dog license from another Oregon city or county shall not require licensing under this chapter until expiration of the current license, if within thirty (30) days of moving into Clackamas County the owner notifies Dog Services of the dog's description, license number, city or county of issuance, and Clackamas County address.

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d. A dog license is not transferable to another dog. The license number shall be assigned to the particular dog and shall remain with that dog for the life of the dog.

2. Multiple Dog License.

- a. Qualification; Application; Inspection. When an owner has more than one dog, the owner may obtain or renew a multiple dog license after submitting a completed, qualifying Multiple Dog License Application and after either 1) submitting an inspection certification from a veterinarian licensed in the state of Oregon; or 2) a County inspection of the applicant's premises to determine that the owner is in compliance with minimum care standards as provided by this chapter.
- b. Denial. Causes for denial of a multiple dog license application may include, but are not limited to, denial for any person currently under active investigation or prosecution for any animal-related crime, persons under parole or probation following a conviction for any animal-related crime, or any person for which ownership, keeping or responsibility for animals would be a violation of any rule, regulation or law, either civil or criminal.
- c. Transfer. A multiple dog license may be transferred to another holder with prior written approval of Clackamas County, provided that the

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transferee qualifies to hold the license in all ways that an applicant for a new multiple dog license must qualify.

- d. Appeal of Denial of Multiple Dog License. An owner may appeal the denial or a new multiple dog license or denial of a transfer of a multiple dog license to a Hearings Officer by delivering a written request to Dog Services within seven (7) days of the mailing date of the written notice denying the license. A hearing will follow the same procedures set forth in this chapter for a hearing on a violation, except that the burden of proof will be on the owner to prove that the denial was improper.

- e. Land Use Approval. Issuance of a multiple dog license does not constitute approval of a particular land use or indicate compliance with any zoning or land use planning restrictions that may apply. Applicant may be required to demonstrate compliance with city or county zoning or land use planning restrictions prior to issuance.

- f. To ensure that minimum care standards are continually being met, an owner can either 1) submit an inspection certification from a veterinarian licenses in the state of Oregon or 2) allow a County inspection of the premises to determine that the owner is in compliance with the minimum care standards as provided for by this chapter.

3. Licensing of Animal Rescue Entities:

- a. Licensing Requirement. An animal rescue entity shall comply with the following license requirements:

- i. Obtain a license issued by the enforcing agency in accordance with this section; and
- ii. Pay a reasonable fee for a license or an annual renewal of the license.

- b. Issuance and Renewal of License. The enforcing agency may not issue or renew a license under this section unless the animal rescue entity demonstrates it is in compliance with this chapter and with applicable state and local law.

- c. Record Keeping. An animal rescue entity shall maintain a record for each animal that identifies:

- i. The animal's date of birth or, if the date of birth is unknown, the animal's approximate age;
- ii. The date possession, control or charge of the animal was acquired and the source of the animal;
- iii. The number of offspring the animal has produced, if applicable;
- iv. The disposition of each animal, including the date of disposition, manner of disposition, and the name and address for any individual or organization taking possession, control or charge of an animal;
- v. Sex, breed type and weight of the animal at intake; and
- vi. A photograph of the animal taken within 24 hours of intake.

- d. Inspections. The following inspections of animal rescue entities by the enforcing agency shall be permitted:

- i. Inspection of the records required by this section.
- ii. Furnish reports and information required by Section 5.01.030(C)(1)-(6) and by state and local law.

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- iii. Conduct an on-site investigation of the premises whenever the enforcing agency has reason to believe that the animal rescue entity is operating without a license. The purpose of an investigation under this section is to determine whether the animal rescue entity is subject to the requirements of this chapter.
- iv. At any reasonable time, an on-site investigation of the premises may be conducted to determine whether the animal rescue entity is in compliance with this section.
- v. An on-site investigation if a credible and serious complaint has been received that the animal rescue entity has failed to comply with the requirements of this section. The investigation shall be limited to determining if the animal rescue entity has failed to comply with the requirements of this chapter.
- vi. If during the course of an inspection made under this section, the enforcing agency finds evidence of animal cruelty in violation of ORS 167.310 to 167.351, 167.355 or 167.360 to 167.372, the enforcing agency shall seize the evidence and report the violation to law enforcement.
- e. Transfer of License. An animal rescue entity may transfer a license issued under this section to another person with the written consent of the enforcing agency, provided that the transferee otherwise qualifies to be licensed as an animal rescue entity and does not have a certified unpaid debt to the state. The transferee shall submit a signed release to the enforcing agency permitting the performance of a background investigation of the transferee, and the enforcing agency shall conduct the background investigation.
- f. Violations. A violation of any provision in this section may be prosecuted by the enforcing agency, as provided by section 5.01.070 of this chapter, and may result in the imposition of fines and civil penalties, or other restrictions or remedies as provided in this chapter.

B. Dog Rabies Vaccination

- 1. Individual or multiple dog licenses will not be issued without evidence of one of the following for each dog to be licensed:
 - a. A rabies vaccination certificate issued by a licensed veterinarian that is valid for the license period; or,
 - b. A written statement signed by a licensed veterinarian stating that for medical reasons the rabies vaccination cannot be administered to the dog.
- 2. A dog that does not have proof of a current rabies vaccination, exemption from vaccination, or current Oregon county or city license, shall be apprehended and impounded at the owner's expense.
- 3. A veterinarian performing a rabies vaccination of any dog must transmit a copy of the vaccination certificate or written documentation that includes information contained on the certificate to Dog Services within 30 days of the vaccination. In the alternative, a veterinarian may issue a dog license in accordance with the rules adopted by this Chapter, and submit proof of license to Dog Services within 30 days of the vaccination.

C. License Term; Renewal; Fine

1. A license will be valid for one, two or three years from the date of issuance at the option of the dog owner, based on the license fee paid by the owner, and requires a rabies vaccination certificate for the licensing period.
2. Renewal of a license shall not be due until the last day of the month in which the license expires. If a person fails to renew a license prior to its expiration date, a fine may be assessed at the time the license is renewed.

D. Identification Tags.

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1. At the time an individual dog license is issued, the County will issue a free identification tag that is to be fastened to a collar or harness and kept on the dog at all times when the dog is not in the immediate possession of the owner.
2. When a multiple dog license is issued, the owner may obtain identification tags for each dog in his possession upon payment of a fee.
3. If a dog license tag is lost, the owner may obtain a duplicate tag from Dog Services upon payment of a fee.

E. License Fees Exemptions.

1. No license fee will be required for the following:
 - a. Any dog that meets the definition of an "assistance animal" as defined in ORS 346.680, provided that the license applicant has filed a statement with Dog Services indicating that the dog is an "assistance animal" for a person who has a physical impairment in one or more of their daily life activities and resides in the applicant's household.
 - b. Any dog in training to be an "assistance animal" as defined in ORS 346.680, in affiliation with a recognized organization for the training or placement of assistance animals, provided the trainer files a statement with Dog Services verifying that the dog is an assistance animal.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 08-2012, 8/2/12]

5.01.040 Control of Dogs

- A. Duties of Owners. For the purposes of this chapter, a dog owner is responsible for the behavior of the dog regardless of whether the owner or another person allowed the dog to engage in the behavior that is the subject of the violation.

B. Violations.

1. It is unlawful to permit a dog to be a public nuisance. A dog is a public nuisance if it:
 - a. Menaces, bites, injures or kills a person, domestic animal or livestock. It is a defense to this section if the dog engages in such behavior as a result of a person wrongfully assaulting the dog or owner, or other similar provocation, or when the dog's behavior was directed towards a trespasser or other extenuating circumstances that establishes that the dog does not constitute an unreasonable risk to life or property;
 - b. Is a dog at large. It is a defense to this section that the dog was a working dog wearing a locating device and temporarily separated from the person in control of the dog;
 - c. Chases a vehicle while off the dog owner's property;
 - d. Damages or destroys property of another person while off the dog owner's property;
 - e. Scatters garbage while off the dog owner's property;

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- f. Is a female in heat (estrus) and is a dog at large.
2. It is unlawful to fail to comply with the requirements of this chapter that apply to keeping a dangerous dog.
3. It is unlawful to permit any dog to leave the confines of any prescribed quarantine area and/or fail to comply with any other condition of quarantine.
4. It is unlawful to interfere with an identified County employee or peace officer who is enforcing any provision of this chapter by intentionally acting in any manner that prevents, or attempts to prevent, a County employee or peace officer from performing their lawful duties.
5. It is unlawful to knowingly provide false information to a County employee or peace officer enforcing any provision of this chapter.
6. It is unlawful to permit a dog to be confined within a motor vehicle at any location under such conditions as may endanger the health or well-being of the dog.
7. It is unlawful to permit a dog to be unrestrained in an open portion of a vehicle.
8. It is unlawful to fail to reclaim an impounded dog.
9. It is unlawful to fail to comply with any fine, fee, cost, expense, condition, restriction or other order imposed by a Hearings Officer under this chapter.
10. It is unlawful to fail to surrender a dog for apprehension to the County when required by this chapter.
11. It is unlawful to fail to license a dog or renew a license as required by this chapter.
12. It is unlawful for an owner to fail to immediately notify Dog Services when the owner's dog has bitten a person, domestic animal or livestock.
13. It is unlawful to keep a dog in a manner that does not meet minimum care standards of this chapter.
14. It is unlawful to fail to maintain a current rabies vaccination.
15. It is unlawful for a person who has been bitten by a dog, or a parent/guardian of a bitten minor, to fail to immediately notify Dog Services when required by this chapter.
16. It is unlawful for a dog owner to fail to follow any condition of release pending final disposition of a violation of this chapter, including appeal.
17. It is unlawful to permit any dog to cause continuous annoyance as defined in Section 5.01.020(5).
18. It is unlawful to permit any dog to be tethered in any manner as provided below:
- a. with a tether that is not a reasonable length given the size of the dog and available space and that allows the dog to become entangled in a manner that risks the dog's health or safety;
 - b. with a collar that pinches or chokes the dog when pulled;
 - c. for more than 10 hours in a 24-hour period;
 - d. for more than 15 hours in a 24-hour period if the tether is attached to a runner, pulley or trolley system;
- It is not a violation of this section if for any dog to be tethered:
- e. while the dog remains in the physical presence of the person who owns, controls or otherwise has charge of the dog;
 - f. pursuant to the requirements of a campground or other recreational area;
 - g. for the purpose of engaging in an activity that requires licensure in this state, including but not limited to hunting;
 - h. to allow transport of the dog; or

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- i. ~~if the dog is kept for herding, protecting livestock or dog sledding.~~
 19. ~~It is a violation for a veterinarian performing a rabies vaccination on a dog to fail to report the rabies vaccination as provided in 5.01.030(B)(3).~~
 20. ~~It is unlawful to operate an animal rescue entity without proper licensing and compliance with requirements outlined in 5.01.030(A)(3).~~

C. Lost Dogs; Duties of Finders. Any person who finds and shelters a dog without knowing the dog owner's identity ~~shall be subject to the responsibilities provided in ORS 98.005, ORS 98.025 and ORS 609.100.~~
 [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 08-2012, 8/2/12]

Deleted: shall notify Dog Services within three days with a description of the dog. A finder may surrender the dog to Dog Services, or retain possession subject to surrender upon County request.

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5.01.050 Biting Dogs; Dangerous Dogs

A. Reporting Biting Dogs.

1. The owner of a dog that bites a person, domestic animal, or livestock shall immediately notify Dog Services of the time and circumstances of the bite along with a description of the biting dog, its rabies vaccination status, the owner's name and address, and if known the name and address of the person who was bitten or the owner of the bitten domestic animal or livestock.
2. Any person who is bitten by a dog, is the parent/guardian of a bitten minor, or owns a domestic animal or livestock bitten by a dog shall immediately notify Dog Services of the time and circumstances of the bite along with his/her name and address, a description of the biting dog, and if known the name and address of the dog owner.

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B. Quarantine of Biting Dogs.

1. A dog suspected of biting a person will be quarantined at the owner's expense until the tenth day following the bite in accordance with state law.
2. At the discretion of the County, a dog that has proof of a current rabies vaccination, exemption from vaccination, or ~~a~~ current Oregon county or city license may be quarantined at the premises of a licensed veterinarian or at the premises of the owner providing the dog is kept within a secure enclosure or with approved restraint deemed adequate to prevent contact with any person or other animal, and is kept in accordance with any other conditions set by the County as permitted by this chapter or required by state law. It shall be a violation of this chapter if during home quarantine the dog leaves the confines of a prescribed quarantine area for any reason or otherwise violates the conditions of quarantine.
3. Dogs that have bitten a person and do not have proof of a current rabies vaccination, exemption from vaccination, or ~~a~~ current Oregon county or city license shall be apprehended and impounded as resources allow.

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C. Dangerous Dogs.

1. Classification of Dog as a Dangerous Dog. A dog may be classified by the Hearings Officer as a dangerous dog when it has menaced, bitten, chased, injured or killed any person, domestic animal, or livestock.
2. Notice of Classification; Hearing.
 - a. Notice. Prior to a dog being classified as dangerous, the owner shall have a right to a hearing before a Hearings Officer. The County shall send a Dangerous Dog Notice to the dog owner by certified mail or

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personal ~~service. If~~ sent by mail, the date of mailing will be considered the date of service. The notice shall inform the owner of:

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- i. A description of the alleged incident and specific behavior that supports classification of the dog as dangerous.
- ii. The regulations that may be imposed following a dangerous dog classification, including the requirement of a dangerous dog certificate.
- iii. An opportunity to request a hearing.
- iv. Information that the dog owner must request a hearing within seven (7) days from the date of service by delivering a written request to Dog Services.
- v. Information that if the dog owner does not make a timely request for hearing, the dog owner shall be deemed to have waived his/her right to a hearing. Thereafter, following proof of sufficient evidence that the dog is dangerous, the Hearings Officer may so classify the dog and impose regulations consistent with this chapter.

b. Hearing.

- i. Following a timely request for hearing, the County will notify the dog owner and Hearings Officer of the date and time of the hearing. The hearing shall follow the procedures set forth in this chapter for a hearing on a violation.
- ii. The Hearings Officer may refrain from classifying a dog as dangerous upon a finding that the behavior was the result of a person wrongfully assaulting the dog or owner, or other similar provocation, or when the dog's behavior was directed towards a trespasser, or other extenuating circumstances that establishes that the dog does not constitute an unreasonable risk to life or property.
- iii. A hearing on classification of a dangerous dog may be consolidated with a hearing on any underlying violation for which the dog owner has been cited.

3. Regulation of Dangerous Dogs; Microchip Identification. When a dog has been classified as dangerous, the dog shall be microchip identified at Dog Services at the expense of the owner, as provided in ORS 609.168. In addition, a Hearings Officer may order the following regulations:

- a. That the dog be kept in a secure enclosure;
- b. That the dog owner obtain and maintain proof of public liability insurance;
- c. That the dog owner not permit the dog to be off the owner's premises unless the dog is muzzled and restrained by an adequate leash and under the control of a competent person;
- d. That the dog owner successfully complete a County approved pet ownership program;
- e. That the dog successfully complete obedience training certified by the American Temperament Testing Society or other similar County approved program;
- f. That the dog be spayed or neutered;

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- g. After consideration of the factors set forth in ORS 609.093, require euthanasia when a dog has bitten or killed a person, domestic animal, or livestock. The Hearings Officer may also consider the public nuisance violation history of the dog and owner to include all known determinations by any court, governing body, official or agency of any local or state government without regard to where or when the incident occurred.
4. Certificate of Registration; Secure Enclosure; Notice to New Owner
- a. Certificate of Registration. Within seven (7) days after a dog has been classified as dangerous, the owner must license the dog, if not already licensed, and obtain a dangerous dog certificate of registration to be renewed annually until the dog is declassified or dies. The County will only issue certificates of registration and renewals to persons who are at least 18 years of age and who present sufficient evidence of:
- i. A rabies vaccination certificate which will remain in effect for at least one year from the date the certificate of registration is issued;
- ii. A secure enclosure to confine the dangerous dog;
- iii. A clearly visible County-approved warning sign to be posted and remain at all entry points of the owner's property that informs both children and adults that the dog is dangerous;
- iv. Microchip identification as provided in ORS 609.168; and,
- v. Payment of an annual dangerous dog registration fee.
- b. Secure Enclosure. The owner of a dog classified as dangerous shall confine the dog in a secure enclosure. The owner must immediately notify Dog Services when a dangerous dog is at large, or has bitten a person, domestic animal or livestock. A dangerous dog shall not be permitted to leave the confines of a secure enclosure unless the dog is muzzled and restrained by an adequate chain or leash and under control of a competent person.
- c. Notice to New Owner. Prior to a dangerous dog being sold or given away, the owner shall provide notice to the new owner that the dog has been classified as a dangerous dog and provide the County with the name, address and telephone number of the new owner whether or not the new owner resides in Clackamas County. If the new owner resides in Clackamas County, he/she must comply with all dangerous dog regulations imposed unless and until the dog is declassified or dies.
5. Declassification of Dangerous Dog.
- a. Declassification. Following an owner's written request, the County may declassify a dog as dangerous and terminate the regulations ordered at the time of classification, except for microchip identification and secure enclosure, when the following conditions have been met:
- i. For two years from the date of classification the dog has had no further incidents of behavior that would make it a dangerous dog;
- ii. For two years from the date of classification there have been no violations of the regulations imposed;
- iii. The dog owner has obtained a certificate of satisfactory completion of obedience training for the classified dog.
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- b. **Appeal of Declassification Denial.** A dog owner may appeal to a Hearings Officer the denial of a request to declassify a dangerous dog by delivering a written request for appeal to Dog Services within seven (7) days of the mailing date of the County's written notice denying declassification.
- i. The County's written denial shall include information on how the dog owner may appeal the denial.
 - ii. On appeal the Hearings Officer shall determine whether the dog meets the criteria for declassification and shall either uphold the County's denial or order declassification.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10]

5.01.060 Impoundment; Release; Adoption

A. Impoundment

1. Any Dog Services Officer or peace officer may impound an animal that is in violation of this chapter, or when a Dog Services Officer or peace officer reasonably believes the animal requires medical assistance or care, or when ordered by a court or Hearings Officer.
2. If a person refuses to allow a Dog Services Officer or peace officer to enter the premises to apprehend and impound an animal as authorized by this chapter, the County may request the assistance of the local law enforcement official to obtain and execute a search warrant as authorized by law to search for and seize the animal subject to impound.
3. Any Dog Services Officer or peace officer is authorized to remove the animal from a motor vehicle to apprehend and impound the animal when the officer reasonably believes it is confined in a manner that endangers its health or well-being, including but not limited to dangerous temperature, lack of food, water or attention. A written notice of impoundment will be left on or in the vehicle with information on how to reclaim the animal.
4. Any person may immediately apprehend and hold for impoundment any animal that has trespassed upon the property of that person or another in violation of this chapter, or has menaced, bitten, injured or killed a person, domestic animal, or livestock.
5. Animals other than dogs that are seized by Dog Services Officers will be taken to facilities that are appropriate for the holding or keeping of those animals. Release of such animals will be subject to State law as well as any rules or procedures for the facility where the animal is being kept.

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B. Impound Holding Periods. Unless otherwise provided in this chapter or reclaimed sooner by the owner, dogs that have been impounded will be held for the following minimum time periods;

1. Dogs not wearing a license tag shall be held for at least three consecutive business days, not including the day of impoundment.
2. Dogs wearing a license tag shall be held for at least five consecutive business days, from the date of notification of impoundment. If notification is by mail, the date of mailing shall be considered the date of notification.

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C. Release of Animals Impounded, at County Dog Shelter; Conditional Release.

1. Release.

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- a. Release Prohibited. Unless otherwise ordered by a Hearings Officer or court of competent jurisdiction, an impounded dog may not be released until final disposition of any violation alleging that the dog has killed a person, or when a dog is pending classification or has been classified as a dangerous dog.
 - b. Release Permitted. Unless prohibited by this chapter prior to final disposition of a violation or pending appeal, an impounded animal may be released subject to release conditions in subsection 5.01.060(C)(2)(a) and upon posting security in the amount equal to 50% of the base fine for each violation and payment of fees and costs owed to date including prior outstanding balances, except upon showing of good cause.
2. Conditional Release.
- a. Conditions. As permitted by this chapter pending final disposition of a violation or appeal, the County or Hearings Officer may conditionally release an impounded animal to its owner and may impose any of the following release conditions, including but not limited to a requirement that the animal owner:
 - i. Obtain and provide proof of a rabies vaccination within a designated time, if applicable;
 - ii. Provide proof of license within a designated time, if applicable;
 - iii. Restrain the dog on the dog owner's property by means of a secure enclosure;
 - iv. If the animal is a dog, control the dog on a leash that is no longer than six (6) feet, and at all times handled by an adult who is able to control the dog;
 - v. If the animal is a dog, muzzle the dog at all times when the dog is off the dog owner's property;
 - vi. Obtain veterinary care for the animal within a designated time;
 - vii. Comply with minimum care standards consistent with this chapter;
 - viii. Keep the animal indoors during certain hours.
 - b. Revocation of Conditional Release; Violation; Security Forfeited.
 - i. Revocation. Upon reasonable ground to believe that a release condition has been violated, the County may revoke release, and apprehend and impound the subject animal pending final disposition of the underlying violation or appeal.
 - ii. Violation. At the time of revocation the animal owner, or the owners, operators or managers of animal rescue entities shall be cited for failure to follow condition(s) of release. A hearing on revocation may be made in accordance with section 5.01.070 of this chapter and consolidated with a hearing on the underlying violation(s).
 - iii. Security Forfeited. The security amount posted on conditional release shall be forfeited upon a finding that one or more conditions of release were violated or if no timely hearing is requested.
3. If a dog owner, or the owners, operators or managers of animal rescue entities, has been cited for a violation(s) of this chapter, and a Hearings Officer finds that

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- no violation(s) occurred, then impoundment and board fees shall not be assessed until the first business day after notice of the Hearings Officer's Final Order.
4. An owner must reclaim an animal within five (5) business days after notice of a Hearings Officer's Final Order unless otherwise ordered or unless stayed by a court of competent jurisdiction.

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D. Failure to Reclaim.

1. If an owner fails to reclaim an animal as provided in this chapter, the animal will be deemed abandoned and shall become the property of the County without compensation paid to the owner.
2. An owner that fails to reclaim an animal will be civilly liable to the County for all penalties, fines, fees, costs and expenses authorized by this chapter, which may be collected in the same manner as any other debt allowed by law.

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- E. Diseased or Injured Animal. A dog owner, or the owners, operators or managers of animal rescue entities shall be liable to the County for costs paid for medical treatment during impoundment. If the County determines an animal is seriously injured or seriously ill or its health condition causes a threat to public health or safety, the animal may be immediately euthanized without compensation paid to the owner.

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F. Release for Adoption.

1. Fees. Adoption fees will be assessed consistent with this chapter.
2. Standards. The Dog Services Manager shall have the authority to develop and enforce adoption policies and procedures.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 08-2012, 8/2/12]

5.01.070 Citation; Complaint; Hearing Process

A. Issuance of Citation.

1. Any Dog Services Officer or peace officer may issue and serve a dog owner, or the owners, operators or managers of animal rescue entities with a citation when there are reasonable grounds to believe that a violation of this chapter has occurred. The citation shall serve as the County's complaint and may include a fine that is payable to Clackamas County.
2. A citation shall be served by personal service or by certified mail with return receipt requested, no later than six (6) months from the date the alleged violation occurred. When mailed the date of mailing shall be considered the date of service. The failure of any person to receive notice properly given shall not invalidate or otherwise affect proceedings under this chapter.

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B. Inspection and Investigation. In determining whether to issue a citation, a Dog Services Officer may request entry onto any real property in order to investigate a suspected violation of this chapter.

C. Form of Citation.

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1. The citation shall include:

- a. The name and address of the person cited;
- b. The date(s) the alleged violation(s) occurred;
- c. The number and title of the chapter section(s) violated;
- d. A description of the animal(s) involved;
- e. The base fine, to be equal to the minimum fine, along with the maximum fine for each violation as authorized by this chapter;

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- f. A statement providing notice of the penalties that could be imposed by the Hearings Officer, including penalties and keeping restrictions provided in Section 5.01.080 of this chapter.
- g. Whether appearance before a Hearings Officer is optional, or if mandatory, the date, time and place at which the person is to appear;
- h. The procedure for the person to follow to admit the violation and pay the fine, or to contest the citation and appear before a Hearings Officer;
- i. A statement that if the person fails to pay the fine within the time allowed, or fails to appear before the Hearings Officer when required, the person shall have waived his/her right to contest the citation and the Hearings Officer may enter a judgment against the person for an amount up to the maximum fine, in addition to any fees, costs or expenses, conditions or restrictions authorized by this chapter;
- j. A statement that when appearance before a Hearings Officer is mandatory the person cannot pay the fine in lieu of appearance.
2. An error in transcribing information into a citation, when determined by the Hearings Officer to be non-prejudicial to the defense of the cited person, may be corrected prior to or at the time of the hearing with notice to the cited person. Except as provided in this subsection, a citation that does not conform to the requirements of this section shall be set aside by the Hearings Officer upon motion of the cited person before any other proceedings at the hearing. Minor variations in the form of citation shall not be a basis for setting aside a citation. Nothing prohibits the Hearings Officer from amending a citation in the Hearings Officer's discretion.
- C. Response to Citation
1. Unless an appearance before a Hearings Officer is mandatory, a dog owner, or the owners, operators or managers of animal rescue entities who has received a citation may respond by:
- Appearing personally before the Hearings Officer on the cited appearance date and either admit or deny the violation; or
 - Prior to the appearance date return a signed copy of the citation to Dog Services admitting the violation, along with a check or money order payable to Clackamas County for the total base fine amount. Admission and payment does not relieve the dog owner, or the owners, operators or managers of animal rescue entities of the requirement to correct the violation; or
 - Prior to the appearance date, return a signed copy of the citation to Dog Services denying the violation and requesting a hearing. Dog Services will set a time and place for the hearing and notify the Hearings Officer, and the dog owner, or the owners, operators or managers of animal rescue entities.
2. Mandatory Appearance. Personal appearance before a Hearings Officer at the time and place indicated on the citation shall be mandatory:
- When a dog owner, or the owners, operators or managers of animal rescue entities has received a citation three (3) times or more within a twelve (12) month period or the issuing officer has determined the appearance should be mandatory;
 - For violation of Failure to Surrender an Animal;
 - For violation of Interfering with a County employee or Peace Officer;

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- d. For violation of Providing False Information to a County employee or Peace Officer;
 - e. For violation of Failure to Comply with Conditions of Quarantine;
 - f. For violation of Failure to Comply with any Fine, Fee, Cost, Expense, Condition or Restriction authorized by this chapter;
 - g. For violation of Dog as a Public Nuisance when a dog kills a person, domestic animal or livestock;
 - h. For violation of Failure to Comply with the Requirements of Keeping a Dangerous Dog.
 - i. For failure to reclaim an impounded animal.
 - j. For failure to meet minimum care standards.
3. Failure to Respond to Citation. If a person cited fails to respond to a citation as required by this chapter, then the person shall be deemed to have waived his/her right to contest the citation. Following proof of sufficient evidence that the person has committed the cited violation(s), the Hearings Officer may enter a Final Order against the person for an amount up to the maximum fine, in addition to any applicable fees, costs or expenses, and any other imposition consistent with this chapter. A copy of the Final Order shall be sent to the person cited by regular mail.

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D. Hearing Process.

- 1. Informal Disposition. The County and the dog owner, or the owners, operators or managers of animal rescue entities may agree to an informal and final disposition of any violation before a Hearings Officer issues a Final Order.
- 2. Burden of Proof. The burden will be on the County to prove that the violation occurred by a preponderance of the evidence.
- 3. Testimony of Witnesses and Parties. The Hearings Officer shall have the authority to administer oaths or affirmations and take testimony of and question witnesses and parties. Parties may offer witness testimony on their own behalf. Written testimony must be submitted by sworn affidavit and may be admitted into the record subject to exclusion by the Hearings Officer and objections by the opposing party.
- 4. Cross-Examination of Witnesses. The person cited and attorneys may examine or cross-examine witnesses.
- 5. Evidence. Reliable and relevant evidence shall be admitted subject to the rules of privilege recognized by law. Records developed, kept and maintained during the normal course of business, including but not limited to, law enforcement reports and veterinary records, shall be admissible provided the party offering the records establishes the authenticity of the records through written or oral testimony. The burden of presenting evidence to support a fact or position shall be on the offering party. The Hearings Officer may establish procedures for the presentation of evidence to ensure that the hearing record reflects a full and fair inquiry into the facts necessary to determine the matter alleged. The Hearings Officer shall have the discretion to exclude any material or testimony that is accumulative, repetitious, irrelevant or immaterial.
- 6. Objections. Objections to admission of evidence shall be noted in the record and will be considered with respect to the weight to be given the particular evidence offered. The Hearings Officer shall have the discretion to admit or exclude any evidence presented and may reserve the ruling on the admissibility or exclusion of evidence until the time the Final Order is issued.

7. Subpoenas. The Hearings Officer may issue subpoenas to parties when a request is supported by a showing of general relevance and reasonable scope of the evidence sought. Witnesses appearing pursuant to subpoena, other than the parties, peace officers or employees of the County, shall be paid the same witness fees and mileage as allowed in civil cases from the party requesting the subpoena to be paid at the time the subpoena is issued. The party requesting the subpoena will be responsible for its service in accordance with the Oregon Rules of Civil Procedure.
8. Representation. The person cited may represent him/herself or may be represented by counsel at personal expense. The County may be represented at the hearing by any employee of the County. If the employee is not an attorney, the employee shall not present legal argument, examine or cross-examine witnesses, present rebuttal evidence or give legal advice to the Hearings Officer conducting the hearing.
9. Record. A verbatim record shall be made of all hearings. The record may be transcribed at the request of a party upon payment in advance of the cost of transcription.
10. Final Order. At the conclusion of the hearing, the Hearings Officer shall issue a Final Order based upon reliable, relevant and substantial evidence which shall be the County's final determination. A Final Order shall be effective on the date that it is issued unless otherwise provided by the Hearings Officer. The order may be oral or written, but in all cases must be recorded in the record of the proceeding. The Hearings Officer may impose fines, fees, costs, expenses, conditions or restrictions and any other imposition authorized by this Chapter. Monetary obligations are due and payable on the effective date of the Final Order unless otherwise provided.
11. Judicial Review. Review of a Final Order of the Hearings Officer may be made by any party by writ of review as provided in ORS 34.010-34.100.
12. Enforcement of Final Order. The County may maintain civil proceedings in law or equity in a court of competent jurisdiction to enforce any provision of a Hearings Officer's Final Order.

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F. Process when Citation is for Dog as Continuous Annoyance. When the County receives a complaint of a dog causing a continuous annoyance, all of the procedures in this chapter shall apply and the following additional procedures shall also be required:

1. First Complaint. The county will not investigate or issue a citation, but will provide assistance to the complainant and the dog owner to help them resolve the issue between themselves.
2. Second Complaint. The complainant and the dog owner will be referred to mandatory mediation:
 - a. If the complainant fails to participate in mediation, no citation will be issued to the owner, the county will not investigate the complaint and not further complaints will be considered until and unless the complainant participates in mediation.
 - b. If the owner fails to participate in mediation, the county may conduct further investigation into the complaint, may issue a citation and may take other steps that it determines are reasonable in the circumstances.
3. Complaints Following Mediation Where All Parties Have Participated. If mediation is conducted wherein both the owner and complainant participate, upon receipt of further complaints the County may conduct further investigation

into the complaint, may issue a citation and may take other steps that it determines are reasonable in the circumstances.

4. After Citation Issued. After a citation is issued by the County, all standard procedures and provisions in this chapter shall apply.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 08-2012, 8/2/12]

5.01.080 Penalties

A. Fines, Fees, Costs; Expenses.

1. Upon a finding that the dog owner or the owners, operators or managers of animal rescue entities has violated this chapter, a Hearings Officer may impose fines, fees, costs and expenses, which shall become a debt owing to Clackamas County and may be collected in the same manner as any other debt allowed by law. If fines, fees, costs or expenses are not paid within sixty (60) days after payment is ordered, the County may file and record the Final Order for payment in the County Clerk Lien Record as authorized by ORS 30.460.
2. If the Hearings Officer finds that the alleged violation did not occur, the County shall reimburse the owner for any fines, fees, costs and expenses previously paid by the owner for the alleged violation.
3. The Hearings Officer may order payment of the County's attorney fees and prosecution costs to include staff time for any violation of this Chapter.

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B. Conditions and Restrictions; Restitution; Euthanasia.

1. Upon a finding by the Hearings Officer that a dog owner, or the owners, operators or managers of animal rescue entities has violated a provision of this chapter, in addition to and not in lieu of any fine, fee, cost or expense, the Hearings Officer may impose restitution, euthanasia, and reasonable conditions and restrictions, including but not limited to:
 - a. Suspend the owner's right to own or keep any animal in Clackamas County for a period not to exceed five (5) years;
 - b. Upon sufficient proof order restitution to any person who has suffered actual monetary loss as a result of a violation of this chapter, including but not limited to expenses incurred for veterinary care, burial and memorial expenses, repair or replacement of damaged property, or medical bills;
 - c. Require the owner to spay or neuter the animal;
 - d. Require the owner to remove the animal to a location where the animal does not present a threat to persons, domestic animals, or livestock;
 - e. Require the owner to surrender the animal to the County;
 - f. After consideration of the factors set forth in ORS 609.093, require euthanasia when an animal has bitten or killed a person, domestic animal, or livestock. The Hearings Officer may also consider the public nuisance violation history of the animal and owner to include all known determinations by any court, governing body, official or agency of any local or state government without regard to where or when the incident occurred;
 - g. Require that the owner comply with any other condition or restriction reasonably designed to abate any future violation of this chapter;
 - h. Require that the owner obtain microchip identification for the animal;

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- i. Require the owner to reduce the number of animals on the owner's premises.
2. Any condition or restriction imposed by a Hearings Officer must be complied with immediately unless otherwise ordered. The County may request that an owner provide proof of compliance by a date certain. If proof is not provided, or proof is insufficient, then a rebuttable presumption will exist that the owner has failed to comply and the owner may be cited for the violation of Failure to Comply in accordance with this chapter.
3. An owner shall be responsible for all costs incurred in complying with any condition or restriction imposed.
4. Upon a finding that an owner is guilty of a violation set forth in this chapter, regarding the same animal for the third time in a twelve (12) month period, the Hearings Officer may order that the owner surrender the animal to the County, without compensation paid to the owner.
5. When an animal has been ordered surrendered and the County has determined that the animal qualifies for adoption, the County may give placement preference to any person who had prior contact with the animal, including but not limited to the former owner's family members or friends who reside separately from the former owner and whom the County has determined will provide adequate care and follow all conditions or restrictions imposed by the Hearings Officer in order to maintain control of the animal.

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[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 08-2012, 8/2/12]

5.01.090 Authority of Dog Services Manager

In accordance with the provisions of this chapter the Dog Services Manager shall have the authority to:

- A. Collect fines, fees, costs and expenses.
- B. Authorize an owner to keep a licensed dog that has been impounded and quarantined, at the premises of the owner during the period of quarantine.
- C. Declassify a dog as dangerous in accordance with the provisions of this chapter.
- D. Require a dog owner, or the owners, operators, or managers of animal rescue entities to provide proof of compliance with a Hearings Officer's Final Order.
- E. Inspect premises of a dog owner, or of an animal rescue entity to ensure compliance with this chapter;
- F. Develop and enforce policy, procedures and standards to ensure the effective administration of this chapter.

Deleted: D. Request the assistance of local law enforcement officials officers to obtain and execute a warrant authorized under state law and this chapter for the search and seizure of property
E.

Deleted: F

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Deleted: .

[Added by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10]

5.01.100 Transition

[Added by Ord. 01-2004, 4/8/04; Repealed by Ord. 08-2012, 8/2/12]

5.01.110 Severability

If any clause, section or provision of this chapter is declared unconstitutional or invalid for any reason or cause, the remaining portion of this chapter shall remain in full force and effect and be valid as if the invalid portion had not been incorporated herein.

[Added by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10]

5.01.120 Enforcement of Other Laws

- A. Enforcement of Dogs. Pursuant to ORS 203.035; 153.030; 609.015 and ORS 609.135, this chapter supersedes enforcement in the County of the following state statutes regarding control of dogs: ORS 609.030 and 609.035 to 609.110; 609.155; 609.158; 609.165; 609.170; 609.180; 609.190.
- B. Enforcement of Rabies Control. Rabies control shall be enforced by the Clackamas County Health Officer in cooperation with the Dog Services Manager in accordance with the provisions of ORS 433.340 through 433.390.
- C. Enforcement of Violations Involving Livestock. When a dog is determined to be a Public Nuisance under this chapter for menacing, biting, injuring or killing livestock, in addition to all other provisions and regulations of this chapter the following state statutes apply: ORS 609.125; 609.156; 609.161; 609.162; 609.163; 609.167; 609.168.
- D. Enforcement of Possession of Dogs. The number of dogs possessed by a person shall be limited as provided in ORS 167.374. In addition to all other provisions and regulations of this chapter, ORS 167.374 shall apply.
- E. Other Laws Apply. Except as expressly provided in this chapter, this chapter shall in no way be a substitute for or eliminate the necessity of conforming with any and all state and federal laws, rules and regulations, and other ordinances which relate to the requirements provided in this chapter.

[Added by Ord. 05-2010, 7/1/10; Amended by Ord. 08-2012, 8/2/12]



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 20, 2014		Subject: Ordinance No. 753 Amends City Code, Chapter 8 – Environment	
		Staff Member/Department: Kerry Rappold/ Community Development Delora Kerber/Public Works	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: Staff recommends Council adopt Ordinance No. 753.			
Recommended Language for Motion: I move to approve Ordinance No. 753.			
PROJECT / ISSUE RELATES TO: <i>Storm water Master Plan</i>			
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Whether or not to amend Chapter 8 (Environment) of Wilsonville Municipal Code to stay current on best practices and changing regulations related to storm water management.

EXECUTIVE SUMMARY:

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

With the completion of the 2012 Stormwater Master Plan, Chapter 8 is being amended to incorporate Stormwater policies identified in the Plan. In addition, the amendments to Chapter 8

will provide the City the ability to enforce the National Pollution Discharge Elimination System (NPDES) Stormwater Permit requirements.

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

Other modifications of note include:

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

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

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

EXPECTED RESULTS:

Ensuring the City's ability to enforce the NPDES Stormwater Permit requirements and providing clarification to other miscellaneous unwritten policies related to sanitary sewers.

TIMELINE: Not Applicable

CURRENT YEAR BUDGET IMPACTS:

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

FINANCIAL REVIEW / COMMENTS:/

Reviewed by: _____ CAR _____ Date: 10/9/14 _____
No financial impacts are anticipated.

LEGAL REVIEW / COMMENT:

Reviewed by: _____ MEK _____ Date: 10/13/14 _____
Ordinance approved as to form.

COMMUNITY INVOLVEMENT PROCESS:

A public hearing will be held for public comments on Chapter 8. Previously, there was public outreach for the Stormwater Master Plan and the sanitary and stormwater NPDES permits.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY

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

ALTERNATIVES:

Not Applicable.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Ordinance 753 with tracked changes.

ORDINANCE NO. 753

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 8, ENVIRONMENT TO ADD A STORMWATER SECTION AND MAKE OTHER MODIFICATIONS.

WHEREAS, Chapter 8 was last modified via Ordinance 689 in January 2011; and

WHEREAS, portions of Chapter 8, Environment needs to be revised to update standards and comply with State and Federal laws and regulations; and

WHEREAS, the City of Wilsonville (City) was issued a National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Discharge Permit from the Oregon Department of Environmental Quality, which was renewed on March 16, 2012; and

WHEREAS, the NPDES MS4 Discharge Permit requires the City to have the legal authority to enforce the provisions of the permit; and

WHEREAS, Implementation Measure SC-1a of the 2012 Stormwater Master Plan requires the City to update Chapter 8, Environment to address implementation of the Stormwater Program and the requirements of the NPDES MS4 Discharge Permit; and

WHEREAS, the City Council has conducted a properly noticed public hearing on the proposed changes, and based upon the staff report in the matter and the entire record of the hearing, concludes the code amendments comport with law and are otherwise in the public interest;

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

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

Section 2. Chapter 8, Environment of the Wilsonville Code is modified as follows and leaves the remainder of Chapter 8 unchanged:

CHAPTER 8 – ENVIRONMENT

8.116 Section Not Used ~~Standards—Vehicle Wash Installations~~

PUBLIC SANITARY SEWER USE

8.202 Use of Public Sanitary Sewer Required

8.206 Buildings Sanitary Sewers and Connections

8.208 Use of Public Sanitary Sewers

8.210 Public Sanitary Sewers – Construction

CHAPTER 8 – Environment

Page 1 of 33

(2011 Edition)(2014 Edition)

September 30, 2014

Ordinance No. 753

8.212 Public Sanitary Sewers - Property Damage Prohibited

INDUSTRIAL WASTEWATER REGULATIONS

8.302 General Sanitary Sewer Use Requirements

STORMWATER

~~8.500 Reserved for Expansion~~

8.500 General Provisions

8.502 Stormwater System Construction

8.504 Use of Public Stormwater System

8.506 Public Stormwater System – Property Damage Prohibited

8.508 Powers and Authorities of Inspectors

8.510 Discharge of Pollutants

8.512 Discharge in Violation of Permit

8.514 Waste Disposal Prohibitions

8.516 General Discharge Prohibitions

8.518 Compliance with Industrial NPDES Stormwater Permits

8.520 Compliance with Local, State, and Federal Regulations

8.522 Conflicts with Existing and Future Regulatory Requirements of Other Agencies

8.524 Accidental Spill Prevention and Control

8.526 Notification of Spills

8.528 Requirement to Eliminate Illicit Connections

8.530 Requirement to Remediate

8.532 Requirement to Monitor and Analyze

8.534 Erosion Prevention and Sediment Control

GENERAL PROVISIONS

8.000 General Provisions – Environment

(2) This Chapter shall be known as the Environment Ordinance and includes those ordinances familiarly referred to as the Water Conservation Ordinance, Public Sanitary Sewer Use Ordinance, Industrial Wastewater Ordinance, Storm Water Ordinance, and Garbage Disposal Ordinance, and Environment Enforcement, etc.

8.006 Definitions. For the purpose of this Chapter, the following terms, words, phrases and their derivations shall have the meaning given herein, unless the context specifically indicates otherwise:

(1) Building Drain. Shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the exterior walls of the buildings and which conveys it to the building sewer, which begins ~~five two (52)~~ feet (~~1.524~~ meters) outside of the building exterior wall.

(2) Building Sewer (Sanitary). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a building drain and that receives the sewage

discharge of the building drain and conveys it to a public sanitary sewer, private sanitary sewer, private sewage disposal system or other point of disposal (aka sanitary sewer lateral).~~conveying wastewater and/or other wastes from the end of the building drain to either the POTW, municipal storm drain system, private sanitary sewer or storm drainage, or individual sanitary sewer disposal system or storm drainage system.~~

(3) Building Sewer (Storm). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a building drain and that receives the -stormwater or other approved drainage, but no sewage discharge from a building drain and conveys it to a public stormwater system, private stormwater system, or other point of disposal (aka storm sewer lateral).

~~(2)~~

~~(3)~~(4) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S. C. 1317) that applies to a specific category of users and that appears in 40 CFR Chapter I, Subchapter N, Parts 405-471, incorporated herein by reference.

~~(4)~~(5) Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

~~(5)~~(6) Chemical Oxygen Demand (COD). A measure of oxygen required to oxidize all compounds, both inorganic and organic in water. COD is expressed as the amount of oxygen consumed from chemical oxidant in mg/l during a specific test.

(7) City. The City of Wilsonville, Oregon or the City Council of Wilsonville, Oregon or a designated representative of the City of Wilsonville, Oregon.

~~(6)~~(8) City Authorized Representative for Stormwater. A Representative selected by the Community Development Director to oversee stormwater activities and enforcement.

~~(7)~~(9) Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

~~(8)~~(10) Combined Sewer. Shall mean a sewer receiving both surface runoff and sewage.

~~(9)~~(11) Commercial. Shall mean for the purposes of this Chapter Sections 8.108 and 8.112, all buildings or structures of which are not designed for the purposes of these sections as residential or industrial in keeping with the City's zoning and building code provisions. Commercial when used in the context of this chapter's pretreatment standards shall mean industrial.

~~(10)~~(12) Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on either an increment of flow or time.

~~(11)~~(13) Contractor. Shall mean a person or persons, corporation, partnership or other entity who is a party to an agreement with the City.

~~(12)~~(14) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added, is heat.

~~(13)~~(15) Control Authority. The City of Wilsonville, Oregon or designated representative of the City, tasked with the administration of this Chapter.

~~(14)~~(16) Customer. Shall mean any individual, firm, company, association, society, corporation, group or owner, who receives utility services from the City such as water, sanitary sewer, stormwater and streetlights.

~~(15)~~(17) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

~~(16)~~(18) Daily Maximum Limits. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measure of the pollutant concentration derived from all the measurements taken that day.

~~(17)~~(19) Department of Environmental Quality or DEQ. The Oregon Department of Environmental Quality or where appropriate, the term may also be used any duly authorized official of the Department.

~~(18)~~(20) Director. The City of Wilsonville Public Works Director or Director of Public Works for the City of Wilsonville or designated representative of the Director.

~~(19)~~(21) Discharge. The discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d), of the Act.

~~(20)~~(22) Environmental Protection Agency or EPA. The US Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, the Regional Administrator or other duly authorized official of said agency.

~~(21)~~(23) Existing Source. Any source of discharge that is not a "new source".

~~(22)~~(24) Garbage. Shall mean all refuse and solid wastes, including ashes, rubbish in cans, debris generally, dead animals, street cleaning and industrial wastes and things ordinarily and customarily dumped, solid wastes from domestic and commercial preparation, cooking and dispensing food, and from the handling, storage and sale of product, but not including source separated recyclable material purchased from or exchanged by the generator for fair market value for recycling sewage and body waste.

(25) Grab Sample. A sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream over a period of time not to exceed 15 minutes.

(26) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(27) Illicit Discharge. Any discharge to the public or natural stormwater conveyance system that is not composed entirely of stormwater, except discharges governed by and in compliance with an NPDES permit.

~~(23) —~~

(24)(28) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from a non-domestic source.

(25)(29) Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

~~(26) — Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.~~

(27)(30) Industrial. Shall mean in the context of building sanitary sewer permits and connections, all buildings or structures in which a product is manufactured, stored, or distributed, or any combination of the above in keeping with the City's zoning and building code provisions. It shall otherwise mean in the context of this Chapter for pretreatment standards, non-domestic.

(28)(31) Industrial User. A source of indirect discharge.

(29)(32) Industrial Wastewater. Any non-domestic wastewater originating from a nonresidential source.

(30)(33) Interference. A discharge, which, alone or in conjunction with a discharge or discharges from other sources:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes; use or disposal; and

(b) Therefore is a cause of a violation of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or any more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

~~(31)~~(34) Local Limits. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in this Chapter.

~~(32)~~(35) Maximum Allowable Headwork's Loading. The maximum pollutant loading that can be received at the headwork's of the POTW and be fully treated to meet all disposal limits and without causing interference. This value is calculated in the derivation of Technically Based Local Limits.

~~(33)~~(36) Major Sanitary Sewer Line Extension. Shall mean the extension of a sanitary mainline that is, or will be, located within public rights-of-way or dedicated easements.

~~(34)~~(37) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

~~(35)~~(38) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during the month.

~~(36)~~(39) Monthly Average Limits. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(40) National Pretreatment Standard. National pretreatment standard is defined in 40 CFR 403.3(l) as any regulation containing pollutant discharge limits promulgated by EPA under Section 307(b) and (c) of the Clean Water Act applicable to users, including the general and specific prohibition found in 40 CFR 403.5.

~~(37)~~(41) Municipal Separate Storm Sewer System (MS4). A system of conveyances, including roads, ditches, catch basins, and storm drains that are owned or operated by a public entity.

~~(38)~~(42) New Source.

(a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of Proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are hereafter promulgated in accordance with that section provided that:

- 1) The building, structure, facility or installation is constructed at a site at which no other source is located; or

2) The building, structure, facility or installation completely replaces the process of production equipment that causes the discharge of pollutants at the existing source or

3) The production of wastewater generating processes of the buildings, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a) (1), (2) of this section but otherwise alters, replaces or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1) Begun, or caused to begin as part of a continuous on-site construction program;

a) Any placement, assembly, or installation of facilities or equipment; or

b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities for equipment or

2) Entered into a binding or contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(43) **Non-contact Cooling Water.** Water used for cooling that does not come into contact with any raw material, intermediate product, waste product or finished product.

(44) **NPDES Stormwater Permit.** A National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Federal Clean Water Act (33 U.S.C. 1342)

~~(39)~~(45) **NPDES Waste Discharge Permit.** A National Pollutant Discharge Elimination System permit issued pursuant to ORS 468B.050 and the Federal Clean Water Act.

~~(40)~~(46) Official. Shall be the Building Official for the City of Wilsonville.

~~(41)~~(47) Owner. Shall mean the person(s) who may hold title to or lease the property for which water service has or will be provided.

~~(42)~~(48) Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the City's NPDES Permit (including an increase in the magnitude or duration of a violation).

~~(43)~~(49) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, state, or local governmental entities.

~~(44)~~(50) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

~~(45)~~(51) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

~~(46)~~(52) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration in the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration may be obtained by physical, chemical or biological processes, by process changes or by other means except by diluting the concentration of the pollutant unless allowed by the applicable Pretreatment Standard.

~~(47)~~(53) Pretreatment Requirement. Any substantive or procedural requirements related to the pretreatment, other than national pretreatment standards, imposed on an industrial user.

~~(48)~~(54) Pretreatment Standard or Standard. Prohibited discharge standards, categorical Pretreatment standards and Local Limits.

~~(49)~~(55) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain types or characteristics of wastewater as established by EPA, DEQ, and/or the Director.

~~(50)~~(56) Properly Shredded Garbage. Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be

carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.

(57) Public Sewer. Shall mean a sewer, either sanitary or storm, in which all the owners of abutting property have equal rights, and which is controlled by public authority.

(51)(58) Public Stormwater System. A stormwater system owned or operated by the City of Wilsonville.

(52)(59) Publicly Owned Treatments Works or POTW. A "treatment works" as defined in Section 212 of the Act, (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in collection, storage, treatment, recycling and reclamation of sewage, ~~Stormwater discharges~~ or industrial wastes and any conveyances which convey wastewater to a treatment plant or other point of discharge. The term also means the municipal entity having responsibility for the operation and maintenance of the system.

(53)(60) Public Works Director. The person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Chapter or their duly authorized representative.

(54)(61) Residential. Shall mean for the purposes of this Chapter ~~Section 8.108 and 8.112~~, building sewers and connections, buildings or structures, which are built to be occupied for living purposes in keeping with the City's zoning and building code provisions.

(55)(62) Residential Users. Persons only contributing sewage wastewater to the municipal wastewater system.

(56)(63) Receiving Stream or Water of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Oregon or any portion thereof.

(57)(64) Sanitary Sewer. Shall mean a City sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

(58)(65) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

~~(59) Service Connection. Shall, in the case of potable water, mean the installation which conveys connects the water from the water main up to and including the property's water meter and service line with the building water service, which includes, but shall not be limited to, the following: meter, meter box, meter vault, check valves, fittings, seals any or other materials to make such connection as deemed necessary by the Director. In the case of sewer, it shall mean the installation that connects the public sewer service line with the building sewer service lines.~~

~~(60)~~(66) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

(67) Sewer. Shall mean a pipe or conduit for carrying sewage in the case of sanitary (wastewater) sewer lines. Shall mean a pipe or conduit for carrying stormwater runoff, surface waters or drainage in the case of storm water lines.

~~(61)~~(68) Sewer Lateral. See Building Sewer – Sanitary and Storm definitions.

~~(62)~~(69) Significant Industrial User.

(a) Except as provided in paragraph (b) of this section, the term Significant Industrial User means:

- 1) An industrial users subject to Categorical Pretreatment Standards or
- 2) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow-down wastewater); contributes a process waste stream which makes up 5 per cent of more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6).

(b) The City may determine that an Industrial User subject to the categorical Pretreatment Standards is a Non-significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met.

- 1) The Industrial User, prior to City's findings, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- 2) The Industrial User annually submits the certification statement required in Section 8.310(14) together with any additional information necessary to support the certification statement; and
- 3) The Industrial User never discharges any untreated concentrated wastewater.

(c) Upon finding that an industrial user meeting the criteria in paragraph (a)(2) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with CFR 403.8(F)(6), determine that such industrial user is not a significant industrial user.

~~(63)~~(70) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration which has the potential to cause a violation of the specific discharge prohibitions of this article. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, Local Limits of Permit conditions.

~~(64)~~(71) State. State of Oregon.

~~(65)~~(72) Storm Drain. (Sometimes termed "storm sewer"). Shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling waters.

~~(66)~~(73) Stormwater. Any flow occurring during or following any form of natural precipitation and resulting there from, including snow melt.

~~(67)~~(74) Suspended Solids or Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid which is removable by laboratory filtering.

~~(68)~~(75) Toxic Pollutant. One of the pollutants or combination of those pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provision of Section 307 (33 U.S.C. 1317) of the Act.

~~(69)~~(76) Treatment Plant Effluent. Any discharge of pollutants from the POTW into waters of the state.

~~(70)~~(77) User or Industrial User. Any person who contributes, or causes or allows the contribution of sewage, ~~Stormwater~~ or industrial wastewater into the POTW, including persons who contribute such wastes from mobile sources.

~~(71)~~(78) Wastewater. The liquid and water-carried industrial wastes, or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the municipal wastewater system.

~~(72)~~(79) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

~~(73)~~(80) Water is water from the City water supply system

~~(74)~~(81) Water Course. Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

8.008 Miscellaneous Provisions

(1) Pretreatment Charges and Fees. The City may adopt, from time to time, by Administrative Authority Resolution, in the City's Master Fee Schedule reasonable charges and fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include;

WATER CONSERVATION

8.101 Declaration of Emergency

B. In the event the Mayor is unavailable to declare an emergency, the following shall be the order of succession of authority, based upon availability:

~~a. The Water Commissioner;~~

~~b.~~a. The President of the Council;

~~c.~~b. Any other council person;

~~d.~~c. The City Manager;

~~e.~~d. The Public Works Director

8.114 Standards – Wasted Water.

(2) Water shall not be furnished except through a meter to any premises where ~~There~~ are defective or leaking pipes, faucets, closets or other fixtures, or where there are water closets or urinals without self-closing valves and, when such leakage or other defects are discovered and not corrected, the City may discontinue service after giving due notice and until repairs are made. If significant deficiencies are not corrected in a timely manner, as defined by the Public Works Director, the City may introduce enforcement action in conformance with Section 8.150 Violations.

8.116 Section Not Used Standards – Vehicle Wash Installations.

~~— (1) Vehicle wash shall be covered~~

~~— (2) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.~~

~~— (3) Vehicle wash installations shall be equipped with a water recycling system approved by the Public Works Director. Best available technology shall be utilized for the pretreatment system of any drainage to the sanitary sewer system.~~

~~(4) No coin-operated vehicle wash shall be installed or used until plans have been submitted to and approved by the City. The plans shall show the method of connections to an approved pretreatment system before discharging into the sanitary sewer system, disposal of rain or surface water and the protection of the potable water system. No rain or surface water shall be conveyed to or through the sanitary sewer system.~~

~~(5) Any water connective device or appliance requiring a continuous flow of five GPM of more and not previously listed in this section shall be equipped with an approved water recycling system.~~ [DK1]

8.118 Standards – General.

(3) Any water connective device or appliance requiring a continuous flow of five GPM of more and not previously listed in this section shall be equipped with an approved water recycling system.

8.134 Use of Water During Emergency – Length of Restriction.

The prohibition shall remain in effect until terminated by an announcement by the Mayor in accordance with Sections 8.102~~10 to 8.150~~.

8.136 Use of Water During Emergency – Declaration Period.

(1) The Mayor shall cause each declaration made by him pursuant to Sections 8.101~~0~~ to 8.150 to be publicly announced by means of posting notice in three (3) public and conspicuous places in the City, and he may cause such declaration to be further announced in a newspaper of general circulation within the City when feasible. Each announcement shall prescribe the action taken by the Mayor, including the time it became or will become effective, and shall specify the particular use for which the use of water will be prohibited.

(2) Whenever the Mayor shall find the conditions which gave rise to the water prohibition in effect pursuant to Sections 8.101~~0~~ to 8.150 no longer exist, he may declare the prohibition terminated in whole or in part in the manner prescribed by these sections, effectively immediately upon announcement.

8.140 Authority of Officer.

Any police officer of the City, Clackamas County or designated employee of the City may enter the premises of any person for the purpose of shutting off or reducing the flow of water being used contrary to the provisions of Sections 8.101~~0~~ to 8.150.

8.150 Penalties.

A person convicted of a violation of any provisions of Sections 8.101~~0~~ to 8.140 shall be punished upon a first conviction thereof for a violation pursuant to Section 1.012, and upon a subsequent conviction thereof for a Class C Misdemeanor pursuant to Section 1.011. Each day such a

violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

PUBLIC SANITARY SEWER USE

8.200 Public Sanitary Sewer Use – General Provision

(1) Purpose. Provides for the required use of public sanitary sewer facilities except as otherwise set forth, for the regulation of the building of and connection to public sanitary sewer facilities and for the uniform regulation of indirect discharge to the Publicly Owned Treatment Works (POTW) through the issuance of permits to certain non-domestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

8.202 Use of Public Sanitary Sewer Required. Except as herein provided in this chapter:

~~—(2) It shall be unlawful to discharge in or into any natural outlet or stormwater sewer inlet (catch basin, grate, roof downspout, etc.) within the City of Wilsonville, or in any area under the jurisdiction of said City, any sewage or other polluted water.~~[DK2]

(23) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(34) The owner of any house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way, in which there is now located or may in the future be located, a public sanitary ~~or combined~~ sewer of the City, is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this section of the Code within ninety (90) days after the date of official notice to do so, provided that said public sanitary sewer for the residential use is within three hundred (300) feet of the property. Commercial and industrial buildings or structures shall connect no matter what the distance is from the public sanitary sewer to the property to be served.

8.204 Private Sewage Disposal.

(1) Where a public sanitary ~~or combined~~ sewer is not available under the provisions of Section 8.202(4), the building sewer shall be connected to a private sewage disposal system.

(3) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations to the Oregon State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to discharge any natural outlet. If it is determined by the City that a health hazard would be created or that the soil is unable to transfer the sewage runoff through the soil as an effective means of treatment of sewage disposal, the City shall reject the septic or private sewage disposal system, and require, at the owner's expense, construction of an

adequately sized sanitary sewer line as approved by the City to connect to an existing public sanitary sewer system. The owner shall construct the sanitary sewer by those requirements of the Public Works Standards of the City of Wilsonville

(4) At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in Section 8.202(4), a direct connection shall be made to the public sanitary sewer in compliance with this Code, and any septic tanks, cesspools and similar disposal facilities shall be removed or opened and filled with sand or gravel in accordance with the Oregon Plumbing Specialty Code.

(5) Where existing buildings are too low to be served by gravity by an available sanitary sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the City under Section 8.202(4), approved pumping facilities shall be installed to pump the septic tank effluent to the available sanitary sewer system.

8.206 Buildings Sanitary Sewers and Connections.

(1) No unauthorized person shall uncover, make any connections to or opening into, use, alter or disturb any ~~service-connection~~ sanitary sewer lateral or appurtenance thereof without first obtaining a written permit from the Building Official. In each case, the owner or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the official.

(2) There shall be three (3) classes of building sanitary sewer ~~service-connection-lateral~~ permits:

- (a) Residential, Single, and Multifamily,
- (b) Commercial; and
- (c) Industrial Service.

(3) All costs and expenses incident to the installation and connection of the building sanitary sewer shall be borne by the owner. 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 the building sanitary sewer.

(4) A separate and independent building sanitary sewer shall be provided for every building; except, however, when one building stands at the rear of another on an interior lot and no private sanitary sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, then the building sanitary sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sanitary sewers may be used in connection with new buildings only when they are found, on examination or through tests, by the Official, to meet all requirements of this Code Chapter.

(6) The size, slope, alignment, construction material of a building sanitary sewer, and the methods to be used excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Oregon Structural Specialty Code and the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

(7) Whenever possible, the building sanitary sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sanitary sewer.

(8) No person shall make connection of roof down spouts, areaway drains, or other sources of sStormwater runoff to a building sanitary sewer or sewer drain which, in turn, is connected directly or indirectly to the public sanitary sewer.

(9) The connection of the building sanitary sewer into the public sanitary sewer shall conform to the requirements of the ~~Uniform Building Code in effect at the time and~~ the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight. Any deviation from prescribed procedures and materials must be approved by the Building Official before installation.

(10) The applicant for the building permits shall notify the Building Official when the building sanitary sewer is ready for inspection. The connection shall be made under the supervision of the Building Official or designated representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the applicant's or owner's expense in a manner satisfactory to the City, in accordance with adopted Public Works Standards.

(11) All excavations for building sanitary sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(12) The property owner is responsible for the maintenance, repair and replacement of the sanitary sewer lateral from the building to the sanitary sewer main. Sewer lateral maintenance work, which, as used herein, includes pipe clean-out, clog removal, root removal, foaming and any other work or protocol required to ensure proper flow. Repair and replacement work for the sewer lateral shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit. [DK3]

8.206 Equipment and/or Vehicle Washing Facilities

(1) Equipment and/or Vehicle wash areas shall be covered

(2) Equipment and/or Vehicle washing facilities shall be equipped with a water recycling system approved by the Public Works Director.

(3) Best available technology shall be utilized for the pretreatment system of any drainage to the sanitary sewer system.

(4) No coin operated equipment and/or vehicle washing facilities shall be installed or used until plans have been submitted to and approved by the City. The plans shall show the method of connections to an approved pretreatment system before discharging into the sanitary sewer system, disposal of rain or surface water and the protection of the potable water system. No rain or surface water shall be conveyed to or through the sanitary sewer system.

8.208 Use of Public Sanitary Sewers.

(1) No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb, any public sewer or appurtenance thereof without first obtaining a written permit from the City.

~~(2) Stormwater shall be discharged to storm sewers and natural outlets under the authority and regulation of the NPDES Stormwater Permit Program, administered by the Oregon DEQ.~~_[DK4]

(3) When required by the City, the owner of any property serviced by a building sanitary sewer carrying industrial wastes or large quantities of discharge shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sanitary sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sanitary sewer to the point at which the building sanitary sewer is connection. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. When customary measurement for BOD characteristics is impractical due to time constraints and the necessity to have immediate measurable results, mg/l of BOD may be based on forty-two percent (42%) of measured C.O.D.

8.210 Public Sanitary Sewers – Construction

(1) No person shall construct, extend or connect to any public sanitary sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing boards as required herein and the Public Works Standards for the City of Wilsonville. The provisions of this section requiring permits shall not be construed to apply to contractors constructing sanitary sewers and appurtenances under contracts awarded and entered into by the City.

(2) The application for a permit for public sanitary sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable sections of the Code, rules and regulations of the City prepared by a registered civil engineer in the State of Oregon showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the City Engineer or and authorized representative of the City Engineer who shall within twenty (20) days, approve them as filed or require them to be modified as he may deem necessary.

(4) Prior to issuance of a permit for public sanitary sewer construction, the applicant shall furnish to the City a performance bond, or cash deposit, in the amount of the total estimated cost of the work. Such performance bond, or cash deposit, shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one (1) year from and after the date of acceptance of the work by the City.

(5) Except as provided, the extension of the public sewage facilities to serve any parcel or tract of land shall be done by and at the expense of the owner. The size of all sanitary sewer mains and other sewage facilities shall be as required by the City Engineer to lay sewer pipe larger than that required for his own purposes, to accommodate other users, and may be reimbursed under the provisions of Section 3.116 of the Wilsonville Code for the difference in cost between the size of the line installed and that which would be required for his own use.

(8) Vehicle fueling installations shall be covered and equipped with oil/water separators, spill control manholes, ion, shut off valves and spill protection approved by the Public Works Director for any drainage to the sanitary system.

(9) Outside storage areas for grease, oil, waste products, recycling, garbage, and other sources of contaminants shall be equipped with oil/water separators, shut off valves and spill protection approved by the Public Works Director for any drainage to the sanitary sewer system. ~~a covered enclosure adequately sized to allow all containers to be accessible.~~ No drainage is allowed to enter the storm sewer system

8.212 Public Sanitary Sewers – Property Damage Prohibited.

No unauthorized person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage works which is a municipal public utility. Any person violating this provision and as a result thereof damages any part of the sewage works, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in OPRS 164.345 through 164.365.

8.302 General Sanitary Sewer Use Requirements

6) Noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the [sanitary](#) sewers for maintenance and repair.

8.304 Pretreatment of Wastewater

(2) Additional Pretreatment Measures

(a) Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharge only into specific [sanitary](#) sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Chapter.

8.306 Wastewater Discharge Permit

(5) Wastewater Permit Application Contents. All users required to obtain a individual wastewater discharge permit must submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. The City may require Users to submit all or some of the following information as part of a permit application:

(c) Description of Operations. A brief description of the nature, average rate of production (including each product produced by type, amount, processes and rate of production) and Standard Industrial Classification (SIC) [or North American Industry Classification System \(NAIS\)](#) of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes, codes for pretreatment the industry as a whole and any processes for which categorical pretreatment standards have been promulgated;

8.308 Wastewater Permit Issuance

(8) Regulation of Wastewater Received From Other Jurisdictions

(a) The City may accept wastewater from individual industrial users located in other jurisdictions, or other municipalities under the following conditions:

1) Municipalities – the municipality must develop and implement a [sanitary](#) sewer use ordinance that meets, or exceeds, the Wilsonville Industrial Wastewater Regulations, Chapter 8. The municipality must submit their request in writing and the request for Extra-Jurisdictional wastewater treatment a list of industrial users within their jurisdiction, the nature and volume of the industrial discharges, the combined discharge from the municipality that will be treated by

the Wilsonville wastewater treatment plant. Municipalities will not be issued wastewater discharge permits. Municipalities must enter into an Extra-Jurisdictional Agreement between the City of Wilsonville and the requesting municipality.

(b) An inter-jurisdictional agreement, as required by paragraph A, above, shall contain the following conditions:

1) A requirement for the contributing municipality to adopt a [sanitary](#) sewer use ordinance which is at least as stringent as this Chapter and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 8.302 of this Chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Wilsonville ordinance or Local Limits;

SOLID WASTE DISPOSAL

8.400 Garbage – General Regulations.

(5) Except as provided herein, it shall be unlawful for any person, firm or corporation, other than a person, firm or corporation under contract with the City as provided in Section ~~8.304~~ [8.402](#) of this Code to gather and haul garbage over the streets of the City.

~~8.404~~304 Garbage – Violation.

(1) Any person violating any of these terms of this Chapter shall upon a first conviction thereof, be punished for a violation pursuant to Section 1.012 of the Wilsonville Code and upon a subsequent conviction thereof, be punished for a Class C Misdemeanor pursuant to Section 1.011 of the Wilsonville Code. In addition, upon a conviction, a person shall be liable for the costs of prosecution.

STORMWATER

8.500 General Provisions

- (1) Purpose. Provides for the building of and connection to public stormwater facilities and for the uniform regulation of discharges to the public -stormwater system through the issuance of permits and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- (2) Application to Users within and outside of City limits. Provisions of this article shall apply to users within the City limits and to users outside the City limits who, by contract or agreement with the City, are included as users of the public stormwater system.

8.502 Stormwater System Construction

- (1) No unauthorized person shall uncover, make any connections to or opening into the public stormwater system, use, alter or disturb any storm sewer lateral or appurtenance thereof without first obtaining a permit from the City. In each case, the owner or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City's authorized stormwater representative.
- (2) All costs and expenses incidental to the installation and connection of stormwater facilities shall be borne by the owner. 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.
- (3) The size, slope, alignment, construction materials of stormwater facilities, and the methods to be used excavating, placing of the pipe or other facilities, jointing, testing and backfilling the trench, shall all conform to the requirements of the State of Oregon Plumbing Specialty Code and other applicable rules and regulations of the City, including the City's Public Works Standards.
- (4) The connection of the stormwater facilities to the public stormwater system shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City, including the City's Public Works Standards. Any deviation from prescribed procedures and materials must be approved by the City's authorized stormwater representative before installation.

- (5) The applicant shall notify the City's authorized stormwater representative when the stormwater facilities are ready for inspection. The connection shall be made under the supervision of the City's authorized stormwater representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the applicant's or owner's expense in a manner satisfactory to the City, in accordance with the City's requirements.
- (6) All excavations for stormwater facility installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

8.504 Use of Public Stormwater System

- (1) No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb, any public stormwater system or appurtenance thereof without first obtaining written permission from the City.
- (2) Stormwater shall be discharged to storm sewers and natural outlets under the authority and regulations of the NPDES Municipal Stormwater Permit Program, administered by the Oregon Department of Environmental Quality.
- (3) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the public stormwater system.
- (4) It shall be unlawful to discharge in or into any natural outlet or stormwater sewer inlet (catch basin, grate, roof downspout, etc.) within the City of Wilsonville, or in any area under the jurisdiction of said City, any sewage or other polluted water.
- (5) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.^[DK5]

8.506 Public Stormwater System – Property Damage Prohibited

- (1) No unauthorized person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the public stormwater system. Any person violating this provision and as a result thereof damages any part of the public stormwater system, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in ORS 164.345 through 164.365.

8.508 Powers and Authorities of Inspectors

- (1) The City's authorized stormwater representative 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 stormwater operation and management as provided for in this Chapter.
- (2) While performing the necessary work on private properties referred to in this Section, the owner of the premises or representative shall notify the City's authorized stormwater representative to observe all safety rules applicable to the premises established by the owner. The premises shall be maintained in a safe condition and the owner or representative shall have a duty to notify City's authorized stormwater representative of any unsafe conditions.
- (3) The City's authorized stormwater representative shall be permitted to enter all private properties through which the City holds an easement, for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the public stormwater system which is connected to or lying within an easement. All entry and subsequent work, if any, on said easement, on the public stormwater system shall be done according to those regulations as stipulated in the Code and Standards of the City of Wilsonville.

8.510 Discharge of Pollutants

- (1) The commencement, conduct, or continuance of any non-stormwater discharge to the public stormwater system is prohibited and is a violation of this ordinance, except as described below.
- (2) The prohibition shall not apply to any non-stormwater discharge permitted or approved under an Industrial or Municipal NPDES Stormwater permit, waiver, or discharge order issued to the discharger and administered by the DEQ, provided that the discharger is in full compliance with all requirements of the permit, waiver, or discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any discharge to the municipal separate storm wastewater system (MS4).
 - (a) Except as provided in subsection (3), the prohibition shall not apply to the following non-stormwater discharges to the public -stormwater system: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to the MS4, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and flows from fire fighting.

- (b) “Street wash water” is defined for purposes of this section to be water that originates from publicly-financed street cleaning activities consistent with the City’s NPDES municipal stormwater permit.
- (c) Discharge of flows to the public or private stormwater system from private washing of sidewalks, streets and parking lots are discouraged to the maximum extent practicable.
- (3) The City may require best management practices to reduce pollutants, or may prohibit a specific discharger from engaging in a specific activity identified in subsection (2) if at any time the City determines that the discharge is, was, or will be a significant source of pollution.

8.512 Discharge in Violation of Permit

- (1) Any discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Stormwater permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such discharge.

8.514 Waste Disposal Prohibitions

- (1) No person may cause or contribute to pollution, including but not limited to any refuse, rubbish, garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, sediment or sediment-laden runoff from construction or landscaping activities, hazardous materials, or other discarded or abandoned objects, articles, and accumulations in or to the public stormwater system.
- (2) Runoff from commercial or industrial operations or businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not discharge directly to a private or public stormwater system except as allowed under Section 8.510 of this code; this includes but is not limited to outdoor commercial, industrial or business activities that create airborne particulate matter, process by-products or wastes, hazardous materials or fluids from stored vehicles, where runoff from these activities discharges directly or indirectly to a private or public stormwater system.

8.516 General Discharge Prohibitions

- (1) It is unlawful to discharge or cause to be discharged directly or indirectly into the public stormwater system any of the following:
- (a) Any discharge having a visible sheen, or containing floating solids or discoloration (including but not limited to dyes and inks);
 - (b) Any discharge having a pH of less than 6.5 or greater than 8.5 or that contains toxic chemicals in toxic concentrations;
 - (c) Any discharge which causes or may cause damage, interference, nuisance or hazard to the public stormwater system or the City personnel; and
 - (d) Any discharge containing human sanitary waste or animal feces.

8.518 Compliance with Industrial NPDES Stormwater Permits

- (1) Any industrial discharger, discharger associated with construction activity, or other discharger subject to any NPDES Stormwater permit issued by the Oregon DEQ, from which pollutants may enter the public or private stormwater system, shall comply with all provisions of such permits, including notification to and cooperation with local entities as required by State and Federal regulations. Proof of compliance with said permits may be required in a form acceptable to the City prior to issuance of any grading, building, occupancy permits or business license.

8.520 Compliance with Local, State, and Federal Regulations

- (1) All users of the public stormwater system and any person or entity whose actions may affect the system shall comply with all applicable local, state and federal laws. Compliance with the requirements of this chapter shall in no way substitute for or eliminate the necessity for compliance with applicable local, state and federal, state laws.

8.522 Conflicts with Existing and Future Regulatory Requirements of Other Agencies

- (1) Any provisions or limitation of this chapter and any rules adopted pursuant hereto are superseded and supplemented by any applicable local, state and federal requirements existing or adopted subsequent hereto, which are more stringent than the provisions and limitations contained herein.

8.524 Accidental Spill Prevention and Control

- (1) Dischargers who are not required to obtain a NPDES Stormwater permit but who handle, store or use hazardous or toxic substances or discharges prohibited under Section 8.512 on their sites shall prepare and submit to the City an Accidental Spill Prevention and Control Plan within 60 days of notification by the City. If other laws or regulations require an Accidental Spill Prevention and Control Plan,

a plan that meets the requirement of those other laws and regulations will satisfy the requirement of this Section.

8.526 Notification of Spills

- (1) As soon as any person in charge of a facility or responsible for emergency response for a facility becomes aware of any suspected, confirmed, or unconfirmed release of material, pollutants, or waste creating a risk of discharge to the public stormwater system, such persons shall:
 - (a) Begin containment procedures;
 - (b) Notify proper emergency personnel in case of an emergency;
 - (c) Notify appropriate city and/or state officials regarding the nature of the spill; and
 - (d) Follow-up with the city regarding compliance and modified practices to minimize future spills, as appropriate.
- (2) The notification requirements of this section are in addition to any other notification requirements set forth in local state, or Federal regulations and laws. The notification requirements do not relieve the person of necessary remediation.

8.528 Requirement to Eliminate Illicit Connections

- (1) The City's authorized stormwater representative may require by written notice that a person responsible for an illicit connection to the public stormwater system comply with the requirements of this chapter to eliminate the illicit connection or secure approval for the connection by a specified date.
- (2) If, subsequent to eliminating a connection found to be in violation of this chapter, the responsible person can demonstrate that an illicit discharge will no longer occur, that person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

8.530 Requirement to Remediate

- (1) Whenever the City finds that a discharge of pollutants is taking place or has taken place which will result in or has resulted in pollution of stormwater or the public stormwater system, the City's authorized stormwater representative may require by written notice to the responsible person that the pollution be remediated and the affected property restored, to the requirements of this Chapter.

8.532 Requirement to Monitor and Analyze

- (1) Whenever the City's authorized stormwater representative determines that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution or illicit discharges to the public stormwater system, the City's authorized stormwater representative may, by written notice, order that such person undertake such monitoring activities and/or analyses and furnish such reports as the City's authorized stormwater representative may deem necessary to demonstrate compliance with this chapter. The written notice shall be served either in person or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order.

8.534 Erosion Prevention and Sediment Control

- (1) Any person performing construction work in the city shall comply with the provisions of this chapter and shall provide and maintain erosion and sediment controls that prevent discharges of pollutants to the public stormwater system. Any person performing construction work in the city shall comply with the City's Public Works Standards which establishes standards and guidelines for implementing Best Management Practices designed to provide erosion prevention and sediment control from construction sites.
- (2) The City's authorized stormwater representative may make periodic inspections to ensure compliance with the requirements of the Public Works Standards.

8.536 Stormwater - Violation

- (1) Any person violating any of the terms of this Section shall upon a first conviction thereof, be subject to the violation fine provisions pursuant to City Code Chapter 1.012 of the Wilsonville Code and upon a subsequent conviction thereof, shall be subject to the Class C Misdemeanor fine provisions pursuant to City Code Chapter 1.011. In addition, upon a conviction, a person shall be liable for the costs of prosecution.

8.602 Administrative Enforcement Remedies

(7) Administrative Fines.

(a) When the City finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may fine such User in an amount not to exceed five thousand dollars (~~\$5,000~~2,500). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

8.604 Judicial Enforcement Remedies

(2) Civil Penalties. Any User who has violated or continues to violate the provisions of this Chapter, a wastewater permit, or any order issued hereunder, or any other Pretreatment Standard or Requirement may be liable to the City for a maximum civil penalty of ~~five thousand dollars, five hundred dollars~~ (\$~~5,000~~2,500) per violation per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each business day during the period of this violation.

(3) Criminal Prosecution.

(a) Any User who willfully or negligently violates any provisions of this Chapter, any orders or permits issue hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than ~~\$5,000~~2,500 per violation per day or imprisonment for not more than one year or both.

(b) Any User who knowingly makes any false statement, representations, or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this Chapter, or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than ~~\$5,000~~2,500 per violation per day or imprisonment for not more than one year or both.

(c) Any User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least ~~\$5,000~~2,500 per violation, per day, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(d) In the event of a second conviction, the user shall be punished by a fine not to exceed ~~\$6,000~~~~3,000~~ per violation per day or imprisonment for not more than three (3) years or both.

BUSINESS RECYCLING REQUIREMENTS

8.750 Violations.

A business or business recycling service customer that does not cure a violation within the time specified in the citation may be subject to a fine, pursuant to [City Code Chapter W.C. 1.012](#), of up to \$250.00 for the first violation and up to \$500.00 for subsequent violations in a calendar year

CITY OF WILSONVILLE, OREGON

Industrial Pretreatment Program Enforcement Response Plan

SECTION II. ENFORCEMENT REMEDIES

A. Preliminary Enforcement Contacts

It is of mutual interest to the City and the IU to resolve compliance problems with a minimum of formal coercion. As an aid to the communication process surrounding a formal enforcement action, the City will use the following informal responses:

B. Administrative Enforcement Remedies

Administrative Enforcement Remedies are actions that may be initiated at the City Staff level and are intended to be used as an escalation of enforcement. These enforcement actions are considered “formal” and are to be in a written format.

5. Administrative Fines

Administrative Fine are a monetary penalties assessed by the City’s Public Works Director for violations of pretreatment standards and requirements, violations of the terms and conditions of the discharge permit and/or violations of compliance schedules. Administrative fines are punitive in nature and not related to a specific cost borne by the City. Instead, such fines are intended to recapture the full or partial economic benefit of noncompliance, and to deter future violations. The maximum amount of the fine is ~~\$5,000~~~~2,500~~ for each day that each violation continues.

SECTION III – ASSESSMENT OF ADMINISTRATIVE FINES

A. Base-Penalty Matrix

The following matrix provides a sample of suggested base-penalty (BP) for administrative fines based on the magnitude of the violations. The City should keep in mind that the following suggested fines are not mandatory and should be applied based on the various factors discussed in this section.

Class of Violation	Major	Moderate	Minor
Class I	\$5,000 2,500	\$2,500 1,000	\$1,000 200
Class II	\$2,000 750	\$1,000 500	\$500 200
Class III	\$500 250	\$250 100	\$100 50

[DK6]

B. Maximum/Minimum Fines

No administrative fine, civil or criminal penalty pursuant to this matrix shall be less than ~~\$100~~50. The maximum fine/penalty may not exceed ~~\$5,000~~2,500 per each day per violation.

SECTION VIII. RESPONSIBILITIES OF PERSONNEL

A. POTW Supervisor

The wastewater treatment plant Supervisor is responsible for the overall operation and maintenance of the POTW, including employee safety, and protection of the treatment plant. The Supervisor ~~He~~ is also responsible for compliance with the NPDES permit for wastewater discharge. The Supervisor ~~He~~ has the authority to recommend to discontinue sewer service in emergency situations where there reasonably appears to present an imminent endangerment or substantial endangerment to the health or welfare of persons. The Supervisor ~~He~~ will work under the direction of the Public Works Director.

B. Pretreatment Coordinator (PC)

The City will have a Pretreatment Coordinator who will be an individual thoroughly familiar with the program requirements and responsible for ensuring implementation of the City's pre-treatment program requirements. The Pretreatment Coordinator is also responsible for the administration and implementation of the pretreatment program. The Pretreatment Coordinator will screen monitoring data, do inspections, and detect noncompliance. The Pretreatment Coordinator will be the person typically working with industrial users. The Pretreatment Coordinator is responsible for recommending to the Public Works Director any enforcement action and publishing the annual list of significant noncompliance violators. The Pretreatment Coordinator will also review industrial user reports and make reports of violations. The Pretreatment Coordinator is also responsible to track all actions of enforcement, by establishing time lines and all necessary follow-up and make recommendations to the Public Works Director, City Attorney and City Council for enforcement action. The PC ~~He~~ will work under direction of the Public Works Director.

C. Public Works Director (PWD)

As provided by WC, Section 8.006(58), the Public Works Director is the person designated to supervise and assume responsibility for the overall operations of the City's public works infrastructure, including the POTW, NPDES, permit compliance and the industrial pretreatment program. The PWD is primarily involved in the escalation of enforcement responses and determining administrative fines. The Public Works Director works under the direction of the City Manager and supervises the Pretreatment Coordinator.

D. City Attorney

The City Attorney will be responsible for advising staff and City Council on pretreatment enforcement matters. The Attorney ~~He~~ works under the direction of the City Council. The City Attorney will also be responsible for preparation and implementation of judicial proceedings.

**Entire Chapter 8 of the Code repealed and replaced by Ordinance No. 654 adopted on August 18, 2008.
Section 8.700-8.750 Added by Ordinance No. 664, adopted 6/1/09
Amended by Ordinance No. 689, adopted January 20, 2011 (correct scrivener errors)
Amended by Ordinance No. XXX, adopted November 3, 2014**

Section 3. the City Recorder is directed to conform these amendments to the City's code format and to correct any scrivener's errors.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 20th day of October, 2014, and scheduled for a second reading at a regular meeting of the Council on the 3rd day of November, 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 -

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 6, 2014	Subject: Resolution No. 2489 Acquisition of property interest for Transportation System Plan Project W-4F (Boeckman Road Widening), Bicycle and Pedestrian Master Plan Project R3 (Boeckman Creek Regional Trail), and CIP Project No. 2045 in the City's 2014-15 Adopted Budget (Boeckman Creek Sewer Line Replacement and Frog Pond Expansion) Staff Member: Kristin Retherford Department: Community Development
Action Required <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:
Staff Recommendation: Staff recommends City Council adopt Resolution No. 2489.	
Recommended Language for Motion: Move to approve Resolution No. 2489 and authorizing Option ____ as the acquisition funding strategy.	
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>	
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s)
<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Whether or not to authorize the acquisition of property located at 7550 SW Boeckman Road.

EXECUTIVE SUMMARY:

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

Staff has obtained an appraisal of the property establishing a value of \$550,000 and the owners have provided a separate appraisal establishing a value of \$625,000. Resolution No. 2489 seeks Council authorization to acquire this property per the terms of the Purchase and Sale Agreement attached to the resolution as Exhibit A.

This property acquisition is not identified in the City's fiscal year 2014-15 budget, and a supplementary budget adjustment will be needed. Exhibit A to Resolution No.2489 includes two proposed funding strategies for Council consideration identified as Option A and Option B.

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

EXPECTED RESULTS:

Completed acquisition of property needed for multiple future capital projects.

TIMELINE:

Staff expects to close on this transaction in October 2014, in accordance with the attached Purchase and Sale Agreement.

CURRENT YEAR BUDGET IMPACTS:

This property acquisition is not identified in the City's fiscal year 2014-15 budget and a supplementary budget adjustment is needed in an amount not to exceed \$625,000, to come from funds identified in Option ____ outlined in Exhibit B to Resolution No. 2489.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: ____CAR____ Date: ____9/8/14____

As noted, a supplemental budget adjustment will be needed for appropriations.

LEGAL REVIEW / COMMENT:

Reviewed by: _MEK_____ Date: _9/29/14_____

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

The form of the Resolution for purchasing is approved as to form.

COMMUNITY INVOLVEMENT PROCESS:

N/A

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

Acquisition of the property at this time will prevent the future displacement of residents and the possible need to use condemnation.

ALTERNATIVES:

An alternative is to not acquire this property at this time..

CITY MANAGER COMMENT:

ATTACHMENTS

Resolution No. 2489 with two exhibits

RESOLUTION NO. 2489

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY INTEREST RELATED TO THE PLANNED FUTURE CONSTRUCTION OF ROAD, SEWER AND TRAIL IMPROVEMENTS ON BOECKMAN ROAD EAST OF CANYON CREEK ROAD

WHEREAS, under and by virtue of the laws of the State of Oregon the City of Wilsonville is duly authorized and empowered to acquire such real property as may be deemed necessary and proper for identified public improvements; and

WHEREAS, the City's 2013 Transportation System Plan identifies a road widening project on Boeckman Road between Canyon Creek Road and Wilsonville Road as Project W-4F; and

WHEREAS, this project is included in the Year 2000 Urban Renewal Plan project list and lies within the boundary of the Year 2000 Urban Renewal Area; and

WHEREAS, the City's 2006 Bicycle and Pedestrian Master Plan identifies a future regional trail along Boeckman Creek from Memorial Park north to the Frog Pond area as Project R3; and

WHEREAS, the City's 2014-15 Capital Improvement Budget includes the Boeckman Creek Sewer Line Replacement and Frog Pond Expansion project, Project No. 2045, with funding allocated for design and the preparation of construction documents; and

WHEREAS, while construction of these projects may not occur for some time, when built they will impact the property located at 7550 SW Boeckman Road and identified as Tax Lot 00100 on Tax Map 3S1W13B; and

WHEREAS, the property owners are currently interested in selling the property at this time; and

WHEREAS, it is timely to acquire this property for future project needs as outlined above; and

WHEREAS, staff obtained a professional appraisal of the property in order to determine fair market value and the property owners have likewise provided their own professional appraisal; and

WHEREAS, staff has reviewed both appraisals to a determine fair market value and now therefore seeks authorization to enter into a Purchase and Sale Agreement under the terms set forth in the Purchase and Sale Agreement attached hereto as Exhibit A; and ; and

WHEREAS, this acquisition is not included in the City's 2014-15 adopted budget and a budget adjustment will be needed; and

WHEREAS, staff recommends two options to fund this acquisition: **Option A** and **Option B**, as attached hereto and incorporated herein by reference as **Exhibit B**; and

WHEREAS, **Option A** includes Ninety Three Thousand Seven Hundred Fifty Thousand Dollars (\$93,750) to be funded from Urban Renewal Program Income, which is income received from the sale or rental of property acquired by the Urban Renewal Agency and is not the issuance of new additional debt.

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

1. The acquisition of the entire property located at 7550 SW Boeckman Road and identified as Tax Lot 00100 on Tax Map 3S1W13B is needed and required for the public purpose of constructing Transportation System Plan Project W-4F, for Bicycle and Pedestrian Master Plan Project R3, and CIP Project No. 2045 in the City's 2014-15 Adopted Budget.

2. The property interest is required as a result of the aforementioned public improvements, and the improvements have been planned and located in a manner most compatible with the greatest public good and the least private injury and the property is currently available for a willing sale by the property owners.

3. The City Manager or designee is authorized to execute documents necessary to complete this acquisition as necessary and customary in real estate transactions.

4. City Council authorizes staff to fund this acquisition based on Option ____ as outlined in **Exhibit B** attached hereto.

5. This resolution is effective upon adoption.

ADOPTED by the City of Wilsonville at a regular meeting thereof this 6th day of October, 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 ~ Purchase and Sale Agreement
Exhibit B ~ Funding Options

Campbell Property Acquisition

Proposed Funding Strategy

September 15, 2014

Pending purchase price: \$625,000

Option A

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

Option B

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

PURCHASE AND SALE AGREEMENT

Sellers: Robert S. Campbell and
Joyce M. Campbell

Buyer: City of Wilsonville, Oregon
29799 SW Town Center Loop East
Wilsonville OR 97070

Dated: August _____, 2014

1. **Purchase and Sale.** Sellers desire to sell to Buyer, and Buyer desires to purchase from Sellers, the improved real property consisting of an approximately 2,818 square foot home and approximately 2.24 acres of land, legally described on **Exhibit A**, attached hereto and incorporated by reference herein (the "Property").
2. **Purchase Price.** Subject to verification by appraisal during the Due Diligence Period, set forth below, the Purchase Price for the Property will be Six Hundred Twenty-Five Thousand Dollars (\$625,000). The Purchase Price includes all improvements on the Property and all fixtures contained therein, excluding only those items described in paragraph ____.
3. **Title Report.** Chicago Title (the "Escrow Agent") has prepared a preliminary title report (the "Preliminary Report") for the Property, dated August 8, 2014. Sellers agree to convey the Property to Buyer subject only to the following exceptions, as described in the Preliminary Report: _____ ("Permitted Exceptions"). All other title exceptions will be removed by Sellers prior to the Closing Date (defined below).
4. **Purchase Contingencies.** The purchase of the Property is contingent upon the Due Diligence items listed in Paragraph 6.
5. **Personal Property.** Sellers shall be entitled to remove the kitchen range and a light fixture in the bathroom as long as Sellers replace the range with a new fully-functioning unit and the light fixture with a similar new light fixture on or before the Closing Date. Sellers shall also be entitled to remove the _____ pots.
6. **Due Diligence.** Within forty-five (45) days of the date that both parties sign this Agreement ("Due Diligence Period"), Buyer shall have the right to enter the Property, upon reasonable notice to Sellers and as necessary, to conduct the following "Due Diligence":
 - (a) Buyer shall be entitled to conduct a Phase 1 environmental assessment of the Property and, if recommended by the Phase 1, then a Phase 2 follow-up study. If a Phase 2 is

recommended, the Due Diligence Period will be extended to ninety (90) days. Sellers will be entitled to a copy of the Phase 1 report and the Phase 2 report, if a Phase 2 report is generated.

(b) Buyer shall be entitled to survey the Property. A copy of the survey will be provided to Sellers.

(c) Buyer has conducted a home and outbuilding inspection of the Property. A copy of the inspection report will be provided to Sellers. Buyer hereby accepts the report, subject to Sellers making the repairs described therein, in accordance with (f) below.

(d) Buyer shall be entitled to conduct a sewer line inspection. A copy of the inspection report will be provided to Sellers.

(e) Sellers shall complete the statutory Sellers' Property Disclosure statement, attached hereto as **Exhibit B**, and provide it to Buyer within three (3) days of the date hereof so that it may be utilized by the various inspectors performing their inspections.

(f) Sellers shall repair all items noted for repair in the home inspection report.

If Buyer is satisfied with the results of all of the Due Diligence items listed above, Buyer will pay Earnest Money in the amount of Five Thousand Dollars (\$5,000) to the Escrow Agent within three (3) business days of Buyer's acceptance of Due Diligence results, excepting completion of repairs referenced in (f), above. The Escrow Agent will hold the Earnest Money until the completion of the repair items referenced in (f). Once the repair items are completed to Buyer's reasonable satisfaction, the Earnest Money payment will be released to the Sellers by the Escrow Agent. If Buyer fails to pay the Earnest Money within three (3) business days of the expiration of the Due Diligence Period, this Agreement will terminate without liability to either party, except the Buyer will be required to restore the Property to its pre-inspection condition, if Buyer has not already done so.

7. Other Conditions Precedent to Purchase. Sellers shall have until the Closing Date to cause the extinguishment of all title exceptions, other than the Permitted Exceptions. Permitted Exceptions include only the following exceptions shown on the Preliminary Report, dated August 8, 2014 (Order No. 472514518732TO-CTOR) (Customer No. CAMPBELL SALE): 9, 10, 11, 12, 13, 14, 15, and 16. No other exceptions will be permitted.

8. Representations and Warranties. Sellers represent and warrant to Buyer that:

(a) The Property is not in violation of any agreements, covenants, conditions, or restrictions affecting the Property.

(b) Sellers have received no notice from any governmental agency having jurisdiction in the matter of any violation of any statute, law, ordinance, deed restriction, or rules or regulations with respect to the existence, construction, maintenance, or operation of the Property.

(c) Neither Seller is a foreign person within the meaning of Section 1445 of the Internal Revenue Code of 1986 and, at Closing, Sellers shall deliver a certification to this effect to Buyer.

(d) There are no material hidden or latent defects that exist in or on the Property.

(e) There are no underground storage tanks located on the Property. Sellers have no knowledge of any underground storage tank that was located on the Property but has been removed, unless otherwise set forth in Sellers' Property Disclosure statement.

(f) During Sellers' ownership of the Property there have been no releases, disposals, or burials of any Hazardous Substance on the Property and Sellers know of no prior release, disposal, or burial of any Hazardous Substance on the Property. As used herein "Hazardous Substance" shall mean any and all substances defined or designated as hazardous, toxic, radioactive, dangerous, or regulated wastes or materials, or any other similar term in or under any applicable Environmental Laws. Hazardous Substance shall also include fuels, petroleum, and petroleum-derived products. "Environmental Laws" shall mean any and all federal, State of Oregon, and local laws, regulations, rules, permit terms, codes, and ordinances now or hereafter in effect, as the same may be amended from time to time, and applicable decision law, which govern materials, substances, regulated wastes, emissions, pollutants, animals or plants, noise, or products and/or relate to the protection of health, natural resources, safety, or the environment.

(g) There are no actions, claims, or proceedings pending or, to Sellers' knowledge, threatened by any party against Sellers in connection with the Property or against the Property, nor to Sellers' knowledge is there any basis for any such action or proceeding.

(h) At the Closing Date, there will be no unpaid or deferred property taxes (including but not limited to deferred farm or forest).

(i) Sellers have the legal power, right, and authority to enter into this Agreement and to consummate the transactions contemplated herein. The individuals executing this instrument on behalf of Sellers have the legal power, right, and actual authority to bind Sellers to the terms and conditions of this Agreement.

(j) The foregoing representations and warranties are true and correct as of the date of this Agreement and shall be true and correct at Closing. These representations and warranties shall survive the Closing and be fully enforceable thereafter.

9. Closing, Escrow, Prorates. If the Purchase Contingencies set forth in Paragraph 4 above have been timely satisfied or waived, the purchase and sale of the Property shall close no later than _____, 2014 ("Closing Date"). The purchase of the Property shall be closed in escrow by the Escrow Agent. Prior to the Closing Date, each party will deposit with the Escrow Agent the funds, documents, and instructions necessary for Closing. The cost of the escrow shall be shared by Buyer and Sellers. Current real property taxes on the Property will be prorated between the parties as of the Closing Date. Sellers shall pay all deferred taxes. Buyer

shall be entitled to possession of the Property on the Closing Date. Sellers will provide Buyer with a Statutory Warranty Deed and will purchase an Owner's Extended Policy of Title Insurance, with Buyer as the insured. Sellers shall only be required to pay the cost of a standard title insurance policy, and the Escrow Agent will charge the additional premium for extended coverage to Buyer. The Escrow Agent shall collect and pay all taxes at Closing.

10. Broker. The parties represent and warrant to one another that no real estate broker has been involved in this transaction. Should any party claim a brokerage interest in this transaction, the party against whom such a claim is asserted as being due and owing shall defend and indemnify the other party from any such claim.

11. Full Payment. Sellers acknowledge that the Purchase Price is just and full compensation for this transaction and that the Purchase Price is based upon an appraisal performed by an appraiser retained by Sellers, which was higher than the appraisal obtained by Buyer.

12. Default.

(a) Should Buyer default in the performance of this Agreement and fail to close, Sellers shall be entitled to retain the Option Fee or Option Fees already paid to Sellers.

(b) Should Sellers default in the performance of this Agreement, Buyer shall be entitled to sue for specific performance of this Agreement or to recover the Option Fee(s) paid and Buyer's actual damages that have occurred as a result of Sellers' failure to perform, including all Due Diligence costs, all application fees and staff time spent on the County approval process, legal fees, and consultant fees associated with the Due Diligence, the County application, and Sellers' default.

13. Lease Back. Buyers may elect, on or before September 15, 2014, whether or not they wish to lease the Property back for a period from one (1) to six (6) months. Rent shall be \$1,400 per month and will be collected by the Escrow Agent at Closing. Should Sellers elect to move out sooner than the time period elected, Sellers may do so at the end of any thirty (30) day period, and Buyer will refund the rent paid for the duration of the lease period, less any amounts required to repair damage, in accordance with the terms of the lease agreement. A lease agreement will be provided to Sellers for review if Sellers determine they would like to exercise this option.

14. General and Miscellaneous Provisions.

(a) **Prior Agreements.** This instrument is the entire, final, and complete agreement of the parties pertaining to the sale and purchase of the Property, and supersedes and replaces all written and oral agreements heretofore made or existing by and between the parties or their representatives insofar as the Property is concerned. Neither party shall be bound by any promises, representations, or agreements, except as are herein expressly set forth.

(b) **Time is of the Essence.** Time is expressly made of the essence of each provision of this Agreement.

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

(d) **Attorney Fees and Costs.** In the event legal action is commenced in connection with this Agreement, the prevailing party in such action shall be entitled to recover its reasonable attorney fees and costs incurred therein.

(e) **Nonwaiver.** Failure by either party at any time to require performance by the other party of any of the provisions hereof 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.

(f) **No Merger.** The obligations set forth in this Agreement shall not merge with the transfer or conveyance of title to any party of the Property but shall remain in effect until fulfilled.

(g) **Amendments.** This Agreement may be amended, modified, or extended without new consideration, but only by written instrument executed by both parties.

(h) **Governing Law.** This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon.

(i) **Attorneys Fees.** In the event of a suit, action, arbitration, or other proceeding of any nature whatsoever, including, without limitation, any proceeding under the U.S. Bankruptcy Code, instituted to interpret or enforce any provision of this Agreement, or with respect to any dispute relating to this Agreement, including, without limitation, any action in which a declaration of rights is sought or an action for rescission, the prevailing party shall be entitled to recover from the losing party its reasonable attorneys, paralegals, accountants, and other experts fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the judge or arbitrator at trial or arbitration, as the case may be, or on any appeal or review, in addition to all other amounts provided by law. This provision shall cover costs and attorneys fees related to or with respect to proceedings in Federal Bankruptcy Courts, including those related to issues unique to bankruptcy law.

(j) **Severability.** If any portion of this Agreement shall be invalid or unenforceable to any extent, the validity of the remaining provisions shall not be affected thereby.

(k) **Counting of Days.** 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. The last day of the period so computed shall be included, unless it is a Saturday,

Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday.

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

(m) **Recording.** Upon request of either party, the parties shall execute, in a form sufficient for recording, a memorandum of this Agreement, which may be recorded at the expense of the party requesting the same.

(n) **Binding Effect.** The covenants, conditions, and terms of this Agreement shall extend to and be binding upon and inure to the benefit of the heirs, personal representatives, successors, and assigns of the parties hereto.

(o) **Execution in Counterparts.** This Agreement may be executed in any number of counterparts and by different parties hereto on separate counterparts, each of which counterparts, when so executed and delivered, shall be deemed to be an original and all of which counterparts, taken together, shall constitute but one and the same Agreement.

15. Zoning and Land Use. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

16. Authority. This Purchase and Sale Agreement is subject to final authorization and approval by the City Council of the City of Wilsonville.

SELLERS:

BUYER:

CITY OF WILSONVILLE, a municipal
corporation of the State of Oregon

By: _____

Bryan Cosgrove
As Its: City Manager

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

CITY COUNCIL MEETING INFORMATION ITEM

Wilsonville Community Sharing – Renter Assistance Program

Meeting Date: October 20, 2014
Report Date: October 10, 2014
Source of Item: Finance

Contact: Cathy Rodocker
Contact Telephone Number: 503-570-1524
Contact E-Mail: rodocker@ci.wilsonville.or.us

THERE IS NO RECOMMENDATION, THIS IS AN INFORMATION ITEM.

BACKGROUND:

The City provides \$4,000 per quarter to Wilsonville Community Sharing for financial aid to Wilsonville tenants in need of assistance with their utilities. Prior to July 2011 the assistance was limited to just city utilities, so most tenants could only receive assistance if landlords paying the utilities passed the assistance through to the tenants. In July 2011 the program was expanded to include electric, gas, as well as city provided services. Of the \$4,000 quarterly assistance up to \$1,000 can be used for administrative costs.

ANALYSIS:

As a condition of the utility assistance program grant, WCS has provided the following information regarding the distribution of funds received. The reports are reported quarterly to Council.

Table 1 – Quarterly Assistance Summary

Assistance Type	September 2012	December 2012	March 2013	June 2013	Total FY2013	September 2013	December 2013	March 2014	June 2014	Total FY2014	September 2014
Electricity	\$ 6,095	\$ 4,011	\$ 3,900	\$ 2,100	\$ 26,714	\$ 3,346	\$ 4,588	\$ 9,265	\$ 4,350	\$ 48,263	\$ 5,400
Gas	-	-	-	-	\$ 150	-	-	150	-	\$ 300	-
City Utilities	205	189	250	277	\$ 1,563	254	-	335	-	\$ 2,152	-
Total	\$ 6,300	\$ 4,200	\$ 4,150	\$ 2,377	\$ 17,027	\$ 3,600	\$ 4,588	\$ 9,750	\$ 4,350	\$ 22,288	\$ 5,400
Households Assisted	23	21	30	16	133	12	16	33	15	209	18
Individuals Assisted	37	66	85	44	338	34	43	80	44	539	45

Table 1 shows that the amount of assistance provided during the quarter ending September 30, 2014 has again exceeded the amount of assistance provided by the City of Wilsonville. In total during the first quarter of the fiscal year, 18 households received an average utility assistance of \$300.

IMPACT ON CITY RESOURCES:

The current fiscal year's budget includes \$16,000 in funding for the renter's assistance program.

POLICY ISSUES / COUNCIL GOALS

None

Monthly Report

COMMUNITY DEVELOPMENT DEPARTMENT

SEPTEMBER 2014

FROM THE DIRECTOR'S OFFICE

We are close to wrapping up the Stormwater Rate Study and obtaining direction from City Council that will lead to a plan to start stabilizing the fund.

Our Morey's Landing project and the Memorial Park Parking Lot have received awards from the American Public Works Association (APWA) Oregon Chapter. The projects will be recognized at the upcoming fall conference in Pendleton.

In September, we saw significant progress on the Frog Pond concept plan project. Scenarios have been shaped for land use and transportation that will be shared with the public and our decision makers for mixing and matching to fine tune a favorite. Thanks to Chris and his staff and the consultants!

I am working with Jen Massa Smith on early prep for the upcoming RTO (Regional Travel Options) grant applications. In addition to SMART's applications, CD may partner with Tualatin for bicycle signage around town that will let the community know distances to destinations (how close they really are!).

We will be welcoming Amanda Bateschell to our department as the new Long Range Planning Manager in early November.

We are studying the Urban Growth Report that the Metro Council will be asked to accept in December. It will be important for the City of Wilsonville to weigh in on what our staff and the City Council believe are areas of concern that impact our community's future plans.

Happy Harvest! Nancy Kraushaar, PE

Building Department

Single Family Dwelling Permits YTD: 191

Major Projects Under Review:

Calais grading
Chrysler dealership
DW Fritz—Phase IV
Lenza Eye Care T.I.
OIT office remodel
Red Robin remodel
VB RP4 Park shelter

Temporary or Certificates of Occupancy Issued:

MPJ Mobility, 9770 SW Wilsonville Road
Nature's Pet, 9740 SW Wilsonville Road
West Chiropractic, 30485 SW Boones Ferry Road



The Human Bean

Engineering Division, Capital Projects

Kinsman Road (4004): Environmental permits are being delayed by multiple requests from the review agencies for additional mitigation features.

Barber Street Extension (4116): Cascade Bridge will begin work in early October. Construction will take approximately 14 months.

Canyon Creek Road Extension (4184): Construction is proceeding well, on schedule and within budget. Vlahos Drive, from Courtside to Town Center Loop, is expected to reopen on Oct. 10, with the remainder of Canyon Creek Road expected to open in early November.

Street Maintenance (4014): The 2014 program is complete, with the exception of a new striping plan for Town Center Loop East. The plan is to re-stripe this road section from a two lane configuration to a one lane configuration with bike lanes.

Transit ADA Improvements (8104): Bids were received, and a contract awarded to Lee Contractors for \$34,000. Construction will begin in mid October.

Water Treatment Plant Tracer Study (1111): Approval of the high flow (15 MGD) chlorine tracer study was received from the Oregon Health Authority (OHA) giving the City a permanent increase in production from 9.6 MGD to 15 MGD.

Waste Water Treatment Plant Outfall Repair (2095): Pending Council approval of the contract on October 6th, the contractor is mobilized to begin work immediately to install the pipe repair, which must be completed before October 31st to meet the mandated in-water-work-period for the Willamette River.

5-year Capital Budget: The Draft 5-year CIP is being prepared for a November 3rd Work Session presentation.

Engineering Division, Private Development

Construction remains on-going at **Villebois Tonquin Meadows, Tonquin Woods 6 & 7 and Calais** subdivisions. The Costa Circle / Villebois Drive connection to Boeckman roundabout is expected to open Oct. 31.

A Public Works Permit has been issued to **Lennar Homes** for construction of a 27-lot, single family residential project in Brenchley North on Parkway Avenue.

A Public Works Permit has been issued for the **Fox Center Townhomes** project on Willamette Way East. This project has had some financing issues and has not progressed as fast as we or citizens would have liked. We hope it proceeds smoothly from here.

Engineering work at **Republic Services Expansion** and **Chrysler** is expected to wrap up soon.

Planning Division, Current

On September 8th DRB Panel 'A' voted to approve Resolution 290 for development of twenty five (25) single family detached row houses located at SW Villebois Drive South and SW Barber Street, Villebois Center No. 1. The project is named **Carvalho & Sevilles**. RCS – Villebois Development LLC, Owner. Application Numbers: DB014-0050 - 56. Staff: Blaise Edmonds.



SW Villebois South Officers Row

PROPOSED CARVALHOS ROW HOUSES

On September 22nd DRB Panel 'B' voted to approve Resolution 291, for proposed signs identifying the **Portera at the Grove Apartments** located at SW Parkway Avenue. Branchley Estates Partners Phase 3 LP/ CRP and Holland Branchley Estates II LP, Owners. Application Number: DB014-0053. Staff: Mike Wheeler.

Planning Division, Long Range

Frog Pond Area Plan: The Frog Pond Area Plan will establish the vision for the 500-acre Frog Pond area and define expectations for the type of community it will be in the future. Since March, the project team has been analyzing the site, writing technical memoranda, and gearing up for the public review of the draft alternatives evaluation summary and public open house which is scheduled for October 16, 2014 at 5:30-8:00 PM in the City Council Chambers.

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

Basalt Creek Concept Plan: Following the most recent round of individual Council meetings on the project (September, 2014), the consultant team is working with staff to create the best case scenario accompanied by a detailed infrastructure analysis in preparation for the next joint Council meeting on December 2, 2014.

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

Coffee Creek Industrial Area Form Based Code and Pattern Book: New tasks have been added to the scope of work to thoroughly apply the new tools to a variety of real world scenarios. A specific task was created to "road test" the code and pattern book, as well as the addition of 3-D renderings. These new tasks will assist decision makers in evaluating the overall project and should go a long way toward ensuring thoughtful outcomes. The project timeline has been extended due to the scope modifications taking the project into next year (2015) for final review. (Continued on next page)

Planning Division, Long Range, cont'd

An online survey has been created and posted on the Coffee Creek project web page to solicit input from citizens on the project.

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

Economic Development Division

September economic development activity included ongoing retention/expansion work with two Wilsonville companies and a business outreach meeting to Portland Millwork. One business recruitment response was prepared and submitted to Business Oregon.

Staff began participation in the Washington County Industrial Lands project, which will analyze three areas in the Coffee Creek Industrial Area. This work is part of the Council goal to facilitate development in the Coffee Creek area. Additionally, staff participated in a regional industrial site readiness update led by the Port of Portland.

In September, the TIF Zone revision process has been completed and documents sent to respective counties. Additionally, the Urban Renewal Task Force convened for a final meeting. Staff is currently in the process of updating the urban renewal strategy recommendation document for presentation to Council in October.

Kristin Retherford, Economic Development Manager.



Patrick Duke
Library Director

LIBRARY BOARD

Reggie Gaines
Chair

**Megan
Chuinard**

Caroline Berry

Hilly Alexander

Alan Steiger

Wilsonville Public Library Monthly Report to Council October 2014

Headlines:

- **How to Write a Novel in 30 Days** kicks off National Novel Writing Month on **October 30th** at 6pm.
- **The Wilsonville Library Playgroup**, a new weekly program for preschoolers now meets each **Monday Morning** from **9:30am to 11am** in the **Oak Room**.
- **The Library is now a Community Partner of the South Metro-Salem STEM Partnership.**
- **Library Board meeting. October 22nd, 6:30pm** at the Library

September Statistics

- **Physical item circulation: 38,031** items checked out or renewed, down 6%.
- **E-book and downloadable audiobook circulation 1,558**, up 19% from last year.
- **Volunteer hours donated to the library: 965**
- **Current enrollment in Dolly Parton's Imagination Library: 561**, 43% of WV preschoolers

Adult Services

- September adult programming attendance: **213**

Upcoming Programming (not mentioned above):

- **Book Club: *Immortal Life of Henrietta Lacks* by Rebecca Sloat**
Discuss this on **November 13th**, 6pm
- **Genealogy Club. November 17th, 1:00 pm - 2:30 pm**
- **BookNotes Concert Series: *Midnight Serenaders* on Saturday November 8th at 2pm.**
- **The Great Books Discussion Group meets on November 19th at 4pm. This month: *Iphigeneia at Aulis* by Euripides**
- **Knit and Spin, every Tuesday, 6pm**
- **First Friday Films: *A Most Wanted Man* on November 7th at 6pm.**
- **History Pub at Mc Menamins: *The Vexed Question: where is Drake's Bay?* Tuesday, October 28th. Doors open at 5pm.**
- **Literature Classes: Fiction of F. Scott Fitzgerald continues through November 19th.**

Youth Services

- August Youth Services programming attendance was **2,299**

Upcoming Programming

- **Storytime and other preschool programming:**

This year's weekly schedule:

Wilsonville Playgroup

Monday, 9:30am

Toddler Time

Tuesdays 10 am

Babytime

Tuesdays 11 am

Family Storytime

Tuesday 6:30 pm

Wednesday 10:30 am,
and 1:00 pm

Thursday 10:30 am

Read to the Dogs

Call for appointment

503-570-1599

Bilingual Storytime

Monday 5:30pm

School age programming
each month.

- **11th Annual Teen Murder Mystery Night, October 24 6:30 PM - 8:30 PM**
- **K-2 Book Adventures** celebrates **Mo Willems** on **November 20th**

Other Services

- **Cultural Passes** are available for the: Portland Art Museum; Evergreen Aviation and Space Museum; Crystal Springs Rhododendron Garden; Pittock Mansion; Lu Su Chinese Garden; and the Portland Japanese Garden
- **Online Services** include 40 online databases and services and thousands of downloadable e-books and audiobooks.

See more events and services at www.wilsonvillelibrary.org

Library support groups

Wilsonville Friends of the Library:

The Friends have \$20,854.07 in the bank as of August 31, 2014. *Twice Sold Tales* bookstore income for August 2014: \$2,450.84. The Friends are beginning to work with an online bookseller called Better World Books, who will take Friends discards (which are usually given away) and give the Friends 10% of any sales. The Friends are hoping for additional income.

Wilsonville Public Library Foundation:

The Foundation has \$133,580.89 in assets, including \$97,669.33 in its endowment with the Oregon Community Foundation. The Foundation is deep in planning for its October 11th Annual Dinner and Auction.

Parks and Recreation

September 2014 Report



Recreation Program Updates

Oktoberfest

The holiday season was kicked off with a festive Oktoberfest celebration on Thursday, September 23rd. The Community Center's chefs served up a feast that included: kielbasa, cabbage, potato salad and apple dumplings. The 70 seniors that attended also enjoyed the accordion play of musician Laverne Morris. The next special lunch will be a Halloween Party on Friday, October 31st. Acorn squash soup, corn bread and spooky desserts are on the menu and costumes are encouraged!



Soccer Shots Kicks Off

On Saturday, September 13th, the fall session of Soccer Shots got underway. 13 participants ranging from 3 to 5 years old began the introduction to soccer class in Memorial Park. Parks and Recreation will also be offering two Soccer Shots Winter Skills Camps over the holiday break. The two-day programs will run from 9am to noon at Boones Ferry Primary.

Ukulele Workshop



Ukulele player and I-5 Connection member, Marshall Watkins, hosted the Center's first ever Ukulele Workshop on Tuesday, September 16th with 21 participants in attendance. Marshall has agreed to offer a second free workshop at the Community Center on Tuesday, October 14th from 10:00 am to noon where participants will learn to play several songs on this delightful instrument. Previous musical experience is not necessary so put on your aloha shirt, grab your GCEA tuned 'Uke' and join the group. Materials will be provided and a few instruments will be available.

Tai Chi Studies Show Beneficial Results



Tai Chi classes at the Center continue to grow in popularity and multiple national studies are showing there are tremendous benefits to participating. The Oregon Research Institute found that, after 6 months, Tai Chi participants were twice as likely to have no trouble performing moderate to rigorous activities as nonparticipants. The benefit was greatest among those who started with the poorest health or worst function. Other research has shown a reduction in falls among people who do Tai Chi. Additionally, two studies sponsored by the National Institute on Aging found that Tai Chi exercises cut the fear of falling and risk of falls among older people.

Parks and Recreation

Parks Maintenance Update

September Project and Maintenance Highlights:

- Successful completion of Farmer's Market preparation and clean-up
- Cleaned out and itemized storage cage at the Maintenance Barn
- Cleaned out and organized Maintenance Barn
- Cleaned out and addressed issues with restroom storage areas
- Repaired damaged benches at Memorial Park
- Pruned and removed understory vegetation at the Dog Park
- Removed broken skateboards from Memorial Park lift station
- Replaced lights at basketball, tennis, and pickleball courts
- Pressure washed dock and ramp
- Continued emphasis on safety training with seasonal & full time staff
- Sprayed and removed holly & ivy after goats were utilized in Memorial Park
- Removed cement posts from upper picnic table site in Memorial Park to reduce vagary
- Installed no swimming/fishing signage at transient dock on Willamette River
- Repaired horseshoe pit following damage from River Shelter renter
- Painted fence at Daydream trail
- Removed invasive and toxic species (Spurge Laurel) at Water Treatment Plant
- Continued pruning to increase irrigation efficiency and for improved safety



Recently pruned trees in Memorial Park

Upcoming Events and Programs

- * Fall Harvest Festival: Saturday, October 18th from 9:30am to 11:30am. Stein-Boozier Barn.
- * Reindeer Romp 5K Fun Run and Kids Dash: Saturday, December 6th at 8:45am. Town Center Park.
- * Holiday Fun Fest: Wednesday, December 17th from 4:00pm to 6:00pm. Community Center.



Public Works

September 2014

Miley Road Sink Hole

Roads

Crews were alerted of a possible sink hole located in the north ditch line of Miley Road near Charbonneau. Understanding that Miley Road is the responsibility of Clackamas County, City staff still responded due to the concern for the safety of the public.

Once crews located the sink hole, cones and caution tape were distributed to secure the area. The hole at the surface measured approximately 8" wide by 14" long but after further investigation the hole was at least four feet deep and extended under the road, well past the fog line. After the area was secured, staff contacted the Clackamas County Roads department and reported the issue as a possible emergency. Clackamas County had the hole filled by the end of the business day and will return later to further investigate.



Charbonneau Tree Branch

Roads

An Oak tree branch fell on a house in Charbonneau causing some damage to the house. The cause of the limb breaking off is probably due to a symptom called summer limb drop. Summer limb drop occurs when a tree draws up a tremendous amount of water during hot summer days, and then it will release the moisture through its leaves. If the air temperature cools off too quickly and the tree hasn't had a chance to shed some of that moisture the "phenomenal weight" of the water can bust a limb.



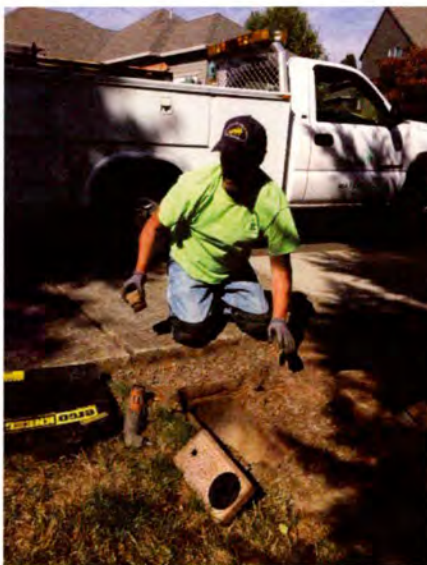
IN THIS ISSUE

- 1 Roads: Sinkhole & Tree Hazard**
- 2 Utilities: Water, Sewer & Storm Water**
- 3 Facilities & Landscape: WES Pathway**

Utilities

Water

The water distribution crew concentrated on several key areas in September, including hydrant maintenance and changing out water meter heads. The division also completed its annual survey of the Impressed Current Cathodic Protection System (ICCPs), which protects the City's steel pipelines and reservoirs from corrosion, induced by the surrounding soil. New alarm configurations were also added to the Elligsen Booster Station, which will eliminate nuisance alarms and increase reliability.



Utilities

Sewer & Storm Water

In September, the vacator crew shifted exclusively to cleaning catch basins, while performing condition assessments and maintenance along the way. If the weather remains mild, the crew should be on schedule to clean approximately 20% more catch basins this year than last year.



FACILITIES & LANDSCAPE

WES Pathway

Facility landscape crews had been watching a trail slowly being worn into the lawn area adjacent to the WES break room. Once the pathway became so worn it became bare ground, Sr. Utility Worker Robb Rollins recommended the installation of a concrete pathway to provide a reliable walk surface for the public. Through a joint effort between facility crews and contracted services, a four foot wide pathway was placed just in time for the beginning of rainy season. The pathway was constructed to meet current ADA standards and provides pedestrians a more direct, safe and clean route to and from the WES Commuter Rail Station.

BEFORE



AFTER



Director's Report

SMART will soon be doing more to implement federal requirements of the Americans with Disabilities Act (ADA). The ADA was enacted in 1990 to give people with disabilities equal access and opportunities. When most people think about the ADA, they think of such things as sidewalk ramps at intersections, or accessible restrooms. For transit agencies, ADA compliance includes those things and a lot more.

First, public transit agencies that provide fixed routes for passengers, such as the five different routes that SMART uses to move people around inside the city limits of Wilsonville, are required to provide complementary paratransit services (Dial-a-Ride for ADA-qualified passengers) within $\frac{3}{4}$ -mile of each of those fixed routes. That covers just about all of the community.

Because people with disabilities may ride in any of our vehicles, SMART makes sure that all of our passenger-carrying buses and vans have wheelchair lifts that are fully operational. This includes our fixed route and commuter route buses as well as our Dial-a-Ride vehicles.

SMART makes sure that our buildings (we only have two buildings, and they were both built in the last few years) are fully ADA compliant. Also, working with the City's Engineering Division, SMART is completing more than 20 small sidewalk improvement projects around Wilsonville, all of which are intended to help people move between sidewalks and buses at bus stops. Those access enhancements should be complete before Thanksgiving.

As a result of the Triennial Review process performed by the Federal Transit Administration, SMART has been instructed to implement a more strict screening process for ADA passengers. This will include a re-certification process for the 130 people who are currently considered to be ADA-qualified in SMART's records, and will also include a screening process for passengers who want to be included among the ADA-qualified. Passengers wanting to use SMART's Dial-a-Ride services who are not ADA-qualified will find that they have a lower priority for booking rides than those who are ADA-qualified. For this reason, we will strongly encourage anyone who feels they are ADA-qualified to go through the screening process.

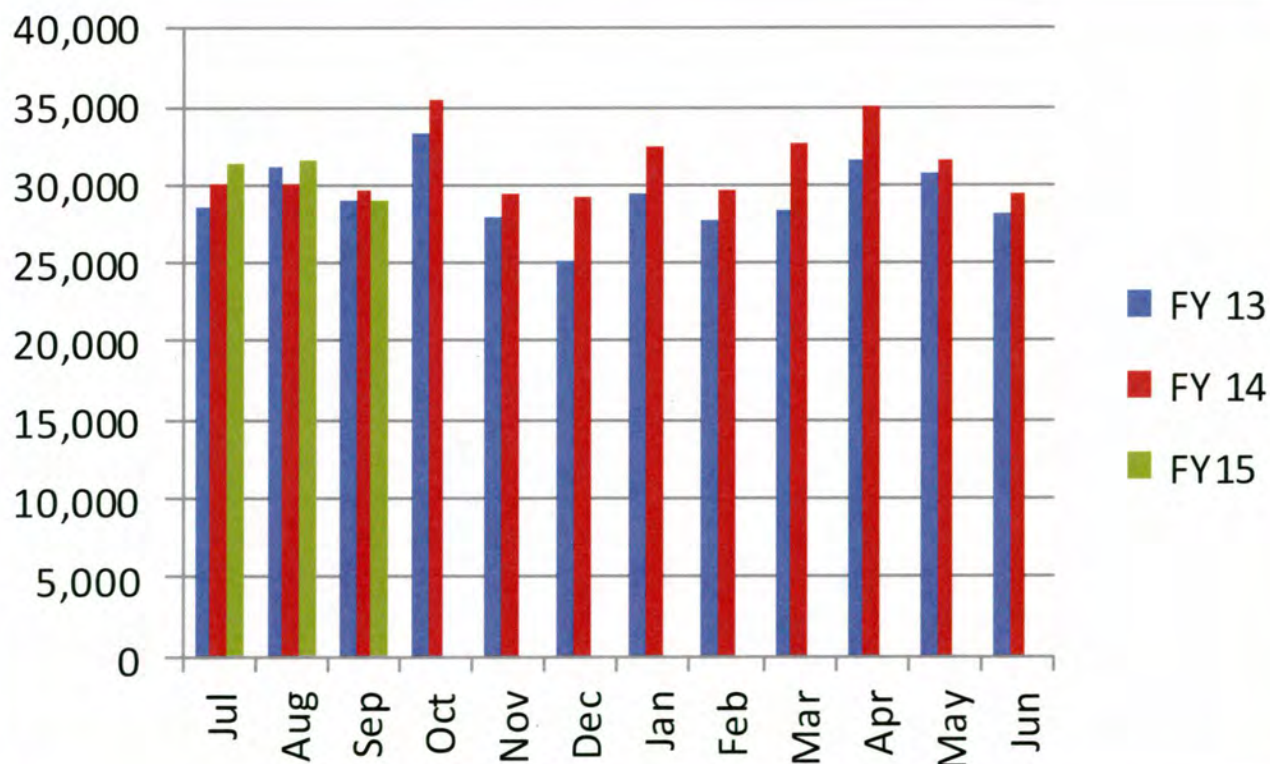
Stephan Lashbrook

September Operations Report

August monthly ridership figures were not available when the report went out. Since then, we can report that ridership exceeded last year's counts by over 1,600, or 5.4%. For September, we experienced a drop from the previous year of 2.3% or 690 riders. For the 1st quarter however, ridership is up 2,263 or 2.5% over the last year's record ridership. Most routes have shown modest increases only, with one or two showing slight decreases.

Routes 8X express to/from Beaverton and 9X to downtown Portland continue to register disappointing ridership. Although these pilot trips were specifically designed for both Stream and OIT, employees and students have failed to use this service as we expected. The second pilot year will demonstrate if this service will continue beyond the fiscal year. It is interesting to note that even with OIT not in session, over 100 passengers rode the service throughout the summer.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 13	28,511	31,067	29,066	33,326	28,027	25,199	29,525	27,812	28,356	31,492	30,776	28,217	351,374
FY 14	30,094	30,024	29,661	35,481	29,342	29,216	32,432	29,551	32,645	35,010	31,581	29,371	374,408
FY15	31,421	31,650	28,971										92,042



Bicycle & Pedestrian Documentation Project

One of the greatest challenges facing the bicycle and pedestrian field is the lack of documentation on usage and demand. Without accurate and consistent demand and usage figures, it is difficult to measure the positive benefits of investments in these modes, especially when compared to the other transportation modes such as the private automobile.

An answer to this need for data is the National Bicycle & Pedestrian Documentation Project, co-sponsored by and Alta Planning and Design and the Institute of Transportation Engineers (ITE) Pedestrian and Bicycle Council. This nationwide effort provides consistent model of data collection and ongoing data for use by planners, governments, and bicycle and pedestrian professionals.



**30 Volunteers helped
count trail and path use in
Wilsonville this Year!**
Look for details in your November report...



Once a year, SMART opens the doors for a unique training opportunity for local **"Guide Dogs for the Blind"**. These kind and intelligent pups are in training to become certified guide dogs and part of their training experience includes becoming familiar with traveling on buses and trains.



www.guidedogs.com

Did You Know?

Walk SMART participants reported logging over 1 million steps in September.

At an average of 2,000 steps per mile, that's the equivalent of someone walking from Wilsonville to La Grande and back!

RideSmart.com/walksmart

Contact Us

Stephan Lashbrook

Transit Director

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Steve Allen

Operations Manager

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Scott Simonton

Fleet Manager

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Jen Massa Smith

Program Manager

503-682-4523

Massa@ridesmart.com

Coffee Creek Industrial Area Form-Based Code Open House

Wilsonville City Hall
29799 SW Town Center Loop E

Thursday, October 30, 2014
4:00 - 7:00 p.m.

The City of Wilsonville is working on an innovative Light Industrial Form-based Code & Pattern Book that could help implement the Coffee Creek Industrial Area Master Plan and bring new jobs to Wilsonville.

The Coffee Creek Industrial Area Form-based Code and the Pattern Book together would establish regulations and guidelines for street design and connectivity, site design and circulation, building form, and building architecture and landscape for all development located in the Coffee Creek Industrial Master Plan area.

The Open House will provide opportunities to learn about and provide feedback on the proposed new Code. Open House materials and online comment opportunities will be available on the project website prior to the Open House.

If you are unable to attend, please visit the project website for more information or let us know what you think about the project via an online survey.

www.ci.wilsonville.or.us/formcode

King, Sandy

From: King, Sandy
Sent: Thursday, October 09, 2014 1:32 PM
To: Louise Faxon
Subject: Public hearing notice
Attachments: Ord753.docx

Importance: High

Hi Louise:

Please publish the attached public hearing notice one time in the Spokesman on October 14th and send a proof of publication afterwards.

Many thanks.

Sandra C. King, MMC
City Recorder
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070
503-570-1506

PUBLIC RECORDS LAW DISCLOSURE: Messages to and from this e-mail address is a public record of the City of Wilsonville and may be subject to public disclosure. This e-mail is subject to the State Retention Schedule.

**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 **October 20, 2014**, 7 p.m. at City Hall, 29799 SW Town Center Loop, Wilsonville, Oregon.

The purpose of this public hearing is to consider public testimony on a proposed ordinance entitled:

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

Copies may be obtained at a cost of 25 cents per page, at City Hall or by calling the City Recorder at 503-570-1506 and requesting a copy to be mailed to you.

Specific suggestions or questions concerning the proposed ordinance may be directed to Kerry Rappold, at 503-570-1570. Public testimony, both oral and written will be accepted at the public hearing. Written statements are encouraged and may be submitted to Sandra C. King, MMC, City Recorder, 29799 SW Town Center Loop E, Wilsonville, OR 97070.

Assistive listening devices are available for persons with impaired hearing and can be scheduled for this meeting. The City will endeavor to provide qualified sign language interpreters without cost if requested at least 48 hours prior to the meeting. To obtain such services call the office of the City Recorder at 682-1011.

Published in the Wilsonville Spokesman October 14, 2014.



GUARDIAN MANAGEMENT^{LLC}

October 15, 2014

Creekside Woods Resident
7825 SW Wilsonville Road #136
Wilsonville, OR 97070

Dear Creekside Woods resident:

This is in response to the enclosed letter, signed by you and other residents at Creekside Woods, regarding complaints towards another resident's behavior. This letter was received on September 22nd, 2014. Upon review of the letter, there do appear to be some alleged activities (specifically key scratching and attacking) that could possibly be classified as lease violations. However, there was insufficient information provided in the letter to investigate these matters. In order for management to follow up on these, or any other incidents, please provide the following information to management in writing.

- What happened?
- Whom did it happen to?
- When did it happen? (date and time)
- Where did it happen?

Should you require assistance with documenting an incident, or with putting it in writing, please let management know and they will help facilitate your witnessing of an event.

The other incidents mentioned in the letter (moving cars in the parking lot, "unnecessary" noise in the apartment) do not appear to be lease violations, and they are typical sounds of community living.

Additionally, please also note that the letter communicates the following language: "...he must be dealt with - and he will - in one way or another - this is a not only a threat, it is promise!!!" This language is threatening and intimidating. Threatening and intimidating behavior will not be tolerated. You are hereby notified that by signing this letter, you engaged in threatening or intimidating behavior towards either management or other residents and are in direct violation of your lease agreement. Any further similar actions could put your housing at Creekside Woods in jeopardy.

710 NORTHWEST 14TH AVENUE, SECOND FLOOR PORTLAND, OREGON 97209
P.O. BOX 5668 PORTLAND, OREGON 97228
T 503.802.3600 F 503.802.3648 TTY 1.800.735.2900

*Recd
10/20/14
sek*

GUARDIAN MANAGEMENT^{LLC} DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY STATUS IN THE ADMISSION OF ACCESS TO, OR TREATMENT OR EMPLOYMENT IN, ITS FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES. GUARDIAN MANAGEMENT^{LLC} HAS DESIGNATED AGENTS TO COORDINATE COMPLIANCE WITH THE NONDISCRIMINATION REQUIREMENTS CONTAINED IN THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S REGULATIONS IMPLEMENTING SECTION 504. FOR MORE INFORMATION, CONTACT GUARDIAN MANAGEMENT^{LLC} AND REQUEST TO SPEAK WITH THE COORDINATOR FOR THE SPECIFIC COMMUNITY FOR WHICH YOU ARE INQUIRING.



Thank you for continuing to communicate with management. It is our intent to follow up on any lease violations that occur according to landlord tenant, and fair housing laws. However to do this, we must have detailed documentation of such actions. We appreciate your cooperation.

Thank you,

Amanda Clark
Portfolio Manager
Guardian Management, LLC

at
the JULY 2011
meeting -

(2) of (5)

GEORGE _____ ACTS AS A TERRORIST TOWARD HIS FELLOW RESIDENTS - HE MUST BE DEALT WITH - AND HE WILL - IN ONE WAY OR ANOTHER - THIS IS NOT ONLY A THREAT - THIS IS A PROMISE !!!

"CREEKSIDE RESIDENTS COMMITTEE"

CHARLES: - ANTAGONIZING WOMEN RESIDENTS IN HALL (1ST FLOOR)

- ATTACKING " " " " " "
- SHAVING HEAD IN LAUNDRY ROOM
- DISTURBING ^(early) MORNING PEACE BY NOISILY STARTING / MOVING (2) CARS FROM SPACE TO SPACE AND CONSISTENTLY NOISILY SLAMMING DOORS ON (2) CARS,
- PARKING (2) CARS UNNECESSARILY FAR-OUT INTO THE DRIVEWAY (CONTINUALLY) MAKING IT DIFFICULT FOR EMERGENCY SERVICES VEHICLES (FIRE/AMBULANCE) TO NEGOTIATE UP AND DOWN THE DRIVEWAY
- ? • "KEY SCRATCHING" RESIDENTS CARS PARKED IN SPACES HE WANTS.
- MAKING UNNECESSARY NOISES IN HIS APARTMENT DISTURBING HIS ADJOINING AND UP/NEIGHBORS
- LEASE - SECTION "TERMS & CONDITIONS" PARAGRAPH 17 - (1) CAR ONLY
- " " " PARAGRAPH 20 " CARPET FLOOD AND SLIPS " OUTSIDE FRONT DOOR TO APARTMENT.
- RENTAL AGREEMENT (PAGE 2) - "VIOLATION AGAINST RESIDENT" - SECTION 5 & 6

THE

CREEKSIDE WOODS RESIDENTS COMMITTEE INSISTS GEORGE _____

THEREFORE BE IMMEDIATELY EVICTED WITH THIS DATED LETTER / NOTICE TO _____ AND THE CITY HOUSING COMMITTEE OF THE CITY OF WILSONVILLE OREGON.

X _____
X _____
X _____
X _____ (MILLER)

7/21/2014

①⑤

RESIDENTS MEETING CREEKSIDE WOODS APARTMENTS

condoant group

NAME

APT #

FRANK JAMES

#136

HAROLD'S MILLER

#229

Virginia Dunlap

#219

Diana Eger

#303

Anna Puleas

#330

Patricia Hayes

#427

* Carol Albright

#305

Donna M. Nuccitelli

#319

Barbara Kicker

#137

go to meetings

BOB LOAN

#357

Frank James

#136

Julianne Huffman

#103

Elinor Hopper

131 city of Wilsnall can

Cherry Hoesay

#130 1 central residents

Dorine Jernberg

#234

Chason Church

#214

Helen Braganza

#138

Demi Martin

#218

Nita Frederick

#111 (S)

Trish Atkinson

#228 (N)

Debbie Gallagher

#438 N

Edgard Grubel

11236 N

Mike & Jan Williamson

#112

Alyce Campbell

#315

Doris Lord

#328

24

City of Wilsonville

October 20, 2014 City Council Meeting

SPEAKER CARD

NAME:

Tony Helbling, President
Positive Aurora Airport Management

ADDRESS:

42024th Dr Silverton, OR 97381

TELEPHONE:

503.519.6059

E-MAIL

helbling@wilsonconst.com

AGENDA ITEM YOU WANT TO ADDRESS:

Non-Agenda Item -
Thank you to the Council + VERY Brief Airport update.

Please limit your comments to 3 minutes. Thank you.

- Pres. of PAAM
- 1000 jobs @ Aurora -
- Tower to be finished this year.
- 90% of heavy lift helicopter
capacity in world is in Oregon.
- 2 of 3 primary companies
are at Aurora.

- Advocates for Arts +
Center.

City of Wilsonville
October 20, 2014 City Council Meeting

SPEAKER CARD

NAME: Theonie Gilmore

ADDRESS: 24242 SW Gaze

TELEPHONE: 503-638-6933 E-MAIL Theonie Gilmore

AGENDA ITEM YOU WANT TO ADDRESS: Advocacy for Arts Pyramid
Center

Please limit your comments to 3 minutes. Thank you.

City of Wilsonville
October 20, 2014 City Council Meeting

- Advocates for a
Performing ARTS CENTER

SPEAKER CARD

NAME:

Michael Gibson (Gibson)

ADDRESS:

2942 SE San Remo Ct. W.V.

TELEPHONE:

503-570-3444

E-MAIL:

fi fan 44@yahoo.com

AGENDA ITEM YOU WANT TO ADDRESS:

Community Theater

Please limit your comments to 3 minutes. Thank you.

- Advocates for a Performing
Arts Center in WV

City of Wilsonville
October 20, 2014 City Council Meeting

SPEAKER CARD

NAME:

Mary Joyce VanWechel

ADDRESS:

30730 SW Magnolia Ave, Wilsonville, OR

TELEPHONE:

(503) 682-5048

E-MAIL

mjoyvw@yahoo.com

AGENDA ITEM YOU WANT TO ADDRESS:

Performing Arts Center

Please limit your comments to 3 minutes. Thank you.

City of Wilsonville
October 20, 2014 City Council Meeting

SPEAKER CARD

- Conflicts w/ Guadalupe at
Creekside woods.
- 24 residents have signed "no conflict"
statement regarding Guadalupe.
- Needs help resolving
issues w/ neighbor.

NAME: FRANCIS JAMES

ADDRESS: 7825 SW Wilsonville Rd. #136 Wilsonville 97070

TELEPHONE: 503-819-4271 E-MAIL F.JAMES@Comcast.net

AGENDA ITEM YOU WANT TO ADDRESS: POOR Management +
At Creekside Woods AND Threats of Eviction.

Please limit your comments to 3 minutes. Thank you.

not here
9.11.

City of Wilsonville
October 24, 2014 City Council Meeting

SPEAKER CARD

NAME: Rhoda Wolff

ADDRESS: 28118 SW Wagner St.

TELEPHONE: 503 432-3900 E-MAIL _____

AGENDA ITEM YOU WANT TO ADDRESS: _____

Frog pond

Please limit your comments to 3 minutes. Thank you.

**City of Wilsonville
City Council Meeting
October 20, 2014 Sign In Sheet**

[illegible]

City of Wilsonville

October 20, 2014 City Council Meeting Action Minutes

COUNCILORS	STAFF	STAFF	STAFF
Mayor Knapp	Bryan Cosgrove	Mark Ottenad	Delora Kerber
Councilor Goddard	Mike Kohlhoff	Jon Gail	Kerry Rappold
Councilor Starr - Excused	Jeanna Troha	Jen Massa Smith	
Councilor Fitzgerald	Sandra King	Angela Handran	
Councilor Stevens	Stephan Lashbrook	Chris Neamtzu	
	Nancy Kraushaar	Kristin Retherford	
	Andrea Villagrana	Barbara Jacobson	

AGENDA	ACTIONS
WORK SESSION	
Transit Integration Project Update	The study identifies and assesses potential strategies to: Integrate fixed-route services for commuters and door-to-door services for the elderly and individuals with a disability and Modify route 2X services, potentially changing its northern terminus either closer to downtown Portland or closer to Wilsonville.
Chapter 5, Parking Code Revisions	Staff explained the revisions to Chapter 5 will clarify the meaning of all the prohibited activities: camping, sleeping, and living in vehicles; while excluding reasonable behavior.
Chapter 8, Environment Code Revisions	Chapter 8 is being amended to incorporate Stormwater policies identified in the 2012 Stormwater Master Plan. The amendments will provide the City the ability to enforce the NPDES stormwater permit requirements.
Chapter 10, Code Revisions	The ordinance gives the Police Dept. an additional tool to protect public safety by excluding an individual from public property and private property if they are disruptive and dangerous.
Climate Smart Communities Scenario Update	Staff talked about the results of the project to date and asked Council to review the Draft Toolbox Of Possible Early Actions to select activities they would support in reducing greenhouse gases.
REGULAR MEETING	
<u>Mayor's Business</u>	
• City Attorney Employment Contract	Council unanimously voted to renew Mr. Kohlhoff's contract.
<u>Communications</u>	
• Councilor Craig Dirksen, Metro	Councilor Dirksen spoke about Metro's recent undertakings and park and open space projects.

<ul style="list-style-type: none"> Wilsonville Sister City Presentation 	Wilsonville High School Students who recently traveled to Kitakata, Japan talked about their experiences.
<ul style="list-style-type: none"> Introduce New Finance Director Susan Cole 	Mr. Cosgrove introduced Ms. Cole to the Council.
<u>Consent Agenda</u> <ul style="list-style-type: none"> Minutes of the 9/29/14 and 10/6/14 Council meetings. 	Approved 4-0.
<u>Public Hearing</u> <ul style="list-style-type: none"> Ordinance No. 753 – amending W.C. Chapter 8 Environment 	Approved on first reading 4-0
<u>Continuing Business</u> <ul style="list-style-type: none"> Ordinance No. 749 – amending Chapter 10 of W.C. Control of Dogs 	Adopted 4-0.
<u>New Business</u> <ul style="list-style-type: none"> Resolution 2489 – authorizing acquisition of property interest on Boeckman Road east of Canyon Creek road. 	Adopted 4-0.
<u>City Manager's Business</u> <ul style="list-style-type: none"> Quarterly Goals Update 	<p>Kristin Retherford provided an update on the region wide industrial lands program. Of the 15 sites located in Washington County 4 are in Wilsonville.</p> <p>The Aquatic Center Task Force will be bringing their recommendations to Council in December.</p>
<u>Legal Business</u>	No report.
<u>Adjourn</u>	10:07 p.m.

RECORDED BY: SCK